

# Weber County Sheriff's Office

Weber County SO Policy Manual

---

## **LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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

# Weber County Sheriff's Office

Weber County SO Policy Manual

---

## **MISSION STATEMENT**

The Mission of the Weber County Sheriff's Office is Integrity-Initiative-Intelligence.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Table of Contents

<b>LAW ENFORCEMENT CODE OF ETHICS . . . . .</b>	<b>1</b>
<b>Mission Statement . . . . .</b>	<b>2</b>
<b>Chapter 1 - Law Enforcement Role and Authority . . . . .</b>	<b>9</b>
100 - Law Enforcement Authority . . . . .	10
102 - Chief Executive Officer . . . . .	12
104 - Oath of Office . . . . .	13
106 - Policy Manual . . . . .	14
<b>Chapter 2 - Organization and Administration . . . . .</b>	<b>17</b>
200 - Organizational Structure and Responsibility . . . . .	18
204 - General Order . . . . .	20
206 - Emergency Management Plan . . . . .	21
208 - Training . . . . .	22
212 - Electronic Mail . . . . .	25
214 - Administrative Communications . . . . .	27
216 - Staffing Levels . . . . .	28
218 - Concealed Weapon License . . . . .	29
220 - Retiree Concealed Firearms . . . . .	30
<b>Chapter 3 - General Operations . . . . .</b>	<b>32</b>
300 - Use of Force . . . . .	33
301 - Corrections - Use of Force . . . . .	41
302 - Deadly Force Review . . . . .	43
303 - Use Of Force Review . . . . .	46
306 - Handcuffing and Restraints . . . . .	49
308 - Control Devices and Techniques . . . . .	54
309 - Conducted Energy Device . . . . .	60
310 - Officer-Involved Shootings and Deaths . . . . .	70
312 - Firearms . . . . .	79
314 - Vehicle Pursuits . . . . .	90
316 - Deputy Response to Calls . . . . .	103
318 - Canines . . . . .	106
320 - Domestic Violence . . . . .	116
322 - Search and Seizure . . . . .	123
323 - Mobile Fingerprint Scanners . . . . .	126
324 - Temporary Custody of Juveniles . . . . .	129
326 - Adult Abuse . . . . .	138
328 - Discriminatory Harassment . . . . .	143
330 - Child Abuse . . . . .	148
332 - Missing Persons . . . . .	154
334 - Public Alerts . . . . .	161
336 - Victim and Witness Assistance . . . . .	166

# Weber County Sheriff's Office

## Weber County SO Policy Manual

338 - Hate Crimes . . . . .	169
340 - Standards of Conduct . . . . .	172
342 - Information Technology Use . . . . .	179
344 - Report Preparation . . . . .	183
346 - Media Relations . . . . .	188
348 - Subpoenas and Court Appearances . . . . .	191
350 - Reserve and Auxiliary Deputies . . . . .	194
352 - Outside Agency Assistance . . . . .	200
356 - Registered Offender Information . . . . .	202
358 - Major Incident Notification . . . . .	205
360 - Death Investigation . . . . .	207
364 - Private Persons Arrests . . . . .	210
368 - Limited English Proficiency Services . . . . .	212
370 - Communications with Persons with Disabilities . . . . .	220
372 - Mandatory Employer Notification . . . . .	228
376 - Chaplains . . . . .	229
380 - Child and Dependent Adult Safety . . . . .	235
382 - Service Animals . . . . .	239
383 - Naloxone Policy . . . . .	241
384 - Volunteer Program . . . . .	244
385 - Deputy Sheriff / Emergency Medical Technicians . . . . .	250
386 - Off-Duty Law Enforcement Actions . . . . .	257
387 - Sheriff's Office Use of Social Media . . . . .	260
388 - Native American Graves Protection and Repatriation . . . . .	263
389 - Community Relations . . . . .	265
 <b>Chapter 4 - Patrol Operations . . . . .</b>	 <b>267</b>
400 - Patrol Function . . . . .	268
402 - Bias-Based Policing . . . . .	271
404 - Briefing Training . . . . .	273
406 - Crime and Disaster Scene Integrity . . . . .	274
408 - Crisis Response Unit . . . . .	276
412 - Hazardous Material Response . . . . .	279
414 - Hostage and Barricade Incidents . . . . .	282
416 - Response to Bomb Calls . . . . .	287
418 - Civil Commitments . . . . .	292
420 - Citation Releases . . . . .	296
422 - Arrest or Detention of Foreign Nationals . . . . .	298
424 - Rapid Response And Deployment Policy . . . . .	302
428 - Immigration Violations . . . . .	305
430 - Emergency Utility Service . . . . .	309
432 - Patrol Rifles . . . . .	310
434 - Aircraft Accidents . . . . .	313
436 - Field Training Officer Program . . . . .	318
437 - Ride Along Program . . . . .	321
438 - Obtaining Air Support . . . . .	323
440 - Contacts and Temporary Detentions . . . . .	324

# Weber County Sheriff's Office

## Weber County SO Policy Manual

442 - Criminal Street Gangs . . . . .	329
444 - Watch Commanders . . . . .	333
446 - Mobile Audio Video Procedure . . . . .	334
448 - Mobile Data Terminal Use . . . . .	341
450 - Portable Audio/Video Recorders . . . . .	344
454 - Bicycle Patrol Unit . . . . .	349
458 - Foot Pursuits . . . . .	352
462 - Automated License Plate Readers (ALPRs) . . . . .	357
464 - Homeless Persons . . . . .	360
465 - Public Recording of Law Enforcement Activity . . . . .	363
466 - Medical Aid and Response . . . . .	366
467 - First Amendment Assemblies . . . . .	371
468 - Suspicious Activity Reporting . . . . .	377
469 - Civil Disputes . . . . .	379
470 - Crisis Intervention Incidents . . . . .	382
<b>Chapter 5 - Traffic Operations . . . . .</b>	<b>387</b>
500 - Traffic Function and Responsibility . . . . .	388
502 - Traffic Collision Reporting . . . . .	392
510 - Vehicle Towing and Release . . . . .	396
514 - Impaired Driving . . . . .	399
516 - Traffic Citations . . . . .	404
520 - Disabled Vehicles . . . . .	407
524 - Abandoned Vehicles . . . . .	408
<b>Chapter 6 - Investigation Operations . . . . .</b>	<b>409</b>
600 - Investigation and Prosecution . . . . .	410
602 - Sexual Assault Investigations . . . . .	415
608 - Informants . . . . .	420
610 - Eyewitness Identification . . . . .	426
612 - Brady Material Disclosure . . . . .	430
614 - Pawn Shop Holds . . . . .	433
615 - Unmanned Aircraft System (UAS) Operations . . . . .	435
616 - Warrant Service . . . . .	438
617 - Operations Planning and Deconfliction . . . . .	444
618 - Asset Forfeiture . . . . .	450
<b>Chapter 7 - Equipment . . . . .</b>	<b>456</b>
700 - Office-Owned and Personal Property . . . . .	457
702 - Personal Communication Devices . . . . .	459
704 - Vehicle Maintenance . . . . .	463
706 - Vehicle Use . . . . .	466
707 - Cash Handling, Security and Management . . . . .	470
708 - Personal Protective Equipment . . . . .	472
<b>Chapter 8 - Support Services . . . . .</b>	<b>477</b>
800 - Crime Analysis . . . . .	478

# Weber County Sheriff's Office

## Weber County SO Policy Manual

801 - PEER SUPPORT PROGRAM . . . . .	479
804 - Property and Evidence . . . . .	485
806 - Records Section . . . . .	494
810 - Records Maintenance and Release . . . . .	497
812 - Protected Information . . . . .	502
814 - Computers and Digital Evidence . . . . .	505
820 - Animal Control . . . . .	509
822 - Jeanne Clery Campus Security Act . . . . .	512
823 - Dispatch . . . . .	513
<b>Chapter 9 - Custody . . . . .</b>	<b>519</b>
900 - Custodial Searches . . . . .	520
902 - Prison Rape Elimination . . . . .	525
903 - Temporary Custody of Adults . . . . .	535
<b>Chapter 10 - Personnel . . . . .</b>	<b>545</b>
1000 - Recruitment and Selection . . . . .	546
1001 - Bilingual Incentive Program . . . . .	551
1004 - Promotion and Transfer . . . . .	554
1007 - Anti-Retaliation . . . . .	557
1009 - Reporting of Employee Convictions . . . . .	561
1011 - Drug- and Alcohol-Free Workplace . . . . .	563
1013 - Sick Leave . . . . .	566
1015 - Communicable Diseases . . . . .	568
1017 - Smoking and Tobacco Use . . . . .	573
1019 - Personnel Complaints . . . . .	574
1020 - Disciplinary Systems . . . . .	584
1021 - Seat Belts . . . . .	587
1023 - Body Armor . . . . .	589
1025 - Personnel Records . . . . .	592
1027 - Request for Change of Assignment . . . . .	596
1029 - Commendations and Awards . . . . .	597
1031 - Fitness for Duty . . . . .	599
1032 - Physical Fitness Standard . . . . .	603
1033 - Meal Periods and Breaks . . . . .	606
1034 - Lactation Breaks . . . . .	607
1035 - Payroll Records . . . . .	609
1037 - Overtime Compensation Requests . . . . .	610
1038 - Special Event Shift Coverage . . . . .	612
1039 - Outside Employment . . . . .	613
1041 - Occupational Disease and Work-Related Injury and Death Reporting . . . . .	617
1043 - Personal Appearance Standards . . . . .	619
1045 - Uniform Regulations . . . . .	622
1049 - Nepotism and Conflicting Relationships . . . . .	628
1051 - Sheriff's Office Badges . . . . .	632
1053 - Temporary Modified-Duty Assignments . . . . .	634
1054 - Pay For Performance Guidelines . . . . .	637

# Weber County Sheriff's Office

## Weber County SO Policy Manual

1055 - Performance History Audits . . . . .	640
1057 - Employee Speech, Expression and Social Networking . . . . .	643
1058 - Illness and Injury Prevention . . . . .	648
1059 - Line-of-Duty Deaths . . . . .	653
<b>Chapter 11 - Crime Scene Investigations . . . . .</b>	<b>664</b>
1100 - Introduction . . . . .	665
1101 - Administrative Duties and vehicles . . . . .	666
1102 - Response to Calls for Service . . . . .	668
1103 - Equipment . . . . .	671
1104 - Evidence Handling Procedures . . . . .	675
1105 - Documentation . . . . .	679
1106 - Crime Scene Diagrams and Measurements . . . . .	685
1107 - Forensic Photography and Videography . . . . .	687
1108 - Comparative Evidence . . . . .	692
1109 - Latent Print Processing . . . . .	699
1110 - Biological Evidence . . . . .	703
1111 - Presumptive Test . . . . .	708
1112 - Trace Evidence . . . . .	710
1113 - Firearms . . . . .	718
1114 - Biohazard Procedures . . . . .	721
1115 - Processing Vehicles . . . . .	724
1116 - Processing Persons . . . . .	729
1117 - Major Scene Response . . . . .	736
1118 - Traffic Collisions . . . . .	741
1119 - Entomology . . . . .	743
1120 - Buried Body and Surface Skeletal Remains . . . . .	747
1121 - Volatile Substances . . . . .	751
1122 - 3D Scanner . . . . .	754
1123 - Definitions and Abbreviations . . . . .	756
<b>Attachments . . . . .</b>	<b>766</b>
HOLD HARMLESS CERTIFICATION.pdf . . . . .	767
P.T. Standard informed consent.pdf . . . . .	768
PartTimeEmployment (1).pdf . . . . .	769
medical plan.pdf . . . . .	771
Final Selection Grading Criteria.pdf . . . . .	772
PT Standard Draft.pdf . . . . .	773
Disciplinary Systems 1.pdf . . . . .	774
WCSO Policy 1015 Communicable Diseases (003).pdf . . . . .	775
Addendum A.pdf . . . . .	776
Standard Response Protocol.pdf . . . . .	777
Specialized Assignment Selection Criteria.pdf . . . . .	779
6-200 Performance Management 2021.pdf . . . . .	783
Officer Involved Shooting Protocol.pdf . . . . .	784
Hepatitis B Vaccine Informed Declination.pdf . . . . .	785
Accident Report Guidelines 02.2022.pdf . . . . .	786

# Weber County Sheriff's Office

Weber County SO Policy Manual

---

Specialized Assignment Selection.pdf . . . . .	787
16-04 Sexual Assault Kits.pdf . . . . .	788



## **Chapter 1 - Law Enforcement Role and Authority**

# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Weber County Sheriff's Office to perform their functions based on established legal authority.

## 100.2 POLICY

It is the policy of the Weber County Sheriff's Office to limit its members to only exercise the authority granted to them by law.

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

## 100.3 PEACE OFFICER POWERS

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

### 100.3.1 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE WEBER COUNTY SHERIFF'S OFFICE

The arrest authority within the jurisdiction of the Weber County Sheriff's Office includes:

- (a) In compliance with an arrest warrant.
- (b) Without a warrant (Utah Code 77-7-2):
  - 1. For a public offense committed or attempted in the presence of a deputy.
  - 2. When a deputy has reasonable cause to believe that a felony or class A misdemeanor has been committed.
  - 3. When a deputy has reasonable cause to believe that a public offense has been committed and the person to be arrested may flee or conceal him/herself to avoid arrest, destroy or conceal evidence or injure another person or damage property.
- (c) Without a warrant when there is reasonable cause to believe that the person has committed theft (Utah Code 77-7-13).
- (d) Without a warrant when a deputy has probable cause to believe that a person is driving under the influence in violation of Utah Code 41-6a-502 (Utah Code 41-6a-508).

### 100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE WEBER COUNTY SHERIFF'S OFFICE

The arrest authority of deputies outside the jurisdiction of the Weber County Sheriff's Office includes (Utah Code 77-9-3):

- (a) When the deputy is in fresh pursuit of an offender for the purpose of arresting and holding the person in custody or returning the person to the jurisdiction where the offense occurred.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Law Enforcement Authority*

---

- (b) When a public offense has been committed in the presence of the deputy.
- (c) When the deputy is participating in an investigation of criminal activity which originated in the jurisdiction of the Weber County Sheriff's Office in cooperation with the local law enforcement authority.
- (d) When the deputy is called to assist officers in another jurisdiction.

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

### **100.4 CONSTITUTIONAL REQUIREMENTS**

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

### **100.5 INTERSTATE PEACE OFFICER POWERS**

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
- (b) When a deputy enters another state in fresh pursuit:
  - 1. In Colorado, to arrest the person for a crime committed in Utah (CRS § 16-3-104).
  - 2. In Arizona, Idaho, Nevada and New Mexico, to arrest the person for committing a felony in Utah (ARS § 13-3832; Idaho Code 19-701; NRS 171.158; NMSA § 31-2-1).
- (c) When an interstate compact exists with the state of Wyoming that permits a deputy to pursue and arrest an offender who has fled Utah (Wyo. Stat. § 7-3-103).

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

# Chief Executive Officer

## 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 Weber County Sheriff's Office are sworn to uphold the federal and state constitutions and to enforce federal, state and local laws.

### **104.2 POLICY**

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

### **104.3 OATH OF OFFICE**

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

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

### **104.4 MAINTENANCE OF RECORDS**

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

---

# Policy Manual

## 106.1 PURPOSE AND SCOPE

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

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

## 106.2 POLICY

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

### 106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Weber County Sheriff's Office 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 members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Weber County Sheriff's Office reserves the right to revise any policy content, in whole or in part.

## 106.3 AUTHORITY

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

## 106.4 DEFINITIONS

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

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

**CFR** - Code of Federal Regulations.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Policy Manual*

---

**County** - The County of Weber County Sheriff's Office.

**Civilian** - Employees and volunteers who are not sworn peace officers.

**Department/WCSO** - The Weber County Sheriff's Office.

**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 Weber County Sheriff's Office Policy Manual.

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

**Member** - Any person employed or appointed by the Weber County Sheriff's Office, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary deputies
- Civilian employees
- Volunteers

**Deputy** - Those employees, regardless of rank, who are sworn peace officer employees of the Weber County Sheriff's Office.

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

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

**POST** - The Utah Peace Officer Standards and Training Division.

**Rank** - The title of the classification held by 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.

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

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Policy Manual*

---

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

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

**USC** - United States Code.

#### **106.5 ISSUING THE POLICY MANUAL**

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

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

#### **106.6 PERIODIC REVIEW OF THE POLICY MANUAL**

The Sheriff will ensure that the Policy Manual is periodically reviewed and updated as necessary.

#### **106.7 REVISIONS TO POLICIES**

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

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

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

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



## **Chapter 2 - Organization and Administration**

# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of the Sheriff's Office 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 Weber County Sheriff's Office. There are 3 Divisions as follows:

- Administrative Division
- Enforcement Division
- Corrections Division

### 200.2.1 ADMINISTRATIVE DIVISION

The Administrative Division is commanded by the Administrative Assistant. A civilian employee whose primary responsibility is to provide general management direction and control for the Administrative Division. The Support Services Division consists of Technical Services and Administrative Services.

### 200.2.2 ENFORCEMENT DIVISION

The Enforcement Division is commanded by a Chief Deputy whose primary responsibility is to provide general management direction and control for that Division. The Enforcement Division consists of Uniformed Patrol, Investigations and Special Operations, which includes law enforcement Aides/Assistants.

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Sheriff's Office. During planned absences the Sheriff will designate the Chief Deputy, or in his/her absence a Division Commander to serve as the acting Sheriff.

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

- (a) Enforcement Division Commander
- (b) Corrections Division Commander
- (c) Senior Enforcement Division Captain / Lieutenant

### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Sheriff's Office. Generally, each employee shall be accountable to one supervisor at any time for a given

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Organizational Structure and Responsibility*

---

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 Sheriff. 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 acknowledge revisions of the Policy Manual, which will incorporate changes originally made by a General Order.

#### **204.2.2 SHERIFF**

The Sheriff 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 Office, 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 Weber County Sheriff's Office 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 Administration and the Watch Commander'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 Sheriff's Office to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Sheriff's Office 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 Sheriff's Office 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 Sheriff's Office 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 Sheriff's Office personnel.

## 208.4 TRAINING PLAN

- (a) A training plan will be developed and maintained by the Training Bureau. It is the responsibility of the Training Bureau 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).
- (b) The plan should also address the following Sheriff's Office requirements:
  - Legislative Changes
  - State Mandated Training
  - Critical Issues Training

## *Training*

---

### **208.5 TRAINING NEEDS ASSESSMENT**

The Professional Standards Bureau will conduct an annual training-needs assessment of the Sheriff's Office. 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.

### **208.6 TRAINING COMMITTEE**

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

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Training*

---

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 Weber County Sheriff's Office policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training 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 Sheriff's Office.

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.

#### **208.9 REPORTING**

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



## Electronic Mail

### 212.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the Sheriff's Office electronic mail (e-mail) system by employees of this Office. 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 Sheriff's Office.

### 212.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including any attachments, that are transmitted over Sheriff's Office networks are considered Sheriff's Office records and therefore are Sheriff's Office property. The Sheriff's Office 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 Sheriff's Office 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 Sheriff's Office 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 Sheriff's Office.

### 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 Sheriff's Office 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 Bureau Commander. 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.

## *Electronic Mail*

---

### **212.4 EMAIL RECORD MANAGEMENT**

Email may, depending upon the individual content, be a public record under the Utah Government Records Access and Management Act (Utah Code 63G-2-101 et seq.) and must be managed in accordance with the established records retention schedule and in compliance with state law.

The Records Officer shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

---

## Administrative Communications

### **214.1 PURPOSE AND SCOPE**

Administrative communications of the Sheriff's Office are governed by the following policies.

### **214.2 PERSONNEL ORDERS**

Personnel Order may be issued periodically by the Sheriff 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 Sheriff's Office are not misused, all external correspondence shall be on Sheriff's Office letterhead. All Sheriff's Office letterhead shall bear the signature element of the Sheriff. Personnel should use Sheriff's Office letterhead only for official business and with approval of their supervisor.

### **214.4 SURVEYS**

All surveys made in the name of the Sheriff's Office shall be authorized by the Sheriff, or a Division Commander.

## Staffing Levels

### **216.1 PURPOSE AND SCOPE**

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Sheriff's Office 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 Sheriff's Office.

### **216.2 MINIMUM STAFFING LEVELS**

Minimum staffing levels should result in the scheduling of at least two regular supervisors on-duty whenever possible. Watch Commanders will ensure that minimum staffing levels are deployed during each watch.

#### **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 Patrol Bureau Commander, a deputy may act as the Watch Commander 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.
- (l) Must not be on the voluntary restricted list (Utah Code § 53-5c-301).

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.

## Retiree Concealed Firearms

### 220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Weber County Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Utah law (18 USC § 926C; Utah Code 53-5-704).

### 220.2 POLICY

It is the policy of the Weber County Sheriff's Office to provide identification cards to qualified former or retired deputies as provided in this policy.

### 220.3 LEOSA

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

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

#### 220.3.1 AUTHORIZATION

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

- (a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer and one of the following:
  - 1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
  - 2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Retiree Concealed Firearms*

---

- (b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (c) Not prohibited by federal law from receiving a firearm.
- (d) Not in a location prohibited by Utah law or by a private person or entity on his/her property if such prohibition is permitted by Utah law.

### 220.3.2 LEOSA IDENTIFICATION CARD FORMAT

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

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

### 220.4 FORMER OFFICER/DEPUTY RESPONSIBILITIES

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

#### 220.4.1 RESPONSIBILITIES UNDER LEOSA

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

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

### 220.5 DENIAL, SUSPENSION OR REVOCATION

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

### 220.6 FIREARM QUALIFICATIONS

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

## **Chapter 3 - General Operations**



## Use of Force

### 300.1 PURPOSE AND SCOPE

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

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

#### 300.1.1 DEFINITIONS

Definitions related to this policy include (UAC R728-507-3):

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

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

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

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

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

### 300.2 POLICY

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

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

The office 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. (UAC R728-507-5).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Use of Force*

---

#### **300.2.1 DUTY TO INTERCEDE AND REPORT**

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (UAC R728-507-10).

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible (UAC R728-507-10).

#### **300.2.2 PERSPECTIVE**

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

### **300.3 USE OF FORCE**

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 (UAC R728-507-5).

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

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident (UAC R728-507-5).

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this 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 (UAC R728-507-5).

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 (UAC R728-507-5).

#### **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 the deputy's efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such deputy be deemed the aggressor or lose the deputy's right to self-defense by the use of

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Use of Force*

---

reasonable force to effect the arrest or to prevent escape or to overcome resistance (Utah Code 77-7-7; UAC R728-507-5).

#### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether 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 (UAC R728-507-5; UAC R728-507-7):

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Use of Force*

---

- (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 USE OF FORCE TO SEIZE EVIDENCE**

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

#### **300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION**

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

#### **300.3.6 DEFENSIVE TACTICS**

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

### **300.4 DEADLY FORCE APPLICATIONS**

When reasonable, the deputy shall, prior to the use of deadly force, make efforts to identify the deputy as a peace officer and to warn that deadly force may be used, unless the deputy has objectively reasonable grounds to believe the person is aware of those facts (UAC R728-507-6).

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

- (a) A deputy may use deadly force to protect the deputy or an individual other than the suspect from what the deputy reasonably believes is an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to an individual other than the suspect if the suspect is not immediately

## *Use of Force*

---

apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

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

### **300.4.1 MOVING VEHICLES**

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

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

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

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

## **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this office shall be documented promptly, completely and accurately in an appropriate report, 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 Sheriff's Office may require the completion of additional report forms, as specified in office policy, procedure or law.

### **300.5.1 NOTIFICATIONS TO SUPERVISORS**

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

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

## *Use of Force*

---

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

### **300.5.2 REPORTING THE THREAT OF FORCE**

When a deputy points a firearm at an individual, the deputy shall report the incident in accordance with Utah Code 53-13-116.

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

- (a) A description of the incident.
- (b) The identification of the individuals involved in the incident.

### **300.6 MEDICAL CONSIDERATIONS**

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious (UAC R728-507-7; UAC R728-507-11). Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the deputy's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel (UAC R728-507-11). If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling 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).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple 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 (UAC R728-507-11).

See the Medical Aid and Response Policy for additional guidelines.

## Use of Force

---

### 300.7 SUPERVISOR RESPONSIBILITIES

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

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

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 WATCH COMMANDER RESPONSIBILITY

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

## *Use of Force*

---

### **300.8 TRAINING**

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

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

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



## Corrections - Use of Force

### 301.1 PURPOSE AND SCOPE

The Weber County Sheriff's Office County Sheriff's Office is comprised of two major Divisions, Enforcement and Corrections. The Use of Force policy for the Enforcement Division is defined in section 300. There are Use of Force applications unique to the Corrections environment. The Weber County Sheriff's Office County Sheriff's Office recognizes and respects the value of human life and the need to maintain security in the corrections facility. The purpose of this policy is to balance those issues.

#### 301.1.1 BASIC GUIDELINES FOR USE OF FORCE

The Weber County Sheriff's Office County Sheriff's Office recognizes there are events within the corrections facility which require the application of force by staff. Staff members also recognize that due to the secure nature of the facility, staff may have the ability to contain and isolate non-compliant or aggressive individuals until a controlled and Planned use of Force can be implemented.

- (a) A small outbreak of violence within the Corrections Facility has a potential of spreading rapidly if immediate control is not put into effect. With respect to the safety of staff, security of the facility and risk to inmates Reactionary Use of Force may be required. A number of factors should be evaluated to determine if the use of Reactionary Force should be utilized. These factors may include but not be limited to:
  - 1. The location of the event
  - 2. The number of inmates involved
  - 3. Involvement of any staff members
  - 4. Number of inmates versus the number of staff members immediately available.
- (b) If it is determined that Reactionary Use of Force is not required or prudent, the following guidelines shall apply.
  - 1. Evaluation of the situation.
  - 2. Planned approach based on safety and security.
  - 3. Use only that level of force necessary to effectively resolve the incident.

#### 301.1.2 USE OF FORCE

Corrections staff, or other authorized members of law enforcement, may use Reactionary Force, if they reasonably believe that force is necessary to:

- (a) Prevent or stop an immediate threat of attack by inmates on other inmates, jail staff, visitors, or other persons.
- (b) Prevent or stop an immediate threat of escape or attempt to escape.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Corrections - Use of Force*

---

- (c) Prevent or stop an immediate threat of self-destructive behavior or self-inflicted inmate injuries.
- (d) Further any other lawful or legitimate correctional goal.

# Deadly Force Review

## 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Weber County Sheriff's Office 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 Weber County Sheriff's Office 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 office 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 Deadly 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 Board shall convene as soon as practical.

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

### 302.4.1 COMPOSITION OF THE BOARD

The Executive Staff should select a minimum of five Deadly Use of Force Review Board members, maintaining an odd number of members from the following, as appropriate:

- Representatives of each Division
- Commanding officer in the involved member's chain of command
- Training Bureau Commander
- Non-administrative supervisor
- A peer deputy
- A sworn peace officer from an outside law enforcement agency

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Deadly Force Review*

---

- Agency instructor for the type of weapon, device or technique used

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

### 302.4.2 RESPONSIBILITIES OF THE BOARD

The Deadly 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,

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, office 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 office's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the 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 Bureau Commander for review and appropriate action. If the Sheriff concludes that discipline should be considered, a disciplinary process will be initiated.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Deadly Force Review*

---

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

## Use Of Force Review

### 303.1 PURPOSE AND SCOPE

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

### 303.2 POLICY

The Weber County Sheriff's Office 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.

### 303.3 SUPERVISOR RESPONSIBILITIES

It is the responsibility of the supervisor reviewing the use of force report to review any available video and audio recordings of the incident. It is the responsibility of the supervisor reviewing the use of force report to notify the Bureau Commander of any incident requiring board review. The bureau commander will ensure that all relevant reports, documents and materials are available for consideration by the board. The supervising Corporal and or Sergeant do not need to wait for the board to review the incident before providing coaching and training. Any disciplinary action taken by the supervisor shall also be passed onto the bureau commander and the review committee.

### 303.4 REVIEW BOARD

The Use of Force Review Board will be convened and review all incidents of use of force at least every 90 days. When the use of force by a member results in very serious injury or death to another, the Board shall convene as soon as practical.

The Use of Force Review Board will review the circumstances surrounding every use of force, including every discharge of a firearm, whether the employee was on- or off-duty, excluding training or recreational use. Any use of force, including discharge of a firearm, involving death to another will be reviewed following policy 302 (Deadly Force Review). Officer-Involved critical incidents will be reviewed under and Policy 310 (Officer Involved Shootings and Death).

#### 303.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board members will be composed from the following.

- Representatives of each Division
- Training Bureau Commander
- EVO Instructor
- Agency Instructors for the type of weapon, device or technique used

#### 303.4.2 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Use Of Force Review*

---

The board members may request further investigation; request reports be submitted for the board's review.

The Sheriff or designee 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, office 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.

#### 303.4.3 SCOPE OF THE REVIEW

The board shall make one of the following recommended findings:

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

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.

#### 303.4.4 BOARD RECOMMENDATION

The Board will submit a memo to the involved employee's Chief that includes the following;

- Brief explanation of incident
- Violations of policy
- Recommendation for changes to training, policy and / or practice

The Chief will forward the memo through the involved employee's chain of command to the appropriate supervisor, consistent with this policy.

#### 303.4.5 RECORDS

Any written disciplinary action will include the committee review of that employee's use of force incident. All use of force review documents will be stored in a folder on the Sheriff's Office shared drive which is only accessible by Lieutenants, Captains, Chiefs and the Sheriff.

#### 303.4.6 USE OF FORCE ANALYSIS

At least annually the Use of Force Review Board should prepare an analysis report on use of force incidents. The report should be submitted to the Sheriff. The report should not contain the names of deputies, suspects or case numbers, and should include

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

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Use Of Force Review*

---

- (d) Policy revision recommendations.



# Handcuffing and Restraints

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

## 306.3 USE OF RESTRAINTS

Only members who have successfully completed Weber County Sheriff's Office-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. Leg irons, waist chains, or handcuffs behind the body should not be used unless the deputy has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Handcuffing and Restraints*

---

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

#### **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 sheriff's office. Deputies should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, deputies should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

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

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

## *Handcuffing and Restraints*

---

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 hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capicum (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 office-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.

## *Handcuffing and Restraints*

---

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

### 306.7.2 THE FOLLOWING GUIDELINES SHOULD BE FOLLOWED WHEN APPLYING THE "WRAP" RESTRAINT SYSTEM

- (a) A minimum of two officers is required to safely apply "The WRAP" restraint system. When possible, three officers should be utilized to maximize officer and subject safety.
- (b) Once secured in "The WRAP" restraint, the vest harness shall be properly connected to the lower restraint. Once the subject is properly restrained in "The Wrap", they can be placed on their side or in a sitting position. Handcuffs may be attached to one of "The WRAP" restraint system's security rings if deemed necessary.
- (c) Transport in a vehicle: The subject should be placed in an upright sitting position with legs across the seat. Transport in a flat position on an ambulance gurney is permissible when attending medical personnel deem it necessary.
- (d) When utilizing "The WRAP" restraint system, the vehicle seat belt shall be used in conjunction with "The WRAP" restraint system. Do not assume "The Wrap" is escape-proof. Once applied, **THE SUBJECT SHALL NOT BE LEFT UNATTENDED.**
- (e) Only qualified personnel who have successfully completed the Weber County Sheriff's Office training in the use of "The Wrap" should use this restraining device.

### 306.8 REQUIRED DOCUMENTATION

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

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

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

## *Handcuffing and Restraints*

---

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

### **306.9 TRAINING**

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

- (a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.
- (b) Response to complaints of pain by restrained persons.
- (c) Options for restraining those who may be pregnant without the use of leg irons, waist chains, or handcuffs behind the body.
- (d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

## Control Devices and Techniques

### 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 Weber County Sheriff's Office 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 office only if the device has been issued by the Sheriff's Office or approved by the Sheriff or the authorized designee.

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

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent 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 WATCH COMMANDER RESPONSIBILITIES

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

#### 308.4.2 RANGEMASTER RESPONSIBILITIES

The Rangemaster or designee 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.

## *Control Devices and Techniques*

---

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

#### **Baton Use:**

- a. Use of batons should be defensive in nature.
- b. To subdue a suspect in those situations not amounting to deadly force, where other means of control have not worked or would be tactically inappropriate.
- c. To deflect an aggressor's blows or kicks, giving the offender the opportunity to desist from aggressive behavior.
- d. To strike or jab the offender below the neck in a manner intended to temporarily disable and gain control over the offender.
- e. The primary target areas are the:
  - i. lower legs
  - ii. hands/arms
  - iii. center of mass.
- f. When using a baton, staff shall not intentionally strike, except as required by exigent circumstances, the:
  - i. head, throat/neck
  - ii. back/spine
  - iii. genital area.
- g. Flashlights, kel-lights, and other objects should not be used as batons.
- h. Once the subject has been subdued, the subject should be secured.

Once a suspect is secured medical aid will be provided by medical personnel.

#### **Baton Portation:**

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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Control Devices and Techniques*

---

### Approved Batons:

- (a) ASP Tactical expandable batons, 21 to 26 inches in total length.
- (b) Batons that are approved for use during incidents of civil unrest, or riot include straight wooden batons, or the PR-24 or PR-24 type side handled batons. These are rigid, non-expandable and 24 to 26 inches in total length.
- (c) ASP Tactical expandable batons are the only approved for standard duty use.

Only those deputies who have successfully completed a WCSO approved training course on the use of straight wooden batons, or the PR-24, or PR-24 type side handled batons certified to carry these weapons.

Only those deputies who have successfully completed a WCSO approved training course on the use of expandable batons shall be certified to carry these weapons.

Deputies shall be required to successfully complete re-certification training as directed by the WCSO Policy: 308.10 TRAINING FOR CONTROL DEVICES.

- a. Records of all initial and re-certification training shall be documented by the course instructor, and forwarded to the WCSO Training Unit.
- b. Failure to obtain a minimum passing score for qualification or re-qualification will result in the Deputy losing the ability to carry an impact weapon until such time that he/she is able to obtain a minimum passing score as outlined by the instructor.

### **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 Watch Commander, 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.



## *Control Devices and Techniques*

---

### **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.

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. Unintentional discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

### **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 office 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 Office-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

## *Control Devices and Techniques*

---

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.
- (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 to the deputies as such.

## *Control Devices and Techniques*

---

### Deputies

The two man loading procedure for less lethal munition will be followed before deploying less lethal ammunition. The two man loading procedure consists of the following: The deploying deputy will hand the less lethal munition to a second officer, who will inspect and verbally state that the round is less lethal, he will then hand the round to the deploying deputy who will also inspect and verbally state that the round is less lethal the deploying deputy will then load that single round into the weapon, this process will be repeated for each round loaded into the weapon.

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 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 properly loaded with less lethal munition.

### **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 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.

# Conducted Energy Device

## 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of EMDTs.

## 309.2 POLICY

The Electro-muscular-disruption-technology-device (EMDT) is intended to control a violent or potentially violent individual. The appropriate use of such a device should result in fewer serious injuries to deputies and suspects.

## 309.3 ISSUANCE AND CARRYING EMDTS

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

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

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

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

When carried while in uniform, deputies shall carry the EMDT on the support side, but does not need to be worn in a cross drawn fashion. It is allowed to be drawn with the support hand.

- (a) All EMDTs 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 EMDT.
- (c) Deputies shall be responsible for ensuring that their issued EMDT is properly maintained and in good working order.
- (d) Deputies should not hold both a firearm and the EMDT at the same time.

### 309.3.1 STUN CUFF ELECTRONIC RESTRAINT DEVICE

Stun Cuff Electronic Restraint Device (Stun Cuff Magnum)

#### 309.3.10 Purpose

To establish a procedure, proper issuance and use of the Stun Cuff Electronic Restraint Device (ERD).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Conducted Energy Device*

---

#### 309.3.11 Policy

It is the policy of the Weber County Sheriff's Office to provide less-lethal options to its deputy's to subdue violent or potentially violent subjects. It is also the goal of the sheriff's office to prevent serious injury to the subject, staff and the public. The goal in using the stun cuff is to provide the safe and effective restraint of inmates during court proceedings, transportation, jail movement, extradition of inmates, and prolonged hospitalizations. The Electronic Restraint Device (ERD – Stun Cuff) falls into the use of force continuum with the Electro-Muscular Disruption Technology (Taser). The Electronic Restraint Device (ERD – Stun Cuff) shall be used judiciously and in compliance with all existing laws, directives and manufactures warnings.

#### 309.3.12 Definitions

A. Stun-Cuff Magnum: The Stun Cuff Magnum is a 3.25" long, 2.25" wide and 1.5" in depth wireless electronic restraint device (ERD) that attaches to the wrist or ankle and locks into place by an adjustable strap. The strap can be released or adjusted with a standard handcuff key. The Stun-Cuff Magnum produces a two (2) to three (3) second shock of 80,000 volts, when activated by the radio transmitter trigger.

B. Wireless Transmitter: The wireless transmitter is a wireless keypad that can be programmed to control any stun-cuff device. The wireless transmitter can control a stun cuff device up to 100 yards away. The wireless transmitter is 3.25" long, 2" wide, 1" in depth and weighs about 3.5 ounces. The wireless transmitter has a two button trigger safety system.

309.3.13 Procedure: All Stun-Cuff Magnum's devices will be supervised and issued by the Judicial Services Commander or their designee.

#### A. Issuance

1. Only sworn personnel who have completed certified training in the use/handling/firing of the Stun Cuff Magnum will be authorized for its use.
2. The Judicial Services Commander or their designee shall log each Stun Cuff issued on an equipment inventory log. The log shall denote the unit number, date/time issued and date/time returned.
3. Correction and the Judicial Service Commander or their designees shall assign the Stun Cuff Magnum to deputies for use on inmates who fit the predetermined criteria.
4. During storage the Stun-Cuff Magnum and wireless transmitter shall be returned to the charging base to ensure the device has an adequate charge for the next use.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Conducted Energy Device*

---

5. Each assigned deputy shall conduct a pre service inspection of the Stun Cuff Magnum and the wireless transmitter to confirm its condition. The deputy shall inspect the device, locking strap and the transmitter to ensure it is clean, charged and in good working order. Prior to going into service, deputies shall conduct a spark test of the Stun-Cuff Magnum to check for proper operations.

If there are any deficiencies in the Stun-Cuff, they are to be reported to the Judicial Services Commander or their designee as soon as possible.

### B. Usage:

1. Sworn deputies who are trained are authorized to use the Stun-Cuff Magnum. The stun cuff must be used in accordance with the Weber County Sheriff's Office Use of Force Policy (300).

The Stun Cuff Magnum may be applied to a detainee under the following circumstances. Prior to the Stun Cuff Magnum being placed on the detainee, the deputy should explain the device to the detainee and perform a shock test for the detainee.

#### (a) Restraint of violent inmates during court appearances.

1. Court Personnel will submit a request for Stun cuff to the Judicial Services commander or designee prior to use. That request will describe the individual's history and reason for request.
2. Deputies should (if available) look at any medical history i.e.... (heart, pace makers, pregnancy etc...) that would preclude the use of the stun cuff.

#### (b) Transportation of high risk or violent detainees

#### (c) During extraditions

#### (d) As a deterrent to control detainees with historic disruptive behavior

#### (e) As needed with watch commander approval

2. Due to the Stun Cuff Magnum's potential to cause serious injury, this device shall only be used under the following circumstances.

A. To overcome active resistance

B. To overcome a subject whose active aggression is an immediate or credible threat to the safety of deputies, the public, or in cases when the subject possess a credible threat to their own safety

C. In the event to prevent escape

3. Whenever possible, a verbal announcement of the intended use of the Stun Cuff Magnum should precede the application of the device in order to:

A. Provide the individual with a reasonable opportunity to voluntarily comply

## *Conducted Energy Device*

---

B. Provide other deputies and individuals with a warning that the stun cuff device may be deployed.

4. Deputies should consider the potential for serious consequences before deploying the Stun Cuff Magnum in the following situations:

- A. In potentially flammable or explosive environments
- B. On individuals who are passively resisting
- C. On individuals who could fall from a significant height

5. Special Deployment / Use Considerations: The Stun Cuff Magnum should not be used on individuals who may be at a greater risk of harm including:

- A. Pregnant Women
- B. Elderly Persons
- C. Persons with known health problems

309.3.14 The watch commander shall be notified immediately when the Stun Cuff Magnum has been deployed.

- A. The location and type of incident shall be reported to the watch commander and a supervisor will respond to the scene.
- B. Upon compliance of the subject, photographs will be taken of the electrode contact area (signature marks) and or subsequent injuries.

309.3.15 Whenever the Stun Cuff Magnum is used a criminal or incident report shall be generated along with a use of force report.

### 309.3.16 Medical Treatment

1. Persons who have been subjected to the Stun Cuff Magnum electronic restraint device shall be treated as follows (or as soon as possible if during an extradition):

- A. Once the detainee is under control, the subject shall be examined by EMS or Jail Medical Staff. If deemed necessary or if the subject has lost consciousness, the subject should be transported to a local hospital emergency room.
- B. The transporting deputy shall obtain medical clearance for the detainee to be admitted back into the jail / booking the detainee.

## *Conducted Energy Device*

---

C. The transporting deputy shall notify jail staff that the stun cuff was used to control the detainee.

### 309.3.17 Training

The Stun Cuff Magnum shall only be used by sworn members of the Weber County Sheriff's Office trained in its deployment and use. Trained personnel shall use the Stun Cuff Magnum in a manner that is consistent with Weber County Sheriff's Office Use of Force Policy. Deputies shall attend the Stun Cuff Magnum course yearly.

### **309.4 VERBAL AND VISUAL WARNINGS**

A verbal warning of the intended use of the EMDT 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 EMDT 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 to the application of the EMDT. 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 EMDT in the related report.

### **309.5 USE OF THE EMDT**

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

The EMDT 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.



## *Conducted Energy Device*

---

- (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 EMDT to apprehend an individual.

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

### 309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the EMDT 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 capicum (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 EMDT 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.

### 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 EMDT 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 EMDT DEVICE

Deputies should apply the EMDT for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the EMDT against a single individual

## *Conducted Energy Device*

---

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 EMDT appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the EMDT, 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 EMDT at a time against a single subject.

### **309.5.5 ACTIONS FOLLOWING DEPLOYMENTS**

Deputies should take appropriate actions to control and restrain the individual to minimize the need for longer or multiple exposures to the EMDT. As soon as practicable, deputies shall notify a supervisor any time the EMDT has been discharged. 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 EMDT 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 office EMDTs while off-duty.

Deputies shall ensure that EMDTs 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 EMDT discharges in the related arrest/crime report and the Use of Force 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 Use of Force report form.

### **309.6.1 USE OF FORCE FORM**

Items that shall be included in the Use of Force report form are:

- (a) Model number and cartridge serial number.

## *Conducted Energy Device*

---

- (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 EMDT 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 approximate range at which the EMDT 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 use of force forms with recorded activations. EMDT 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 EMDTs
- (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 appropriate medical personnel should remove EMDT probes from a person's body. Used EMDT

## *Conducted Energy Device*

---

probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by EMDT 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.
- (d) The EMDT 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 EMDT.

### **309.8 SUPERVISOR RESPONSIBILITIES**

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

A supervisor should review each incident where a person has been exposed to an activation of the EMDT. The device's onboard memory should 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 EMDT shall be permitted to do so only after successfully completing the initial office-approved training. Any personnel who have not carried the EMDT as a part of their assignment for a period of six months or more shall be recertified by a office-approved EMDT instructor prior to again carrying or using the device.

## *Conducted Energy Device*

---

Proficiency training for personnel who have been issued EMDTs 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 EMDTs will be documented in the deputy's training file.

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

Deputies who do not carry EMDTs 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 EMDTs have received initial and annual proficiency training. Periodic audits should be used for verification.

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

# Officer-Involved Shootings and Deaths

## 310.1 PURPOSE AND SCOPE

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

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

## 310.2 INVESTIGATION RESPONSIBILITY

This Sheriff's Office conforms to the Weber County Attorney's Office Officer-Involved Shooting Protocol for investigating officer-involved shootings or other In-Custody Death cases.

See attachment: [OFFICER INVOLVE CRITICAL INCIDENT PROTOCOL 2015.rtf](#)

## 310.3 TYPES OF INVESTIGATIONS

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

- (a) A criminal investigation, conducted in accordance with the Weber County Attorney's Office Officer-Involved Shooting Protocol.
- (b) A civil investigation to determine potential liability, conducted by the involved officer's agency.
- (c) An administrative investigation, conducted by the involved officer's agency to determine if there were any violations of agency policy.

## 310.4 CONTROL OF INVESTIGATIONS

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

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

### 310.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Weber County Sheriff's Office would control the investigation if the suspect's crime occurred in Weber County Sheriff's Office area of jurisdiction.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Sheriff and with concurrence from the other agency.

#### **310.4.2 ADMINISTRATIVE AND CIVIL INVESTIGATION**

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

#### **310.4.3 CRIMINAL INVESTIGATION OF OFFICER ACTIONS**

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

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

### **310.5 INVESTIGATION PROCESS**

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

#### **310.5.1 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). 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 office to immediately provide public safety information necessary to secure the scene and pursue suspects. 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 Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.
- (f) Determine if the Weber County Attorney's Office Officer-Involved Protocol should be invoked. If so, the supervisor should request dispatch to contact the Protocol Team Leader.
- (g) Take command of and secure the incident scene until relieved by the Weber County Attorney's Office Officer-Involved Protocol Team Leader or other superior officer requesting to take command.
- (h) All further action will be determined by the Weber County Attorney's Office Officer Involved Protocol Team Leader.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

- (i) Request additional resources from the Department or other agencies.
- (j) Coordinate a perimeter or pursuit of suspects.
- (k) Check for injured persons and evacuate as needed.
- (l) Brief the supervisor upon arrival.

#### 310.5.2 WATCH COMMANDER DUTIES

Upon learning of an officer-involved shooting, the Precinct Lieutenant (if available) shall be responsible for coordinating all aspects of the incident unless relieved for cause by the Sheriff or a Chief Deputy.

#### 310.5.3 NOTIFICATIONS

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

- Sheriff and Chief Deputy
- Investigation Bureau Commander
- Internal Affairs Unit supervisor
- Civil Liability Response Team
- Psychological/Peer support personnel
- Deputy representative (if requested)

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

#### 310.5.4 MEDIA RELATIONS

A single Public Information Officer will be assigned by the Weber County Attorney's Office Officer Involved Protocol Team (WCOIPT) Leader in conjunction with the Chief or Sheriff of the agency of jurisdiction. The chosen Public Information Officer will complete a single statement with input and concurrence from the WCOIPT Leader and agency of jurisdiction representative. This release will be available to the Sheriff, Chief Deputy, Precinct Lieutenant, Investigation Bureau Commander and Public Information Officer in the event of inquiries from the media.

It will be the policy of the Sheriff's Office 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 Chief Deputy.

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.

#### 310.5.5 INVOLVED OFFICERS

All involved officers will be subject to the conditions and process of the Weber County Attorney's Officer Involved Protocol. All items listed below may be considered in accordance with the protocol.



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Officer-Involved Shootings and Deaths*

---

Any request for Sheriff's Office or legal representation will be accommodated.

- (a) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (b) Discussions with Sheriff's Office representatives (e.g., employee association) will be privileged only as to the discussion of non-criminal information.
- (c) A psychotherapist shall be provided by the Sheriff's Office to each involved deputy, or any other deputy upon request.
  - 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.
- (d) Although the Sheriff's Office 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.

Investigators 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 deputy's supervisor to make schedule adjustments to accommodate such leave.

### **310.6 CRIMINAL INVESTIGATION**

The 's [District/County Attorney] Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

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

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

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

#### 310.6.1 REPORTS BY INVOLVED WCSO DEPUTIES

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

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

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

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

#### 310.6.2 CRIMINAL INVESTIGATION

It shall be the policy of the Sheriff's Office to utilize the Weber County Attorney's Officer Involved Protocol Team to conduct a criminal investigation into the circumstances of any officer-involved shooting involving injury or death.

#### 310.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigation Bureau supervisor to assign appropriate investigative personnel to

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Officer-Involved Shootings and Deaths*

---

handle the investigation of related crimes. Sheriff's Office investigators will be assigned to work with investigators from the [District/County Attorney]'s Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the [District/County Attorney]'s Office.

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

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

The Watch Commander shall notify the [District/County Attorney] as soon as practical if the following critical incidents occur within the jurisdiction of the Weber County Sheriff's Office, whether or not an involved law enforcement officer is a department member (Utah Code 76-2-408):

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

The Sheriff or authorized designee and the [District/County Attorney] shall jointly designate an agency to criminally investigate the actions of a law enforcement officer involved in a critical incident, as appropriate, and may jointly designate a lead agency if more than one agency will be involved. An agency other than the Weber County Sheriff's Office will criminally investigate the actions of members who may have caused or contributed to a critical incident (Utah Code 76-2-408).

### **310.7 ADMINISTRATIVE INVESTIGATION**

After an officer involved critical incident, the Sheriff's Office will assign at least one administrative investigator from the internal affairs unit. This investigator will function as a liaison between the Sheriff's Office and the County Attorneys investigative team.

Consistent with the Weber County Officer involved critical incident protocol;

- The criminal investigation conducted by the County Attorney's Office has investigative priority over the administrative investigation.
- The results of the criminal investigation are fully available to the employing agency of the involved officer.
- The investigating agency will periodically brief the administrative investigators of the criminal investigations process.
- The administrative investigator from the Sheriff's Office will have access to briefings, the scene(s), physical evidence and interviewees statements.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

- Material which is created or collected by or at the request or direction of criminal investigators will be made available in a timely manner to administrative investigators.

An administrative investigation will be conducted under the supervision of the internal affairs unit and will be considered a confidential deputy personnel file.

The focus of the administrative investigation is to;

- Determine whether or not an employee violated department policy
- Identify recommendations for improvement to policy, procedure or training.

After reviewing the information provided by the criminal investigation, if the administrative investigator does not have additional concerns or unanswered questions related to policy violations or current policy or practice, the administrative investigator may elect to not conduct an investigation and will document such decision. The deadly force review board may request an administrative investigation. The review board must article the need for the investigation or additional follow-up. If the assigned administrative investigator disagrees with the board's request the Sheriff will make the final decision.

Interviews of members shall be subject to Sheriff's Office policies and applicable laws.

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

## *Officer-Involved Shootings and Deaths*

---

3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.
4. The deputy shall be informed of the nature of the investigation. If the deputy refuses to answer questions, he/she should be given his/her *Garrity* rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally. The administrative investigator or Internal Affairs Unit shall compile all relevant information and reports necessary for the Sheriff's Office to determine compliance with applicable policies. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy. Any other indications of a potential violation of any policy shall be determined in accordance with standard disciplinary procedures.

### **310.8 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.

### **310.9 MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the supervisor and office representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Bureau Commander and Public Information Officer in the event of inquiries from the media.

No involved WCSO deputy shall make any comment to the media unless he/she is authorized by the Sheriff or a Bureau Commander.

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

### **310.10 DEBRIEFING**

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Officer-Involved Shootings and Deaths*

---

#### 310.10.1 TACTICAL DEBRIEFING

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

#### 310.10.2 CRITICAL INCIDENT/STRESS MEETING

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

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

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

## Firearms

### 312.1 PURPOSE AND SCOPE

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

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

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

### 312.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the designated Armorer/Rangemaster. Except in an emergency no firearm shall be used by an employee who has not qualified with that weapon at a Sheriff's Office authorized qualification and training session.

No 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 Sheriff's Office 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.

### 312.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

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

#### 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.
- (c) Deputies shall not clean, repair, load or unload a firearm anywhere in the Sheriff's Office, except where clearing barrels are present or under the direction and control of the designated armorer, firearms instructor or rangemaster during use of force classes.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Firearms

---

- (d) Shotguns or rifles removed from vehicles at the Sheriff's Office or the equipment storage room shall be loaded and unloaded using clearing barrels.
- (e) Deputies shall not place or store any firearm or other weapon on Sheriff's Office premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing 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) Any weapon authorized by the Sheriff's Office 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 Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the Sheriff's Office 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 SHOTGUNS

The authorized office-issued shotgun is the Remington 870. The following additional shotguns are approved for on-duty use: Office-issued shotguns only.

--	--	--

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded to patrol ready, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position. If the shotgun is not in a secured locking weapons rack it must be secured in the deputy's home / residence if not on shift.

Deputies will follow the proper loading and inspection of each round and verification of loading. This can be done at the start of shift so that the shotgun is patrol ready during the shift.

Deputies that are certified, but not issued, a shotgun may still deploy the shotgun.

Shotguns will utilize less lethal rounds only. Deputies assigned to SWAT will abide by the SWAT policy for types of shotgun rounds used.

### 312.3.3 PATROL RIFLES

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

Make	Model	Caliber
------	-------	---------

Bushmaster AR-15 Caliber 5.56 / 223

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



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Firearms

---

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

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

#### 312.3.4 HANDGUN

Sheriff office-issued Handgun is the Glock 9mm pistol. Approved model's are:

Glock 19, Glock 17, or Glock G45

- (a) The firearm shall be in good working order.
- (b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
- (c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.
- (d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Rangemaster, who will maintain a list of the information.

#### 312.3.5 AUTHORIZED SECONDARY HANDGUN

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

- (a) The handgun shall be in good working order and on the office list of approved firearms.
- (b) Only one secondary handgun may be carried at a time.
- (c) Must be at least 9mm /.38 size caliber or larger.
- (d) The purchase of the handgun and ammunition shall be the responsibility of the member. Approved ammunition shall be factory loaded by a reputable manufacturer. They shall be hollow point or soft point bullets in the specified grain weights.
- (e) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Firearms

---

- (f) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary at least annually.
- (g) Ammunition shall be the same as office issue. If the caliber of the handgun is other than office issue, the Sheriff or the authorized designee shall approve the ammunition.
- (h) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
- (i) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

#### 312.3.6 AUTHORIZED OFF-DUTY FIREARMS

The carrying of a Sheriff's Office owned or approved personally owned firearm while off-duty, when based solely upon the member's authority as a peace officer is permitted by the Sheriff but may be rescinded should circumstances dictate (e.g., administrative leave). Members who choose to do so, will be required to meet the following guidelines:

- (a) Whether it is a W.C.S.O. issued or approved personally owned firearm, it must have been inspected and approved for on-duty use by the Rangemaster within the previous year.
  - 1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.
- (b) If it is a personally owned firearm, it must have been approved for on-duty use by the Sheriff. The proper documentation will then be filled out and retained by the Rangemaster.
- (c) Prior to carrying the firearm under their peace officer authority, the member must have passed the annual Weber County Sheriff's Office (on-duty) Pistol Qualification Course using that firearm. Members carrying authorized weapons off duty shall carry office issued identification and badge and identify themselves as a peace officer as applicable.
- (d) The Sheriff's Office does not regulate which personally owned firearms its members may carry while off duty, and they are doing so based upon their constitutional rights (open carry) or under the State's concealed firearms laws. Under those circumstances, members may carry personally owned firearms and ammunition of their choice (only for off duty use) as applicable under Federal and State statutes.
- (e) Members carrying personal off duty firearms will carry office issued identification and badge and identify themselves as peace officers as applicable.

#### 312.3.7 AMMUNITION

Members shall carry only Sheriff's Office authorized ammunition while on duty. Members that are certified to carry a firearm on duty shall be issued fresh duty ammunition in the specified

## Firearms

---

quantity for all Office-issued firearms every other year during the member's firearms qualification process. Replacements for unserviceable or depleted ammunition issued by the Office shall be dispensed by the Rangemaster when needed, in accordance with established policy.

Approved ammunition shall be factory loaded by a reputable manufacturer. They shall be hollow point or soft point bullets in the specified grain weights.

The following ammunition is prohibited:

1. Re-manufactured ammunition
2. Hand-loaded ammunition
3. Dated or corroded ammunition
4. Ball or Full Metal Jacket (FMJ) ammunition is prohibited for duty use and can only be used for training purposes.

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

### **312.4 STORAGE**

Patrol Rifles and Shotguns will be secured in a rifle rack when not deployed.

At no point will a firearm (Rifle, Shotgun, or Handgun) be left in a patrol vehicle unsecured outside overnight.

### **312.5 EQUIPMENT**

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

#### **312.5.1 REPAIRS OR MODIFICATIONS**

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

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

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

#### **312.5.2 HOLSTERS**

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

## Firearms

---

Drop leg holsters are approved for the following units:

- SWAT
- Strike force
- Gang unit
- U.S. Marshall (VFAST)
- K9 Unit
- Truck Inspectors

Any other approval will be made by the Sheriff or Rangemaster.

### 312.5.3 TACTICAL LIGHTS

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

### 312.5.4 OPTICS OR LASER SIGHTS

Optics may be installed on the patrol rifle after they have been examined and approved by the rangemaster. Once approved sights have been properly installed on the patrol rifle, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it. Laser sights are not permitted.

## 312.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training annually with their duty firearms. In addition to training, all members will qualify at least annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year to remain qualified with that weapon. Training and qualifications must be on an approved range course.

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

### 312.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his/her immediate supervisor prior to the end of the required training or qualification period. Refer to General Order 14-1

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

## Firearms

---

### **312.7 FIREARM DISCHARGE**

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

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

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

#### **312.7.1 DESTRUCTION OF ANIMALS**

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

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

#### **312.7.2 INJURED ANIMALS**

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

#### **312.7.3 WARNING AND OTHER SHOTS**

Generally, warning shots or shots fired for the purpose of summoning aid are not permitted.

### **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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Firearms*

---

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty weapons carried by deputies of the Office 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 personally owned weapon and it will not be returned to service until inspected by the Rangemaster.

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

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

#### **312.9 FLYING WHILE ARMED**

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

- (a) Deputies wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Office based on the law and published TSA rules.
- (b) Deputies must carry their Weber County Sheriff's Office identification card, bearing the deputy's name, a full-face photograph, identification number, the deputy's signature and the signature of the Sheriff or the official seal of the Office and must present this identification to airline officials when requested. The deputy should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).
- (c) The Weber County Sheriff's Office must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the deputy's travel. If approved, TSA will send the Weber County Sheriff's Office an NLETS message containing a unique alphanumeric identifier. The deputy must present the message on the day of travel to airport personnel as authorization to travel while armed.
- (d) An official letter signed by the Sheriff authorizing armed travel may also accompany the deputy. The letter should outline the deputy's need to fly armed, detail his/her itinerary, and should include that the deputy has completed the mandatory TSA training for a law enforcement officer flying while armed.
- (e) Deputies must have completed the mandated TSA security training covering deputies flying while armed. The training shall be given by the Office-appointed instructor.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Firearms

---

- (f) It is the deputy's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.
- (g) Any deputy flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.
- (h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The deputy must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.
- (i) Deputies should try to resolve any problems through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.
- (j) Deputies shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

#### **312.10 CARRYING FIREARMS OUT OF STATE**

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

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

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

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

#### **312.10 DISPOSAL OF FIREARMS**

The Weber County Sheriff's Office shall dispose of firearms in accordance with Utah Code 24-3-103.5 Disposition of firearms no longer needed as evidence.

1. As used in this section:
  - (a) "Confiscated or unclaimed firearm" means a firearm that is subject to disposal by an agency under Section 24-3-103 or 53-5c-202.
  - (b) "Department" means the Department of Public Safety created in Section 53-1-103.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Firearms

---

- (c) "Federally licensed firearms dealer" means a person:
    - i. licensed as a dealer under 18 U.S.C. Sec. 923; and
    - ii. engaged in the business of selling firearms.
  - (d) "State-approved dealer" means the federally licensed firearms dealer that contracts with the department under Subsection (4).
- 2. An agency shall dispose of a confiscated or unclaimed firearm by:
  - (a) selling or destroying the confiscated or unclaimed firearm in accordance with Subsection (3);
  - (b) giving the confiscated or unclaimed firearm to the state-approved dealer to sell or destroy in accordance with Subsection (4) and the agreement between the state-approved dealer and the department; or
  - (c) after the agency obtains approval from the legislative body of the agency's jurisdiction, transferring the confiscated or unclaimed firearm to the Bureau of Forensic Services, created in Section 53-10-401, for testing.
- 3.
  - (a) An agency that elects to dispose of a confiscated or unclaimed firearm under Subsection (2)(a) shall:
    - i. sell the confiscated or unclaimed firearm to a federally licensed firearms dealer and apply the proceeds from the sale to a public interest use; or
    - ii. destroy the firearm, if the agency determines that:
      - A. the condition of a confiscated or unclaimed firearm makes the firearm unfit for sale; or
      - B. the confiscated or unclaimed firearm is associated with a notorious crime.
  - (b) Before an agency applies the proceeds of a sale of a confiscated or unclaimed firearm to a public interest use, the agency shall obtain from the legislative body of the agency's jurisdiction:
    - i. permission to apply the proceeds of the sale to a public interest use; and
    - ii. the designation and approval of the public interest use to which the agency applies the proceeds.
- 4.
  - (a)
    - i. The department shall, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, contract with a federally licensed firearms dealer to sell or destroy all confiscated or unclaimed firearms in the state.
    - ii. The term of an agreement executed in accordance with this Subsection (4) may not exceed five years.
    - iii. Nothing in this Subsection (4) prevents the department from contracting with the same federally licensed firearms dealer more than once.
  - (b) An agreement executed in accordance with Subsection (4)(a) shall:



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Firearms

---

- i. address the amount of money that the federally licensed firearms dealer is entitled to retain from the sale of each confiscated or unclaimed firearm as compensation for the federally licensed firearms dealer's performance under the agreement;
- ii. require the federally licensed firearms dealer to donate, on behalf of the state, all proceeds from the sale of a confiscated or unclaimed firearm, except the amount described in Subsection (4)(b)(i), to an organization that:
  - A. is exempt from taxation under Section 501(c)(3), Internal Revenue Code;
  - B. complies with any applicable licensing or registration requirements in the state;
  - C. primarily helps the families of law enforcement officers in the state who die in the line of duty;
  - D. gives financial assistance to the families of law enforcement officers in the state who die in the line of duty; and
  - E. provides other assistance to children of active law enforcement officers, including scholarships;
- iii. state that if the federally licensed firearms dealer determines that the condition of a confiscated or unclaimed firearm makes the firearm unfit for sale, the federally licensed firearms dealer shall destroy the firearm; and
- iv. provide a procedure by which the department can ensure that the federally licensed firearms dealer complies with the provisions of the agreement and applicable law.

## Vehicle Pursuits

### 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 (UAC R728-503-2):

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

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

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

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

**Pursuit intervention** - An attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, road spikes, blocking, boxing, PIT (Pursuit

## *Vehicle Pursuits*

---

Intervention Technique), ramming or roadblock procedures. In this context, ramming shall be construed to mean maneuvering the sheriff's vehicle into contact with the pursued vehicle to mechanically disable or forcibly position it such that further flight is not possible or practical.

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

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

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

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

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

**Vehicle pursuit** - An active attempt by 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 Office that a vehicle pursuit shall be conducted only with emergency lights and siren as required by Utah Code 41-6a-212 for exemption from compliance with the rules of the road. The following policy is established to provide 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.

#### **314.2.1 WHEN TO INITIATE A PURSUIT**

- (a) Deputies in a office 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) Office 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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Vehicle Pursuits*

---

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.
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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Pursuits*

---

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

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:

- (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 (UAC 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 (UAC R728-503-7).

## *Vehicle Pursuits*

---

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

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

- (a) Unit identification.
- (b) Location, speed and direction of travel of the fleeing vehicle.
- (c) Description of the fleeing vehicle and license number, if known.
- (d) Number of known occupants.
- (e) The identity or description of the known occupants.
- (f) Reason for initiating the pursuit.
- (g) Information concerning the use of firearms, threat of force, injuries, hostages or other unusual hazards.

Unless relieved by a supervisor or secondary vehicle, the 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 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:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Pursuits*

---

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 (UAC 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.

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.

## *Vehicle Pursuits*

---

### **314.4 SUPERVISORY CONTROL AND RESPONSIBILITY**

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this office. 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 Bureau 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 WATCH COMMANDER RESPONSIBILITY**

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

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

### **314.5 COMMUNICATIONS**

The initial radio channel used in a pursuit will be that of the initiating agency. Any change of the channel will be directed by

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 Sheriff's Office 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, Dispatch shall immediately advise a field supervisor of essential information regarding the pursuit (UAC R728-503-5).



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Vehicle Pursuits*

---

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 (UAC 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 Weber County Sheriff's Office is no longer needed. Upon discontinuing the pursuit, the primary vehicle may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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

Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another agency to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another agency's assistance will mean that 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.

## *Vehicle Pursuits*

---

### **314.6.2 PURSUITS EXTENDING INTO THIS JURISDICTION**

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Units from this office should not join a pursuit unless specifically requested to do so by the agency whose 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 office may join the pursuit until sufficient units from the initiating agency join the pursuit.

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

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

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Pursuits*

---

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Pursuits*

---

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

- (d) The use of boxing-in as a technique for terminating pursuits is discouraged. Under ordinary circumstances, the potential hazard outweighs the probability of a successful stop of a violator. Therefore, this technique should only be used at slow speeds or where the obvious risks can be eliminated or appreciably reduced.
  - 1. Boxing-in shall not be used at high speeds or in those circumstances where the pursued subject has demonstrated a willingness to assault 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 office'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.

## *Vehicle Pursuits*

---

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.
- (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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Pursuits*

---

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 office-sponsored Emergency Vehicle Operations (EVO) course. Deputies shall also be required to attend an annual course that specifically covers any policy adopted by the office regarding pursuits (Utah Administrative Code R728-503-10).

All office 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).

#### **314.8.2 POLICY REVIEW**

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

#### **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.

#### **314.8.4 CHIEF/SHERIFF REVIEW**

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

### **314.9 APPLICATION OF VEHICLE PURSUIT POLICY**

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

## 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 responding "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.

#### 316.2.1 NUMBER OF UNITS ASSIGNED

Normally no more than two units should respond to an emergency call Code-3 unless the Watch Commander or the field supervisor authorizes additional units.

### 316.3 INITIATING CODE 3 RESPONSE

In deciding to respond code 3 to a call a deputy should weigh the risk of the code 3 response against the need of the response considering factors such as the type of calls and other units en route or on scene. If a deputy believes a Code-3 response to any call is appropriate, the deputy shall immediately notify Dispatch over the radio. Generally, only two units should respond Code-3 to any situation. Should another deputy believe a Code-3 response is appropriate, prior to response approval from a supervisor should be obtained. If a supervisor is not available, the deputy shall notify dispatch that they are responding Code 3.

### 316.4 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 Dispatch.

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

- The location
- The reason for the request and type of emergency

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Deputy Response to Calls*

---

- The number of units required

When dispatched for emergency assistance in which there is an immediate threat to the safety of deputies or citizens, the deputy need not notify dispatch of the code 3 response.

#### **316.5 RESPONSIBILITIES OF RESPONDING DEPUTIES**

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 Deputy should minimize the use of distractions while responding Code-3. The computer screen should be closed when not needed to open up the drivers field of view. Cell phones should not be manipulated while running Code-3.

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 shall 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 Dispatch. A deputy shall also discontinue the Code-3 response when directed by a supervisor.

#### **316.6 COMMUNICATIONS RESPONSIBILITIES**

The Weber County Sheriff's Office falls under the Weber County Sheriff's Office Area Dispatch 911 and Emergency Services District. The District is governed by its own Policies.

#### **316.7 SUPERVISORY RESPONSIBILITIES**

The Watch Commander or the field supervisor shall verify the following:

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

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

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

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



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

### **316.9 SPECIAL UNIT RESPONSE**

Unless they are the first responding unit, the unit commander or designee must approve Code 3 responses by a member of a specialty unit prior to the response. If the commander is not available, approval may be obtained by the on duty Watch Commander. Any supervisor may terminate the Code 3 response of any deputy.

Special Units include but are not limited to: K9 units, Search and Rescue, SWAT and Investigations. These units are still required to notify dispatch that they are responding Code 3.

# Canines

## 318.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals and contraband and apprehending criminal offenders.

## 318.2 POLICY

It is the policy of the Weber County Sheriff's Office that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

## 318.3 ASSIGNMENT

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

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Watch Commander.

## 318.4 CANINE COORDINATOR

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

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

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

## *Canines*

---

### **318.5 REQUESTS FOR CANINE TEAMS**

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

#### **318.5.1 OUTSIDE AGENCY REQUEST**

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

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

#### **318.5.2 PUBLIC DEMONSTRATIONS**

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

### **318.6 APPREHENSION GUIDELINES**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist (UAC R728-507-9):

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

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Canines*

---

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

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

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

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

#### 318.6.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to (UAC R728-507-9):

- (a) The nature and seriousness of the suspected offense.
- (b) Whether violence or weapons were used or are anticipated.
- (c) The degree of resistance or threatened resistance, if any, the suspect has shown.
- (d) The suspect's known or perceived age.
  - 1. A canine shall not be deployed in instances involving a known juvenile suspect unless the juvenile poses an imminent threat of serious bodily injury or death to the deputy or another person.
- (e) The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- (f) Any potential danger to the public and/or other deputies at the scene if the canine is released.
- (g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

## *Canines*

---

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

### **318.6.2 WARNINGS AND ANNOUNCEMENTS**

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

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

### **318.6.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES**

Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report (UAC R728-507-9; UAC R728-507-12).

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

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

### **318.7 NON-APPREHENSION GUIDELINES**

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

- (a) Absent a change in circumstances that present an immediate threat to deputies, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

## Canines

---

- (b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.
- (c) Throughout the deployment the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.
- (d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

### 318.7.1 ARTICLE DETECTION

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

### 318.7.2 NARCOTICS DETECTION

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

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

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

### 318.7.3 BOMB/EXPLOSIVE DETECTION

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

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

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

## *Canines*

---

### **318.8 HANDLER SELECTION**

The minimum qualifications for the assignment of canine handler include:

- (a) A deputy who is currently off probation.
- (b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
- (c) A garage that can be secured and can accommodate a canine vehicle.
- (d) Living within 30 minutes travel time from the Weber County Sheriff's Office County limits.
- (e) Agreeing to be assigned to the position for a minimum of three years.

### **318.9 HANDLER RESPONSIBILITIES**

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

The canine handler will be responsible for the following:

- (a) Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- (b) The handler shall maintain all department equipment under his/her control in a clean and serviceable condition.
- (c) When not in service, the handler shall maintain the canine vehicle in a locked garage, away from public view.
- (d) When a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Weber County Sheriff's Office facility.
- (e) Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- (f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- (g) When off-duty, the canine shall be in a kennel provided by the County at the home of the handler. When a canine is kenneled at the handler's home, the gate shall be secured with a lock. When off-duty, the canine may be let out of the kennel while under the direct control of the handler.
- (h) The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- (i) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Watch Commander.

## Canines

---

- (j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Watch Commander.
- (k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

### 318.9.1 CANINE IN PUBLIC AREAS

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

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

### 318.10 CANINE INJURY AND MEDICAL CARE

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

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

### 318.11 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current Utah Peace Officer Standards and Training (POST) Service Dog Program requirements or other recognized and approved certification standards (Utah Code 53-6-402; UAC R728-508-3). Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards established for their particular skills.

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

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



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Canines*

---

#### 318.11.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to Utah POST Service Dog Program or other recognized and approved certification standards on an annual basis (Utah Code 53-6-402; UAC R728-507-6). Additional training considerations are as follows:

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

#### 318.11.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING

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

#### 318.11.3 TRAINING RECORDS

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

#### 318.11.4 TRAINING AIDS

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

#### 318.11.5 CONTROLLED SUBSTANCE TRAINING AIDS

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

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

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

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

## *Canines*

---

### 318.11.6 CONTROLLED SUBSTANCE PROCEDURES

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

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

### 318.11.7 EXPLOSIVE TRAINING AIDS

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

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

- (a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.
- (b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.
- (c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.
- (d) Only members of the canine team shall have access to the explosive training aids storage facility.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Canines*

---

- (e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.
- (f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

### **318.12 SECTION TITLE**

# 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 the Weber County Sheriff's Office 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.

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

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

## 320.2 POLICY

The Weber County Sheriff's Office'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.

## 320.4 INVESTIGATIONS

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Domestic Violence*

---

- (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 Bureau 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.
  - 1. This applies to both investigations involving domestic violence or dating violence (Utah Code 77-36-2.1; Utah Code 78B-7-408).
- (i) When completing an incident or arrest report for violation of a court order, deputies should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting deputy should attach a copy of the order to the incident or arrest report.
- (j) Deputies should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:
  - 1. Whether the suspect lives on the premises with the victim.
  - 2. Claims by the suspect that the victim provoked or perpetuated the violence.
  - 3. The potential financial or child custody consequences of arrest.
  - 4. The physical or emotional state of either party.
  - 5. Use of drugs or alcohol by either party.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Domestic Violence*

---

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

#### **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 A SUSPECT IS CITED AND RELEASED**

If an individual is issued a citation for a qualifying offense, the individual may not be released before:

- (a) The individual signs a jail release agreement

A supervisor shall enter the Jail Release Agreement into the UCJIS system prior to the arrestee being released from the scene.

#### **320.4.3 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**

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

## *Domestic Violence*

---

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

### **320.6 DISPATCH 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 PROTECTIVE ORDERS**

Various types of orders may be issued in domestic violence cases. Any foreign court protective 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 protective 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.

## *Domestic Violence*

---

- (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). Any citation issued shall note that the offense involved a domestic violence offense (Utah Code 77-7-20).
- (b) A deputy shall arrest an alleged perpetrator whenever there is probable cause to believe that the alleged perpetrator has violated any of the provisions of a court order or condition of release agreement and there is evidence the order has been served. The offense need not occur in the deputy's presence (Utah Code 77-36-2.4; Utah Code 78B-7-119).
- (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). Factors that may support the likelihood of a continuing offense include:
  - 1. A prior history of arrests or citations involving domestic violence.
  - 2. The alleged perpetrator is violating a court order.
  - 3. The alleged perpetrator has a prior history of other assaultive behavior (e.g., arrests or convictions for assault and battery or aggravated assaults).
  - 4. The victim states that the alleged perpetrator has a history of physical abuse toward the victim.
  - 5. The victim expresses fear of retaliation or further violence should the alleged perpetrator be released.
  - 6. Any other evidence that would indicate the victim may be subjected to continued violence or abuse.
- (d) In responding to domestic violence incidents, 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



## *Domestic Violence*

---

person alleged to have committed domestic violence. In determining the predominant aggressor, the deputy shall consider (Utah Code 77-36-2.2):

1. Any prior complaints of domestic violence.
  2. The relative severity of injuries inflicted on each person.
  3. The likelihood of future injury to each of the parties.
  4. Whether one of the parties acted in self-defense.
- (e) 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).
- (f) Whenever an alleged perpetrator is arrested or issued a citation and subsequently 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 78B-7-802).
- (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).
- (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) and/or:
1. Whether a court order is on file with a law enforcement agency or whether the complainant has a copy of the court order in his/her possession.
  2. Whether proof of service or prior notice exists, whether the alleged perpetrator was in court when the order was made, or it was provided by a court ex parte.
  3. The terms of the court order that may be enforced against the alleged perpetrator.
- (i) In the event the alleged perpetrator is no longer at the scene, deputies shall document the incident for follow-up investigation.
- (j) If an arrest is made or a citation is issued, the arresting deputy shall provide the individual with written notice containing the following information (Utah Code 78B-7-802):
1. The individual may not telephone, contact, or otherwise communicate directly or indirectly with the victim before being released.
  2. The individual may not be released except by court order or a written jail release agreement.
  3. Notification of the penalties for violation of the court order or any jail release agreement executed and that the individual must appear in court on the next business day after arrest.

## *Domestic Violence*

---

### 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. If no arrest was made, the report shall detail the grounds for not arresting.
  - 4. If two parties are arrested, the report shall detail the grounds for arresting both parties.
- (b) The 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 Manager shall forward a copy of the incident report to the appropriate prosecuting attorney within five days after the complaint of domestic violence occurred (Utah Code 77-36-2.2(6)(c)).
- (e) The deputy completing a domestic violence report should include information regarding whether the victim would like the court to impose release restrictions upon the arrestee, including prohibiting the arrestee from having personal contact with the victim or from entering the victim's residence or other premises temporarily occupied by the victim (Utah Code 78B-7-802).
- (f) The Records Manager or the authorized designee shall update the statewide domestic violence network when a person is released upon a written jail release agreement (Utah Code 78B-7-802; Utah Code 78B-7-113).

## 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 Weber County Sheriff's Office personnel to consider when dealing with search and seizure issues.

### 322.2 POLICY

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

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

### 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.

## *Search and Seizure*

---

### **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 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)).

### **322.3.2 IMAGING SURVEILLANCE DEVICE**

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

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

### **322.3.3 ELECTRONIC INFORMATION AND DATA**

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

### **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 sheriff's office 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.

## *Search and Seizure*

---

- (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 force, if any, was used to execute the search
- Whether an announcement was made prior to or after entry into the premises
- What, if any, injuries or damage occurred
- All steps taken to secure property
- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon 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 Sheriff's Office policy have been met.

## Mobile Fingerprint Scanners

### 323.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines related to the use of the Mobile Fingerprint Identification System (MFIS). The use of the Watson Mini mobile scanner is intended to provide law enforcement personnel with an automated method of identifying persons who cannot provide other means of identification or to provide a verification of the presented identification documents. The search is conducted against law enforcement fingerprint databases. Deputies are permitted to use the mobile AFIS only for a legitimate work-related law enforcement purpose.

### 323.2 POLICY

The mobile fingerprint scanner shall be used for law enforcement purposes only and done in a manner consistent with local, State, and Federal laws, training and this policy. Only those officers who have lawful access to UCJIS and who have been trained in the use of the mobile AFIS will operate the scanners.

### 323.3 DEPUTIES MAY USE MOBILE ID'S WHEN PROBABLE CAUSE FOR ARREST EXISTS, OR THE SUBJECT IS REQUIRED BY LAW TO PRESENT IDENTIFICATION

Deputies may use the mobile IDs when the following circumstances occur:

- (a) When an officer has probable cause to issue a citation or arrest for an Infraction, a Misdemeanor, or Felony crime in accordance with Utah Code or County Ordinance; and
- (b) The arrestee cannot/will not provide identification; or
- (c) When an officer has detained a person with reasonable suspicion under Utah Code section 77-7-15 and the person has failed to disclose identity pursuant to Utah Code section 76-8-301.5.

### 323.4 DEPUTIES MAY USE MOBILE ID AS A COMMUNITY CARETAKING FUNCTION TO IDENTIFY A PERSON UNDER CERTAIN CIRCUMSTANCES

Deputies may use Mobile ID as a community caretaking function when in the course of their assigned duty:

- (a) The person is unable to identify an individual because they are unconscious, verbally unable to communicate, intoxicated (drugs or alcohol), or suffering from a mental illness or dementia (e.g., Alzheimer's walk-away patient); and
- (b) The deputy does not find any identification or readily-available means of reliably identifying a person; and
- (c) The deputy takes the person into protective custody, to render aid such as having the person transported to the hospital, or to identify and protect an elderly dementia patient who is lost.

## *Mobile Fingerprint Scanners*

---

### **323.5 DEPUTIES MAY USE MOBILE ID TO IDENTIFY DECEASED PERSONS UNDER CERTAIN CIRCUMSTANCES**

Deputies may use Mobile ID to identify a deceased person at the direction of the Watch Commander/Investigations Sergeant/Unit and/or the Medical Examiner.

The use of Mobile ID shall not be the last and only means of identification for this circumstance. Other databases and/or means of verification shall be used to confirm the "hit."

### **323.6 IF THE INDIVIDUAL HAS BEEN PREVIOUSLY FINGERPRINTED AND IS IN THE REGIONAL DATABASES (WIN) OR AFIS (FBI), A POSITIVE NOTIFICATION OR 'HIT', SHOULD BE RETURNED**

A 'hit' simply means that the person has been identified. It does NOT mean that a warrant exists for the person and it is NOT probable cause for an arrest. Deputies must use the person's identifying information to query MDT, SWW, Utah DL, NCIC and other relevant databases to determine if the person is wanted.

Other returns of "possible hit" will require additional verification of identification. A possible hit means that the person might have similar fingerprints to an individual and additional verification must be conducted to verify the identity of the individual.

### **323.7 IN ALL OTHER CIRCUMSTANCES NOT LISTED IN THIS POLICY, DEPUTIES SHALL OBTAIN CONSENT FROM A SUBJECT IN ORDER TO USE A MOBILE ID**

Subjects must give their consent knowingly, intelligently and voluntarily. Deputies electing to use mobile ID by consent shall document the consent via in-car video, body worn camera, or signed-written consent form. When using mobile ID without probable cause for arrest or a legal requirement for the subject to present identification, the deputy will:

- (a) Ask the subject if he or she will provide fingerprints
- (b) If the subject consents, documents consent via in-car video, body worn video, or by updating CAD; and
- (c) Document the use of mobile ID via Report, as appropriate, including how consent was secured

### **323.8 DEPUTIES SHALL NOT USE FORCE TO IDENTIFY A SUBJECT VIA MOBILE ID**

Force shall NOT be used to compel an individual to provide a fingerprint for the Mobile ID.

### **323.9 DEPUTIES SHALL DOCUMENT THE USE OF MOBILE ID**

Deputies shall document the use of mobile ID via Report, as appropriate. When the device is used without probable cause or a legal requirement for the subject to present identification, deputies shall document how consent was secured.

## *Mobile Fingerprint Scanners*

---

### **323.10 A DEPUTIES FAILURE TO COMPLY WITH THIS POLICY STRICTLY SHALL NOT BE A BASIS TO EXCLUDE THE DISCOVERED IDENTIFICATION OR MAKE SOME OTHER LEGAL CLAIM FOR THE VIOLATION SUCH AS A CIVIL SUIT**

Deputies should comply with the requirements of this policy, but a failure to follow the policy shall not create any independent legal or constitutional right to challenge the failure to follow this policy.

Nor is the failure to follow this policy to result in the suppression of the discovered identification unless such violation independently exists in federal, state, or local law.



## 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 Weber County Sheriff's Office (34 USC § 11133).

#### 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 the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles engaged in commercial sex or sexual solicitation are non-offenders (Utah Code 76-10-1302).

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

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

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

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

Examples of secure custody include:

- A 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 a non-secure booking area is available.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Juveniles*

---

- A juvenile left alone in a secure booking area after being photographed and fingerprinted.
- A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.
- A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

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

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

#### **324.2 POLICY**

The Weber County Sheriff's Office is committed to releasing juveniles from temporary custody as soon as reasonably practicable and to keeping juveniles safe while in temporary custody at the Weber County Sheriff's Office. 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 certain behaviors or conditions should not be held at the Weber County Sheriff's Office. These include:

- (a) Unconsciousness or having been unconscious while being taken into custody or transported.
- (b) Serious injuries or a medical condition requiring immediate medical attention.
- (c) A suspected suicide risk or showing obvious signs of severe emotional or mental disturbance (see the Civil Commitments Policy).
  1. If the deputy taking custody of a juvenile believes that the juvenile may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release, or transfer to an appropriate facility is completed.
- (d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (e) Extremely violent or continuously violent behavior.
- (f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Deputies taking custody of a juvenile exhibiting any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and should notify a supervisor of the situation. These juveniles should not be held at the Weber County Sheriff's Office unless they

## *Temporary Custody of Juveniles*

---

have been evaluated by a qualified medical and/or mental health professional, as appropriate for the circumstances.

### **324.4 CUSTODY OF JUVENILES**

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

No juvenile should be held in temporary custody at the Weber County Sheriff's Office without authorization of the arresting deputy's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy

Any juvenile taken into custody shall be released to the care of the juvenile's parent, legal guardian, or other responsible adult, or transferred to a juvenile custody facility or to other authority as soon as practicable, and in no event shall a juvenile be held beyond six hours from the time of the juvenile's entry into the Weber County Sheriff's Office (34 USC § 11133; Utah Code 80-6-203; Utah Code 80-6-204).

#### **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 Weber County Sheriff's Office. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (34 USC § 11133).

#### **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 (34 USC § 11133).

#### **324.4.3 CUSTODY OF JUVENILE OFFENDERS**

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

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

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Juveniles*

---

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 or a warrant has been issued under Utah Code 80-6-202 or Utah Code 80-6-806 (Utah Code 80-6-203). Before releasing the juvenile offender, the parent or other person taking custody of the juvenile shall be required to sign a written promise to bring the juvenile to the court at the specified date and time (Utah Code 80-6-203).

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

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

#### **324.5 ADVISEMENTS**

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

- (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 temporary custody at the Weber County Sheriff's Office, the custody shall be promptly and properly documented in the juvenile custody log, including:

- (a) Identifying information about the juvenile.
- (b) Date and time of arrival and release from the Weber County Sheriff's Office.
- (c) Watch Commander notification and approval to temporarily hold the juvenile.
- (d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.
- (e) Any changes in status (e.g., emergency situations, unusual incidents).
- (f) Time of all safety checks.
- (g) Any medical and other screening requested and completed.
- (h) Circumstances that justify any secure custody.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Juveniles*

---

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

The Watch Commander should initial the log to approve the custody, including any secure custody, and should 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/Office] (34 USC § 11133; Utah Code 80-6-204). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

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

#### **324.8 TEMPORARY CUSTODY REQUIREMENTS**

Members and supervisors assigned to monitor or process any juvenile at the Weber County Sheriff's Office shall ensure:

- (a) The Watch Commander is notified if it is anticipated that a juvenile may need to remain at the Weber County Sheriff's Office more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Weber County Sheriff's Office more than six hours.
- (b) Safety checks and significant incidents/activities are noted on the log.
- (c) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (d) A member of the same sex will supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
- (e) There is reasonable access to toilets and wash basins.
- (f) There is reasonable access to a drinking fountain or water.
- (g) Food is provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.
- (h) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (i) There is privacy during family, guardian, and/or attorney visits.

## *Temporary Custody of Juveniles*

---

- (j) Juveniles are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (k) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (l) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.
- (m) Adequate furnishings are available, including suitable chairs or benches.
- (n) Juveniles have the right to the same number of telephone calls as adults in temporary custody (see the Temporary Custody of Adults Policy).
- (o) Discipline is not administered to any juvenile, nor will juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse.

### **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 Weber County Sheriff's Office when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

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

Juveniles in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

#### **324.9.1 PREGNANT JUVENILES**

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

### **324.10 PERSONAL PROPERTY**

The deputy taking custody of a juvenile offender or status offender at the Weber County Sheriff's Office 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 Weber County Sheriff's Office.

## *Temporary Custody of Juveniles*

---

### **324.11 SECURE CUSTODY**

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

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

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

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. A member 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 Commission on Criminal and Juvenile Justice as an approved holding room, and there is no other alternative that will protect the juvenile and the community (Utah Code 80-6-204).

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

The following requirements shall apply:

- (a) Anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.
- (b) The juvenile shall constantly be monitored by an audio/video system during the entire temporary custody.
- (c) The juvenile shall have constant auditory access to [department/office] members.
- (d) The juvenile's initial placement into and removal from a locked enclosure shall be logged.
- (e) Unscheduled safety checks by [department/office] members shall occur no less than every 15 minutes.
  - 1. All safety checks shall be logged.
  - 2. Juveniles who are sleeping or apparently sleeping should be awakened.
  - 3. Requests or concerns of the juvenile should be logged.
- (f) Males and females shall not be placed in the same locked room.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Juveniles*

---

- (g) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).
- (h) Restrained juveniles shall not be placed in a cell or room with unrestrained juveniles.
- (i) Juveniles shall not be placed in a locked enclosure for more than two hours (Utah Code 80-6-204).

#### **324.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE**

The Patrol Bureau Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Weber County Sheriff's Office. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the on-duty supervisor, Sheriff, and Investigation Bureau supervisor
- (c) Notification of the parent, guardian, or person standing in loco parentis of the juvenile
- (d) Notification of the appropriate prosecutor
- (e) Notification of the County Attorney
- (f) Notification of the [Medical Examiner/JOP]
- (g) Notification of the juvenile court
- (h) Evidence preservation

#### **324.13 INTERVIEWING OR INTERROGATING**

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

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

- (a) The juvenile has been advised of the juvenile's constitutional rights, and the right to have a parent, a guardian, or a friendly adult present during the interrogation.
- (b) The juvenile voluntarily waives the juvenile's constitutional rights.
- (c) A parent, guardian, or friendly adult gives consent after being present for the waiver. A parent, guardian, or friendly adult is not required to be present for the waiver or give consent if reasonable attempts to contact such an individual have been unsuccessful for one hour after taking the juvenile into custody.

#### **324.14 RESTRICTION ON FINGERPRINTING AND PHOTOGRAPHING**

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

#### **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



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Temporary Custody of Juveniles*

---

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 Manager 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 Manager and the appropriate Investigation Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

### **324.16 RELIGIOUS ACCOMMODATION**

Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).

### **324.17 TRAINING**

Members should be trained on and familiar with this policy and any supplemental procedures.

# Adult Abuse

## 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Weber County Sheriff's Office members as required by law.

### 326.1.1 DEFINITIONS

Definitions related to this policy include:

**Adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

## 326.2 POLICY

The Weber County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

## 326.3 MANDATORY NOTIFICATION

Members of the Weber County Sheriff's Office shall notify Adult Protective Services (APS) when the member has reason to believe that an elder or vulnerable adult has been abused.

For purposes of notification (Utah Code 62A-3-301):

- (a) Abuse includes but is not limited to the intentional infliction of harm or emotional abuse, the exploitation, or the neglect of an elder or vulnerable adult.
- (b) Elder adult means someone age 65 or older.
- (c) Vulnerable adult means an elder adult or a dependent adult age 18 or older who has a mental or physical impairment that substantially affects the person's ability to provide for themselves or their own personal protection.

### 326.3.1 NOTIFICATION PROCEDURE

Notification should occur either by telephone or by utilizing the online reporting form provided by APS immediately or as soon as practicable.

## 326.4 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

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

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Adult Abuse*

---

- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (j) If any photographs or audio and/or video recordings of the victim were taken (Utah Code 62A-3-307).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

#### **326.5 PROTECTIVE CUSTODY**

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this sheriff's office should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to APS.

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

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Adult Abuse*

---

on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### **326.5.1 REMOVAL AND TRANSPORT OF ADULT ABUSE VICTIM**

Removal and transport of an adult abuse victim by a deputy may only occur under the following conditions (Utah Code 62A-3-308):

- (a) The deputy has probable cause to believe that the adult abuse victim will suffer serious physical injury if not immediately removed and transported to a safe environment.
- (b) The adult abuse victim either refuses to consent or lacks capacity to consent to the removal and transport.
- (c) There is not time to notify interested parties or to secure a warrant or other court order for the removal and transport.
- (d) The person will be taken to a medical or shelter facility.

The deputy removing and transporting an adult abuse victim shall notify APS within four hours to request that an emergency protective order be obtained from the court (Utah Code 62A-3-308).

#### **326.6 QUALIFIED INVESTIGATORS**

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

#### **326.6.1 MANDATORY COORDINATION**

Members shall coordinate with APS to provide protection to victims and to investigate cases of elder or vulnerable adult abuse (Utah Code 62A-3-305).

#### **326.7 INTERVIEWS**

##### **326.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, deputies should audio record the preliminary interview with a suspected adult abuse victim. Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating deputies should defer interviews until a person who is specially trained in such interviews is available.

## *Adult Abuse*

---

### **326.7.2 DETAINING VICTIMS FOR INTERVIEWS**

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

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
  - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

### **326.8 MEDICAL EXAMINATIONS**

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for deputies to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

### **326.9 DRUG-ENDANGERED VICTIMS**

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

#### **326.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigation Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Investigation Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

## *Adult Abuse*

---

- (c) Develop a report format or checklist for use when deputies respond to drug labs or other narcotics crime scenes. The checklist will help deputies document the environmental, medical, social and other conditions that may affect the adult.

### **326.9.2 DEPUTY RESPONSIBILITIES**

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

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigation Bureau supervisor so an interagency response can begin.

### **326.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Utah requires or permits the following:

#### **326.10.1 RECORDS SECTION RESPONSIBILITIES**

The Records Section is responsible for:

- (a) Providing a copy of the adult abuse report to APS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

#### **326.10.2 RELEASE OF REPORTS**

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Utah Code 62A-3-312).

#### **326.10.3 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION**

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

### **326.11 TRAINING**

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

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

# Discriminatory Harassment

## 328.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## 328.2 POLICY

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

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

## 328.3 DEFINITIONS

### 328.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

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

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Discriminatory Harassment*

---

### 328.3.2 RETALIATION

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

### 328.3.3 SEXUAL HARASSMENT

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

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

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

### 328.3.4 ADDITIONAL CONSIDERATIONS

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

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

## 328.4 RESPONSIBILITIES

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

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

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.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Discriminatory Harassment*

---

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

#### 328.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the Sheriff or the Personnel Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

#### 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 sheriff's office 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Discriminatory Harassment*

---

#### 328.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Sheriff, the Personnel Director, or the County Commissioner for further information, direction, or clarification.

#### 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 Sheriff's Office 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, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

##### 328.5.2 FORMAL INVESTIGATION

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

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any members involved. No influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

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

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

##### 328.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the sheriff's office. Members who believe that they have been harassed, discriminated or retaliated against are entitled to bring complaints of employment discrimination to federal, state and/or local agencies responsible for investigating such allegations. Specific time limitations apply

## *Discriminatory Harassment*

---

to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

### **328.6 DOCUMENTATION OF COMPLAINTS**

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

- Approved by the Sheriff, the County Commissioner, or the Personnel Director, depending on the ranks of the involved parties.
- Maintained in accordance with the established records retention schedule.

#### **328.6.1 NOTIFICATION OF DISPOSITION**

The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

### **328.7 TRAINING**

All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that the member has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the member's term with the Department.

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

# Child Abuse

## 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 Weber County Sheriff's Office 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-101).

## 330.2 POLICY

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

For purposes of notification, abuse includes but is not limited to non-accidental harm (e.g., physical, emotional, or developmental injury or damage) or threatened harm of a child (e.g., actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect), sexual abuse (e.g., bigamy, incest, lewdness), sexual exploitation of a child, human trafficking of a child, or causing the intentional death of the child's parent by his/her natural parent. Abuse does not include reasonable discipline, restraint, weapon removal, or management of a child or other legally justifiable acts (Utah Code 62A-4a-101; Utah Code 80-1-102).

### 330.3.1 NOTIFICATION PROCEDURE

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

- (a) Notification shall be made immediately to the nearest DCFS office.
- (b) The date and time of notification should be documented in the related report.

## 330.4 QUALIFIED INVESTIGATORS

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

## *Child Abuse*

---

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

### **330.5 INVESTIGATIONS AND REPORTING**

In all reported or suspected cases of child abuse, 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).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Child Abuse*

---

#### 330.5.1 COMMERCIAL SEX OR SEXUAL SOLICITATION INVOLVING A CHILD

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

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

#### 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 the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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

- (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 DCFS. Such efforts to provide this notification should be documented in the related report.

## *Child Abuse*

---

### **330.6.2 SAFE HAVEN LAW**

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

## **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.
  - 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

## *Child Abuse*

---

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 Bureau 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 Bureau 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.
- (b) Notify the Investigation Bureau 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 Maintenance and Release Policy (Utah Code 62A-4a-412; Utah Code 77-37-4).

#### **330.10.2 RECORDED INTERVIEWS**

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



## *Child Abuse*

---

- (a) The suspect is also a parent or guardian of the child victim.
- (b) The suspect resides in the home with the child victim.
- (c) The investigator reasonably believes that allowing the parent or guardian to review the recording would compromise or impede the investigation.

The investigator should coordinate with the Children's Justice Center to ensure the viewing takes place within two business days of the request.

### **330.10.3 RETENTION REQUIREMENTS**

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

### **330.10.4 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION**

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

### **330.10.5 NOTICE TO THE DEPARTMENT OF CORRECTIONS**

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

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

### **330.11 TRAINING**

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

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

## Missing Persons

### 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 Weber County Sheriff's Office does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. Priority shall be given to missing person cases over property-related cases. Members will initiate an investigation into all reports of missing persons, regardless of the length of time the person has been missing.

## *Missing Persons*

---

### **332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS**

The Investigation Bureau 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 party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- (c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- (d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 years of age or may be at risk.
- (e) Ensure that entries are made into the appropriate missing person networks:
  1. Immediately, when the missing person is at risk.
  2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

## *Missing Persons*

---

- (f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.
- (g) Collect and/or review:
  - 1. A photograph and fingerprint card of the missing person, if available.
  - 2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
  - 3. Any documents that may assist in the investigation, such as court orders regarding custody.
  - 4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- (h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.
- (i) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

### **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 responsibilities of the supervisor shall include, but are not limited to:

- (a) Reviewing and approving missing person reports upon receipt.
  - 1. The reports should be promptly sent to the Records Section.
- (b) Ensuring resources are deployed as appropriate.
- (c) Initiating a command post as needed.
- (d) Ensuring applicable notifications and public alerts are made and documented.
- (e) Ensuring that records have been entered into the appropriate missing persons networks.
- (f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.
  - 1. If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Missing Persons*

---

### **332.6.2 RECORDS SECTION RESPONSIBILITIES**

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

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

### **332.7 INVESTIGATION BUREAU FOLLOW-UP**

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

- (a) Should ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
  - 1. The notice shall be in writing and should also include a photograph.
  - 2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.
- (b) Should re-contact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.
- (c) Should consider contacting other agencies involved in the case to determine if any additional information is available.
- (d) Shall verify and update the Missing Persons Clearinghouse, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
- (e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
- (f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
- (g) Should make appropriate inquiry with the Medical Examiner.

## *Missing Persons*

---

- (h) Should obtain and forward medical and dental records, photos, X-rays and biological samples, as applicable.
- (i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Utah BCI and enter the photograph into applicable missing person networks (34 USC § 41308).
- (j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
- (k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

### **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 relatives and/or reporting party, as appropriate, and other involved agencies, and refer the case for additional investigation if warranted.

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

- (a) Notification is made to 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**

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

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

### **332.9 CASE CLOSURE**

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

## *Missing Persons*

---

- (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 Weber County Sheriff's Office or this agency 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 sheriff's office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.
- (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 sheriff's office whose duties include missing person investigations and reports receive training that includes:

- (a) The initial investigation:
  - 1. Assessments and interviews
  - 2. Use of current resources, such as Mobile Audio Video (MAV)
  - 3. Confirming missing status and custody status of minors
  - 4. Evaluating the need for a heightened response
  - 5. Identifying the zone of safety based on chronological age and developmental stage
- (b) Briefing of sheriff's office 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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Missing Persons*

---

- (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 MEMBER RESPONSIBILITIES

Members of the Weber County Sheriff's Office should notify their supervisor, Watch Commander, or Investigation Bureau 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 Bureau 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 Bureau 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Public Alerts*

---

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

#### 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 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).

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Public Alerts

---

4. Prompt entry of information into the Department of Justice Missing Person System (MUPS/NCIC).
  5. National Center for Missing and Exploited Children.
  6. Regional dispatchers may notify law enforcement agencies within their jurisdiction.
  7. BCI can contact other states if an AMBER Alert needs to be broadcast outside of Utah. BCI can also provide training or training materials.
  8. The Utah Public Information Officer Association can provide assistance.
  9. A Child is Missing will contact residents and businesses in the area where the child was last seen by using an automated telephone system. The service is free.
  10. Team Adam Provides experienced child abduction investigators, technical assistance and equipment for free of charge to agencies during child abduction and sexual exploitation investigations.
  11. Project Alert Provides retired federal, state and local law enforcement officers who volunteer their time and expertise as unpaid consultants in missing or exploited child cases. All travel arrangements and costs are paid for by NCMEC.
  12. Laura Recovery Center will help organize community ground searches. The non-profit organization offers its services for free.
- (c) The supervisor shall ensure the assigned Public Information Officer is provided updates regarding the search and investigation, and notified immediately upon locating the abducted child.

### **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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Public Alerts

---

- (a) The Public Information Officer, Watch Commander or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the suspect:
  - 1. The license number and/or any other available description or photograph of the vehicle
  - 2. Photograph, description and/or identification of the suspect
  - 3. The suspect's identity, age and description, if known
  - 4. Detail regarding location of incident, direction of travel, potential destinations, if known
  - 5. Name and phone number of the Public Information Officer or other authorized individual to handle media liaison
  - 6. A telephone number for the public to call in with leads/information
- (b) The press release should be sent to the local television and radio stations.
- (c) The information in the press release should also be forwarded to the local emergency communications center so that general broadcasts can be made to local law enforcement agencies.

### **334.6 ENDANGERED MISSING ADVISORY**

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

#### **334.6.1 CRITERIA**

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

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

#### **334.6.2 PROCEDURE**

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

## *Public Alerts*

---

### **334.7 SILVER ALERTS**

Silver Alerts are used to provide a statewide system for the rapid dissemination of information regarding a missing endangered adult (Utah Code 53-10-702).

#### **334.7.1 CRITERIA**

The following criteria must be met to initiate a Silver Alert:

- (a) The person is reported missing.
- (b) The person reported missing is 60 years of age or older or has some form of Alzheimer's disease or other forms of dementia resulting in continual loss of memory or awareness dementia (Utah Code 53-10-703).

#### **334.7.2 PROCEDURE**

When the required criteria are met, the assigned deputy should request that Dispatch initiate a Silver Alert by contacting BCI through the UCJIS system and providing descriptive information, the specific area in which the missing person was last seen, and the deputy contact information (UT ADC R722-400-4).

## Victim and 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 Weber County Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Weber County Sheriff's Office 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 should appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Weber County Sheriff's Office 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 Administration Bureau Commander shall ensure that victim information handouts are available and current. These should include as appropriate:

- (a) Shelters and other community resources for victims of domestic violence.
- (b) Community resources for victims of sexual assault (Utah Code 76-5-504).
- (c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109).
- (d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
- (e) A clear explanation of relevant court orders and how they can be obtained.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Victim and Witness Assistance*

---

- (f) Information regarding available compensation for qualifying victims of crime.
- (g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.
- (h) Notice regarding U Visa and T Visa application processes.
- (i) Resources available for victims of identity theft.
- (j) A place for the deputy's name, badge number, and any applicable case or incident number.
- (k) The written notices for victims of domestic violence and other qualifying offenses as mandated by Utah Code 78B-7-802 and Utah Code 77-36-2.1.
- (l) Local victim centers.
- (m) The Utah Department of Corrections (UDC) Victim Services Unit, which can provide assistance and support to victims whose victimizers are in the custody of the UDC.
- (n) Office of Crime Victim Reparations Program that offers financial assistance.
- (o) The Federal Department of Justice Office for Victims of Crime (OVC), which can also provide assistance.
- (p) The Utah Crime Victims' Bill of Rights (Utah Code 77-37-3).
- (q) Rights and remedies available to victims of stalking or dating violence (Utah Code 76-5-106.5; Utah Code 78B-7-408).
- (r) Eligibility and process to request review of investigations (Utah Code 11-64-101).
- (s) The written notices for victims of sexual violence as mandated by Utah Code 78B-7-509.

#### **336.6 WITNESSES**

Deputies should never guarantee a witness's 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.

#### **336.7 VICTIM ASSISTANCE FOR STALKING**

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

- (a) Victims shall be provided with the Weber County Sheriff's Office stalking information handout, even if the incident may not rise to the level of a crime.
- (b) Victims shall also be alerted to any available victim advocates, shelters, and community resources.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Victim and Witness Assistance*

---

- (c) When an involved person requests law enforcement assistance while removing essential items of personal property, deputies shall stand by for a reasonable amount of time.
- (d) If the victim has sustained injury or complains of pain, deputy shall seek medical assistance for the victim as soon as practicable.
- (e) Deputies should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the deputy determines that a need exists.
- (f) Deputy should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- (g) If appropriate, deputy shall seek or assist the victim in obtaining an emergency order.
- (h) Seize any firearms or other dangerous weapons, if appropriate and legally permitted, for safekeeping or as evidence.



# Hate Crimes

## 338.1 PURPOSE AND SCOPE

The Weber County Sheriff's Office 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, the Sheriff's Office will utilize all available resources to see that justice is served under the law. This policy has been developed to provide members of the Sheriff's Office 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 U.S. Department of Justice with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation, gender identity or expression, or disability (18 USC § 249).

## 338.2 DEFINITIONS

**Intimidate or terrorize** - Means an act which causes the person to fear for his/her physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States (Utah Code 76-3-203.3(3)).

## 338.3 CRIMINAL STATUTES

Utah Code 76-3-203.3 (Penalty for Hate Crimes) and Utah Code 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 sheriff's office 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.

## *Hate Crimes*

---

### **338.5 PROCEDURE FOR INVESTIGATING HATE CRIMES**

Whenever any member of the Sheriff's Office 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.
- (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 BUREAU RESPONSIBILITY**

If a case is assigned to the Investigation Bureau, the assigned detective will be responsible for following up on the reported hate crime as follows:

- (a) Coordinate further investigation with the County Attorney and other appropriate law enforcement agencies, as appropriate.
- (b) Maintain contact with the victims and other involved individuals as needed.
- (c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the county or state upon request.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Hate Crimes*

---

### **338.6 TRAINING**

All members of the Sheriff's Office will receive training approved by Utah Police Officer Standards and Training on hate crime recognition and investigation.

#### **338.6.1 SUBSECTION TITLE**

## Standards of Conduct

### 340.1 PURPOSE AND SCOPE

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

### 340.2 POLICY

The continued employment or appointment of every member of the Weber County Sheriff's Office shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

### 340.3 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient sheriff's office service.

#### 340.3.1 LAWS, RULES AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in sheriff's office or County manuals.
- (b) Disobedience of any legal directive or order issued by any sheriff's office member of a higher rank.
- (c) Violation of federal, state, local or administrative laws, rules or regulations.

#### 340.3.2 ETHICS

- (a) Using or disclosing one's status as a member of the Weber County Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Standards of Conduct*

---

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

#### 340.3.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

#### 340.3.4 RELATIONSHIPS

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

#### 340.3.5 ATTENDANCE

- (a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Standards of Conduct*

---

#### 340.3.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.
- (b) Disclosing to any unauthorized person any active investigation information.
- (c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Sheriff or the authorized designee.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

#### 340.3.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during on-duty time or assignments.
- (e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
- (f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

#### 340.3.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.
- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any sheriff's office record, public record, book, paper or document.
- (c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority,

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Standards of Conduct*

---

in connection with any investigation or in the reporting of any sheriff's office-related business.

- (d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this sheriff's office or its members.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this sheriff's office or subverts the good order, efficiency and discipline of this sheriff's office or that would tend to discredit any of its members.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
  - 1. While on sheriff's office premises.
  - 2. At any work site, while on-duty or while in uniform, or while using any sheriff's office equipment or system.
  - 3. Gambling activity undertaken as part of a deputy's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (g) Improper political activity including:
  - 1. Unauthorized attendance while on-duty at official legislative or political sessions.
  - 2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on sheriff's office property or while in any way representing him/herself as a member of this sheriff's office, except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (h) Engaging in political activities during assigned working hours except as expressly authorized by County policy, the collective bargaining agreement, or the Sheriff.
- (i) Any act on- or off-duty that brings discredit to this sheriff's office.

#### 340.3.9 CONDUCT

- (a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unreasonable and unwarranted force to a person encountered or a person under arrest.
- (c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.
- (e) Engaging in horseplay that reasonably could result in injury or property damage.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Standards of Conduct*

---

- (f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this sheriff's office or the County.
- (g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.
- (h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this sheriff's office.
- (i) Unauthorized possession of, loss of, or damage to sheriff's office property or the property of others, or endangering it through carelessness or maliciousness.
- (j) Attempted or actual theft of sheriff's office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of sheriff's office property or the property of another person.
- (k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement to include fraud in securing the appointment or hire.
- (l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.
- (m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this sheriff's office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this sheriff's office or its members.

#### 340.3.10 SAFETY

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



## *Standards of Conduct*

---

### 340.3.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.
- (b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

### **340.4 DIRECTIVES AND ORDERS**

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

#### 340.4.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or sheriff's office policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

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

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

#### 340.4.2 SUPERVISOR RESPONSIBILITIES

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

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Standards of Conduct*

---

- (a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.
- (b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.
- (c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.
- (d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

### **340.5 GENERAL STANDARDS**

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Utah constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

#### **340.5.1 DUTY TO INTERVENE AND REPORT MISCONDUCT**

A deputy present and observing another deputy engaging in police misconduct shall, when in a position to do so, intervene to stop the misconduct (Utah Code 53-6-210.5).

A member who witnesses police misconduct shall report the misconduct to a supervisor or [city/county] attorney, as applicable, as soon as practicable. Failure to report the misconduct is grounds for discipline by the [Department/Office] (Utah Code 53-6-210.5).

If the reported misconduct involves a law enforcement officer of another agency, the Sheriff shall promptly notify and communicate the report to the chief executive of that law enforcement agency (Utah Code 53-6-210.5).

Police misconduct means on-duty conduct by a deputy that constitutes (Utah Code 53-6-210.5):

- (a) Force that is clearly beyond what is objectively reasonable under the totality of the circumstances or clearly does not amount to justified conduct (Utah Code 76-2-401 et seq.).
- (b) A search or seizure without a warrant where the totality of circumstances clearly indicates that any exception to the warrant requirement would not apply (see the Search and Seizure Policy).
- (c) Conduct that an objectively reasonable person would find to be biased or discriminatory against an individual or a group based on race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity.

# Information Technology Use

## 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of sheriff's office information technology resources, including computers, electronic devices, hardware, software and systems.

### 342.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Weber County Sheriff's Office that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the sheriff's office or sheriff's office funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part, on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 342.2 POLICY

It is the policy of the Weber County Sheriff's Office that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the sheriff's office in a professional manner and in accordance with this policy.

## 342.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts or anything published, shared, transmitted or maintained through file-sharing software or any Internet site that is accessed, transmitted, received or reviewed on any Sheriff's Office computer system.

The Sheriff's Office reserves the right to access, audit and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Sheriff's Office, including the Sheriff's Office email system, computer network and/or any information placed into storage on any Sheriff's Office system or device. This includes records of all keystrokes or Web-browsing history made at any Sheriff's Office computer or over any Sheriff's Office network. The fact that access to a database, service or website requires a username or password will not create an expectation of privacy if it is accessed through Sheriff's Office computers, electronic devices or networks.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Information Technology Use*

---

The Sheriff's Office may not require a member to disclose a username and/or password that allows access to the member's personal Internet accounts, except as may be provided in Utah Code 34-48-201.

#### **342.4 RESTRICTED USE**

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

##### **342.4.1 SOFTWARE**

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any sheriff's office computer. Members shall not install personal copies of any software onto any sheriff's office computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Sheriff or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the sheriff's office while on sheriff's office premises, computer systems or electronic devices. Such unauthorized use of software exposes the sheriff's office and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of sheriff's office- or County-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

##### **342.4.2 HARDWARE**

Access to technology resources provided by or through the sheriff's office shall be strictly limited to sheriff's office-related activities. Data stored on or available through sheriff's office computer systems shall only be accessed by authorized members who are engaged in an active investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or sheriff's office-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Information Technology Use*

---

#### **342.4.3 INTERNET USE**

Internet access provided by or through the sheriff's office shall be strictly limited to sheriff's office-related activities. Internet sites containing information that is not appropriate or applicable to sheriff's office use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, gambling, chat rooms and similar or related Internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information shall be limited to messages, mail and data files.

#### **342.4.4 OFF-DUTY USE**

Members shall only use technology resources provided by the sheriff's office while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access sheriff's office resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

#### **342.5 PROTECTION OF AGENCY SYSTEMS AND FILES**

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the computer system.

Members shall ensure sheriff's office computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Password length, format, structure and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### **342.6 INSPECTION OR REVIEW**

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the sheriff's office

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Information Technology Use*

---

involving one of its members or a member's duties, an alleged or suspected violation of any sheriff's office policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract download, or otherwise obtain any and all temporary or permanent files residing or located in or on the sheriff's office computer system when requested by a supervisor or during the course of regular duties that require such information.

## 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 Sheriff's Office-approved form unless otherwise approved by a supervisor.

#### 344.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution.

Activity to be documented in a written report includes:

- (a) All arrests
- (b) All felony crimes
- (c) Non-felony incidents involving threats or stalking behavior
- (d) Situations covered by separate policy. These include:
  - 1. Use of Force Policy

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Report Preparation*

---

2. Domestic Violence Policy
3. Child Abuse Policy
4. Adult Abuse Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

- (e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the office approved alternative reporting method (e.g., dispatch log).

#### 344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

- (a) Any time a deputy points a firearm at any person
- (b) Any use of force against any person by a member of this office (see the Use of Force Policy)
- (c) Any firearm discharge (see the Firearms Policy)
- (d) Any time a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
- (e) Any found property or found evidence
- (f) Any traffic collision above the minimum reporting level (see the Traffic Collision Reporting Policy)
- (g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy
- (h) All protective custody detentions
- (i) Suspicious incidents that may place the public or others at risk
- (j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

#### 344.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigation Policy. 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



## *Report Preparation*

---

- (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 office shall require a report when:

- (a) The injury is a result of drug overdose.
- (b) Attempted suicide.
- (c) The injury is major/serious, whereas death could result.
- (d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

### 344.2.6 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

- (a) Lost property.
- (b) Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
  - 1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
- (c) Misdemeanor vandalism with no suspect information and no hate crime implications.
- (d) Vehicle burglaries with no suspect information or evidence.
- (e) Stolen vehicle attempts with no suspect information or evidence.
- (f) Annoying telephone calls with no suspect information.
- (g) Identity theft without an identifiable suspect.

## *Report Preparation*

---

- (h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
- (i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
- (j) Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Trade Commission (FTC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

### **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 Office 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 Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring deputy only with the knowledge and authorization of the reviewing supervisor.

### **344.6 ELECTRONIC SIGNATURES**

The Weber County Sheriff's Office has established an electronic signature procedure for use by all employees of the Weber County Sheriff's Office. The Patrol Chief Deputy shall be responsible for

## *Report Preparation*

---

maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signatures for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

## Media Relations

### 346.1 PURPOSE AND SCOPE

This policy provides guidelines for the release of official sheriff's office information to the media. It also addresses coordinating 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. In situations not warranting immediate notice to the Sheriff and in situations where the Sheriff has given prior approval, Bureau Commanders, Watch Commanders and designated Public Information Officers may prepare and release information to the media in accordance with this policy and the applicable law regarding confidentiality.

### 346.3 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities as required by law.

Access by the media is subject to the following conditions:

- (a) The media representative shall produce valid media credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
- (b) Media representatives should be prevented from interfering and may be removed for interfering with emergency operations and criminal investigations.
  - 1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Public Information Officer or other designated spokesperson.
- (c) Media interviews with individuals who are in custody should not be permitted without the approval of the Sheriff and the express consent of the person in custody.
- (d) No member of this sheriff's office who is under investigation shall be subjected to media visits or interviews without the consent of the involved member.

#### 346.3.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Sheriff's office members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Media Relations*

---

### **346.3.2 TEMPORARY FLIGHT RESTRICTIONS**

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

### **346.4 CONFIDENTIAL OR RESTRICTED INFORMATION**

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

#### **346.4.1 MEMBER INFORMATION**

The identities of deputies involved in shootings or other critical incidents may only be released to the media upon the consent of the involved deputy or upon a formal request.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of deputies involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Records Officer, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws (e.g., Government Records Access and Management Act).

### **346.5 POLICY**

It is the policy of the Weber County Sheriff's Office to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

### **346.6 PROVIDING ADVANCE INFORMATION**

To protect the safety and rights of sheriff's office members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the 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 a minimum, whether the release of information or the presence of the media would unreasonably endanger any individual or prejudice the rights of any person or is otherwise prohibited by law.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Media Relations*

---

#### **346.7 MEDIA REQUESTS**

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

- (a) At no time shall any member of this sheriff's office make any comment or release any official information to the media without prior approval from a supervisor or the PIO.
- (b) In situations involving multiple agencies or government departments, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this sheriff's office.
- (c) Under no circumstance should any member of this sheriff's office make any comment to the media regarding any law enforcement incident not involving this sheriff's office without prior approval of the Sheriff. Under these circumstances the member should direct the media to the agency handling the incident.

#### **346.8 RELEASE OF INFORMATION**

The sheriff's office may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the sheriff's office website or other electronic data sources.

##### **346.8.1 INFORMATION LOG**

The sheriff's office will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

- (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).
- (b) The date, time, location, case number, name, birth date and charges for each person arrested by this sheriff's office, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation or the information is confidential (e.g., juveniles).
- (c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

# Subpoenas and Court Appearances

## 348.1 PURPOSE AND SCOPE

This policy establishes the guidelines for sheriff's office members who must appear in court. It will allow the Weber County Sheriff's Office to cover any related work absences and keep the sheriff's office informed about relevant legal matters.

### 348.1.1 SUBSECTION TITLE

## 348.2 POLICY

Weber County Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

## 348.3 SUBPOENAS

Only sheriff's office members authorized to receive a subpoena on behalf of this sheriff's office or any of its members may do so.

Criminal subpoenas may be served upon a member in accordance with U. R. Crim. P. Rule 14 by personally delivering a copy of the subpoena to the member.

Civil subpoenas may be served upon a member personally, by leaving a copy at the member's residence with a person of suitable age and discretion or by delivering a copy to an agent authorized by appointment or by law to receive service of process. The subpoena may also be served by mail or commercial courier service (U. R. Civ. P. Rule 45; U. R. Civ. P. Rule 4). Civil subpoenas shall not be accepted without properly posted fees (U. R. Civ. P. Rule 45).

### 348.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the County Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

- (a) Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
- (b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
- (c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Weber County Sheriff's Office.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Weber County Sheriff's Office.

## *Subpoenas and Court Appearances*

---

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

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

### **348.3.2 CIVIL SUBPOENA**

The sheriff's office will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

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

### **348.3.3 OFF-DUTY RELATED SUBPOENAS**

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### **348.4 FAILURE TO APPEAR**

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

### **348.5 STANDBY**

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

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

### **348.6 COURTHOUSE PROTOCOL**

When appearing in court, members shall:

- (a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Dress in the department uniform or business attire.
- (c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### **348.6.1 TESTIMONY**

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Subpoenas and Court Appearances*

---

### **348.7 EMPLOYEE COMPENSATION FOR COURT APPEARANCE**

On duty court appearances related to an employee's employment and arising out of his/her official duties, either criminal or civil in nature, will be compensated at the regular hourly rate of the employee's pay rate.

#### **348.7.1 OVERTIME COMPENSATION FOR COURT APPEARANCES**

When an employee appears in court on his/her off-duty time, and the appearance arises out of their official duties, he/she will be compensated in accordance with Weber County Sheriff's Office Policy 1037 Overtime Compensation Requests.

#### **348.7.2 COURT REIMBURSEMENT/ WITNESS FEES**

Court reimbursement/witness fees paid to member's for court appearance in relation to their official duties as an employee, will be surrendered to the Sheriff's Office as reimbursement towards hourly wages paid.

## Reserve and Auxiliary Deputies

### 350.1 PURPOSE AND SCOPE

The Weber County Sheriff's Office 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; Utah Code 53-13-112).

**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 in Utah Code 53-13-101(14)(a) (Utah Code 53-13-101(14)(b)).

### 350.1 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The Weber County Sheriff's Office 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.

#### 350.1.1 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 Police Officer Standards and Training (POST) requirements.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Reserve and Auxiliary Deputies*

---

#### 350.1.2 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 abilities.

The Department may utilize a sworn and certified peace officer in a reserve or auxiliary capacity (Utah Code 53-13-111(1)(a)).

#### 350.1.3 COMPENSATION FOR SHERIFF'S RESERVE DEPUTIES

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. Reserves shall receive a yearly uniform allowance equal to that of regular deputies.

#### 350.1.4 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 CFR 553.30).

### **350.2 DUTIES OF RESERVE AND AUXILIARY DEPUTIES**

Reserve deputies assist regular deputies in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve deputies will usually be to augment the Patrol Bureau. 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 backup 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).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Reserve and Auxiliary Deputies*

---

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.

#### **350.2.1 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.

#### **350.2.2 RESERVE DEPUTY ASSIGNMENTS**

All reserve deputies will be assigned to duties by the Reserve Coordinator or his/her designee.

#### **350.2.3 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 callout roster.
- (d) Maintaining performance evaluations and ensuring they are completed.
- (e) Monitoring individual reserve deputy performance.
- (f) Monitoring overall Reserve Program.
- (g) Maintaining liaison with other agency Reserve Coordinators.

### **350.3 FIELD TRAINING**

#### **350.3.1 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 Watch Commander approval.

#### **350.3.2 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 (Phase I).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Reserve and Auxiliary Deputies*

---

#### 350.3.3 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 Weber County Sheriff's Office. 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.

#### 350.3.4 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.

#### 350.3.5 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 Watch Commander.

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.

#### 350.3.6 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.

#### 350.3.7 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Reserve and Auxiliary Deputies*

---

#### **350.4 SUPERVISION OF RESERVE DEPUTIES**

Reserve deputies who have attained the status of Level II shall be under the immediate supervision of a regular sworn deputy depending on his/her 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.

##### **350.4.1 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.

##### **350.4.2 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.

##### **350.4.3 UNIFORM**

Reserve deputies shall conform to all uniform regulation and appearance standards of the Department.

##### **350.4.4 INVESTIGATIONS AND COMPLAINTS**

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Patrol Bureau 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.

##### **350.4.5 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.

#### **350.5 FIREARMS REQUIREMENTS**

##### **350.5.1 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Reserve and Auxiliary Deputies*

---

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)).

#### **350.5.2 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 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.

#### **350.5.3 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 annually.
- (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.

#### **350.6 EMERGENCY CALLOUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency callout procedure for reserve personnel.

## Outside Agency Assistance

### 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

### 352.2 POLICY

It is the policy of the Weber County Sheriff's Office to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this sheriff's office.

### 352.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a mutual aid agreement or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this sheriff's office, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this sheriff's office.

Deputies may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this sheriff's office until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this sheriff's office will not ordinarily be booked at this sheriff's office. Only in exceptional circumstances, and subject to supervisor approval, will this sheriff's office provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

#### 352.3.1 INITIATED ACTIVITY

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).

Any on-duty deputy who engages in law enforcement activities of any type that are not part of a mutual aid request and take place outside the jurisdiction of the Weber County Sheriff's Office shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.



## *Outside Agency Assistance*

---

### **352.4 REQUESTING OUTSIDE ASSISTANCE**

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### **352.5 REPORTING REQUIREMENTS**

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

### **352.6 MANDATORY SHARING**

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Administration Bureau Commander or the authorized designee.

The documentation should include:

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

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

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

## Registered Offender Information

### 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Weber County Sheriff's Office will address issues associated with certain offenders who are residing in the jurisdiction and how the Sheriff's Office will disseminate information and respond to public inquiries for information about offenders who are required to be registered.

### 356.2 POLICY

It is the policy of the Weber County Sheriff's Office 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 Bureau 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 (Utah Code 77-41-104; Utah Code 77-43-104).

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the Utah Department of Corrections (DOC).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (Utah Code 77-41-107; Utah Code 77-43-106).

#### 356.3.1 CONTENTS OF REGISTRATION

Any person residing in the jurisdiction of the Weber County Sheriff's Office who is required to register as a sex and/or kidnap offender and is no longer under the supervision of the Division of Adult Probation and Parole must provide the following (Utah Code 53-10-404; Utah Code 77-41-105; Utah Code 77-43-105):

- (a) All names and aliases
- (b) The primary and secondary residence addresses
- (c) A physical description, date of birth, height, weight, eye, and hair color
- (d) The make, model, color, year, plate number, and vehicle identification number of any vehicle or vehicles owned or regularly driven
- (e) A current photograph
- (f) A set of fingerprints, if one has not already been provided

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Registered Offender Information*

---

- (g) A DNA specimen, taken in accordance with Utah Code 53-10-404, if one has not already been provided
- (h) Telephone numbers and any other designations used for routing or self-identification in telephonic communications from fixed locations or cellular telephones
- (i) Internet identifiers and any addresses used for routing or self-identification in internet communications or postings
- (j) The name and internet address of all websites on which the person is registered using an online identifier, including all online identifiers used to access those websites
- (k) A copy of any passport
- (l) If the person is an alien, all documents establishing immigration status
- (m) All professional licenses that authorize engaging in an occupation or carrying out a trade or business, including any identifiers, such as numbers
- (n) Each educational institution in Utah at which the person is employed, carries on a vocation or is a student, and any change of enrollment or employment status at any educational institution
- (o) The name, telephone number, and address of any place of employment
- (p) The name, telephone number, and address of any place where the person volunteers
- (q) The person's Social Security number

### **356.4 MONITORING OF REGISTERED OFFENDERS**

The Investigation Bureau Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

- (a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
- (b) Review of information on DOC's Sex and Kidnap Offender Notification and Registration (SONAR) website and the Child Abuse Offender Notification and Registration website.
- (c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to DOC.

The Investigation Bureau Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Weber County Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

### **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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Registered Offender Information*

---

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 the DOC's SONAR website or the Child Abuse Offender Notification and Registration website for specific registrant information and photographs (Utah Code 77-41-110; Utah Code 77-43-108).

The Records Manager shall release local registered offender information to residents in accordance with Utah Code 77-41-108 and Utah Code 77-43-107 and in compliance with a Government Records Access and Management Act (GRAMA) request.

#### **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 or child abuse 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; Utah Code 77-43-104).

The Training Officer will be responsible for ensuring the appropriate training and certifications are maintained.

#### **356.7 INMATE REGISTRATION**

The jail supervisor should establish a system to register child abuse, kidnap, and sex offenders who have been committed to the jail facility or are going to be released from the jail facility (Utah Code 77-41-104; Utah Code 77-43-104).

# Major Incident Notification

## 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this sheriff's office in determining when, how and to whom notification of major incidents should be made.

## 358.2 POLICY

The Weber County Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this office to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 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 Bureau Commander(s). The following list of incident types is provided as a guide for notification **and is not intended to be all-inclusive:**

- Homicides
- Traffic accidents in which victims are killed or have suffered potentially fatal injuries.
- Officer-involved shooting on or off-duty (See the Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee on or off-duty or to an employee's immediate family member.
- Death or serious injury of a prominent Weber County official including prominent officials who reside in Weber county or were visiting at the time of their death or injury.
- Arrest of a Sheriff's Office member or prominent Weber County official including prominent local city or other government officials.
- The arrest or detention of Foreign Nationals (Policy 422)
- Cases involving prominent Weber County officials, including local city or other government officials, whether they are victims or suspects in the case.
- All aircraft crashes
- Any situation that involves or will likely involve Search and Rescue operations and/or body recoveries involving Sheriff's Office resources.
- Search and rescue operations and /or body recoveries involving Sheriff's Office resources.
- All Kidnappings
- Missing persons that are identified as at-risk individuals.
- In-custody deaths

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Major Incident Notification*

---

- Any significant criminal event occurring at a school or involving an employee of a school. This would include all public, private or charter schools.
- Any violent sexual offense or any felony sexual offense involving a child as a victim.
- Any service of a forcible search warrant, whether it was a structure or person that was searched.
- Any other incident likely to attract widespread public or news media attention.

#### **358.4 SUPERVISOR / COMMANDER RESPONSIBILITIES**

The on scene incident supervisor has the primary responsibility to notify the appropriate Precinct lieutenant or bureau commander. The on scene supervisor will make reasonable attempts to obtain as much information as is possible as quickly as possible so as to make the notification as soon as possible. Notifications should be made directly by calling the cell phone number first and then the home phone number. A follow up written summary should also be sent to the supervisor/ commander with pertinent details prior to the end of shift.

##### **358.4.1 STAFF NOTIFICATION**

The Precinct Lieutenant or Commander is responsible for making sure that all other appropriate notifications are made. In the event an incident occurs described in MINIMUM CRITERIA FOR NOTIFICATION, the Sheriff shall be notified along with the affected Bureau Commander and the Detective Lieutenant if that bureau is affected. Again, notifications should be made directly by calling the cell phone number first and then the home phone number. A follow up written summary should also be forwarded to the Sheriff and other affected staff with pertinent details as soon as practical.

##### **358.4.2 DETECTIVE NOTIFICATION**

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

##### **358.4.3 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

Emergency Medical Services shall be called in all suspected death cases unless death is obvious (e.g., decapitated, decomposed).

A supervisor shall be notified as soon as possible to assist and provide appropriate personnel and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Bureau Commander as necessary. The Watch Commander will make notification to command staff in accordance with the Major Incident Notification Policy.

### 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 365 days prior to death (Utah Code 26-4-2).
- (b) By violence, gunshot, suicide, or accident.
- (c) Sudden death while in apparent good health.
- (d) Unattended deaths, except that an autopsy may only be performed in accordance with the provisions of Utah Code 26-4-9(3).
- (e) Is under suspicious or unusual circumstances.
- (f) Results from poisoning or overdose of drugs.
- (g) Results from diseases that may constitute a threat to the public health.
- (h) Results from disease, injury, toxic effect, or unusual exertion incurred within the scope of the decedent's employment.
- (i) Is due to sudden infant death syndrome.

## *Death Investigation*

---

- (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.
- (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.
- (o) When a death results directly from the actions of a law enforcement officer.

The body shall not be moved without permission of the Medical Examiner or County Attorney having criminal jurisdiction, or by his/her authorized deputy, except in cases of affront to public decency or circumstances where it is not practicable 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. If such a donor card is located, the Medical Examiner shall be promptly notified. The deputy shall also, as soon as reasonably possible, notify the appropriate organ procurement organization, tissue bank, or eye bank of the identity of the deceased, the next-of-kin (if known) and the funeral establishment taking custody of the deceased (Utah Code 26-28-112).

Should exigent circumstances indicate to a deputy that any search of a known dead body is warranted prior to the arrival of the Medical Examiner the investigating deputy shall first obtain verbal consent from the Medical Examiner.

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.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Death Investigation*

---

#### **360.2.3 DEATH NOTIFICATION**

When practicable, and if not handled by the Medical Examiner's Office, notification to the next-of-kin of the deceased person shall be made, in person, by the 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 to the body and maintain a file under the assigned number. If possible, this number when applicable shall be included in any report.

#### **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 deputy shall take steps to protect the scene. The Investigation Bureau shall be notified to determine the possible need for an investigator to respond to the scene.

If the on-scene supervisor, through consultation with the Watch Commander or Investigation Bureau supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

The investigator assigned to investigate a homicide or death that occurred under suspicious circumstances may, with the approval of his/her supervisor, request the Medical Examiner to conduct physical examinations and tests, and to provide a report.

#### **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, should ensure that the nearest office of the Utah Division of Occupational Safety and Health is notified with all pertinent information.

### **360.3 POLICY**

It is the policy of the Weber County Sheriff's Office to respond, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including those from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted and properly documented.

## Private Persons Arrests

### 364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private persons' arrests made pursuant to Utah Code 77-7-3.

### 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 of his/her right to initiate a criminal proceeding and of the importance of preserving evidence, in accordance with the requirements of Utah Code 77-36-2.1 (Utah Code 77-36-2.2(2)(c)).

- (a) When advising any individual regarding the right to make a private person's arrest, 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.

## *Private Persons Arrests*

---

### **364.3.2 FORCE TO MAKE A PRIVATE PERSONS ARREST**

Any person is justified in using any force, except deadly force, that he/she reasonably believes to be necessary to effect an arrest or to defend himself/herself or another from bodily harm while making an arrest (Utah Code 76-2-403).

### **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 Bureau (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 Sheriff's Office 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 Sheriff's Office 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 Weber County Sheriff's Office, designated by the Sheriff's Office, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

### 368.2 POLICY

It is the policy of the Weber County Sheriff's Office 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 Weber County Sheriff's Office will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

### 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 Patrol Bureau Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Limited English Proficiency Services*

---

- (a) Coordinating and implementing all aspects of the Weber County Sheriff's Office's LEP services to LEP individuals.
- (b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.
- (c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
  - 1. Languages spoken
  - 2. Contact information
  - 3. Availability
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used by the Sheriff's Office to qualify individuals as qualified bilingual members or authorized interpreters.
- (h) Periodically reviewing efforts of the Sheriff's Office in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding Sheriff's Office LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to Sheriff's Office services, programs and activities.

### **368.4 FOUR-FACTOR ANALYSIS**

Since there are many different languages that members could encounter, the Sheriff's Office will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Limited English Proficiency Services*

---

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by Sheriff's Office members, or who may benefit from programs or services within the jurisdiction of the Sheriff's Office or a particular geographic area.
- (b) The frequency with which LEP individuals are likely to come in contact with Sheriff's Office members, programs or services.
- (c) The nature and importance of the contact, program, information or service provided.
- (d) The cost of providing LEP assistance and the resources available.

#### **368.5 TYPES OF LEP ASSISTANCE AVAILABLE**

Weber County Sheriff's Office 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 Sheriff's Office will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Sheriff's Office will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept Sheriff's Office-provided LEP services at no cost or they may choose to provide their own.

Sheriff's Office-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 Sheriff's Office may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

#### **368.8 QUALIFIED BILINGUAL MEMBERS**

Bilingual members may be qualified to provide LEP services when they have demonstrated through established Sheriff's Office procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Limited English Proficiency Services*

---

When a qualified bilingual member from the Weber County Sheriff's Office is not available, personnel from other County departments, who have been identified by the Sheriff's Office as having the requisite skills and competence, may be requested.

### **368.9 AUTHORIZED INTERPRETERS**

Any person designated by the Sheriff's Office to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any specialized terms or concepts peculiar to the Sheriff's Office and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

#### **368.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Sheriff's Office may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of the Sheriff's Office 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 the Sheriff's Office, and with whom the Sheriff's Office has a resource-sharing or other arrangement that they will interpret according to Sheriff's Office guidelines.

## *Limited English Proficiency Services*

---

### **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 Sheriff's Office to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Sheriff's Office members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

### **368.10 CONTACT AND REPORTING**

While all law enforcement contacts, services and individual rights are important, the Weber County Sheriff's Office will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of the Sheriff's Office is required to complete a report or other documentation and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Sheriff's Office or some other identified source.

### **368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE**

The Weber County Sheriff's Office 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**

Sheriff's Office members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.



## *Limited English Proficiency Services*

---

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, 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 Sheriff's Office member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

## *Limited English Proficiency Services*

---

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 Sheriff's Office shall ensure that LEP individuals who wish to file a complaint regarding members of this office are able to do so. The Sheriff's Office may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of the Sheriff's Office.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### **368.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by the Sheriff's Office are important to the ultimate success of more traditional law enforcement duties. The Sheriff's Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Limited English Proficiency Services*

---

#### **368.18 TRAINING**

To ensure that all members who may have contact with LEP individuals are properly trained; the Sheriff's Office will provide periodic training on this policy and related procedures, including how to access Sheriff's Office-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 have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY) or videophones (video relay service or VRS); use of taped text; use of qualified readers; or use of a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). This includes a person who has a hearing loss that requires the use of a Telecommunications Device for the Deaf (TDD) to communicate effectively on the telephone (UAC R746-8-405).

**Qualified interpreter** - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters. Qualified interpreters should have a certification approved by the Utah Division of Services for the Deaf and Hard of Hearing Interpreters Certification Board (Utah Code 35A-13-605; UAC R993-300-301 et seq.).

## 370.2 POLICY

It is the policy of the Weber County Sheriff's Office 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 Sheriff's Office 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 Patrol Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Communications with Persons with Disabilities*

---

- (a) Working with the County ADA coordinator regarding the Weber County Sheriff's Office's efforts to ensure equal access to services, programs and activities.
- (b) Developing reports, new procedures, or recommending modifications to this policy.
- (c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
- (d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Dispatch Supervisor. The list should include information regarding the following:
  - 1. Contact Information
  - 2. Availability
- (e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
- (f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
- (g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

#### **370.4 FACTORS TO CONSIDER**

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of the Sheriff's Office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known 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.

## *Communications with Persons with Disabilities*

---

### **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.

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 Weber County Sheriff's Office, 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**

Weber County Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Sheriff's Office 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 Sheriff's Office 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 Sheriff's office-provided auxiliary aids or services or they may choose to provide their own.

## *Communications with Persons with Disabilities*

---

Sheriff's Office-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 Sheriff's Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### **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:

- (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 Sheriff's Office-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 Sheriff's Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

## *Communications with Persons with Disabilities*

---

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 Sheriff's Office 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, Sheriff's Office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### **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):

- (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 the Sheriff's office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Sheriff's office or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Communications with Persons with Disabilities*

---

#### **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 Sheriff's Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of the Sheriff's Office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

##### **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.
- (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, the Sheriff's Office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Communications with Persons with Disabilities*

---

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 Sheriff's Office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

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 Sheriff's Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this office are able to do so. The Sheriff's Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the Sheriff's Office 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 the Sheriff's Office.

#### **370.17 COMMUNITY OUTREACH**

Community outreach programs and other such services offered by the Sheriff's Office are important to the ultimate success of more traditional law enforcement duties. The Sheriff's Office will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## *Communications with Persons with Disabilities*

---

### **370.18 TRAINING**

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Sheriff's Office will provide periodic training that should include:

- (a) Awareness and understanding of this policy and related procedures, related forms and available resources.
- (b) Procedures for accessing qualified interpreters and other available resources.
- (c) Working with in-person and telephone interpreters and related equipment.

The Training 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 Dispatch 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 Employer Notification

## 372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures to follow when a school employee has been arrested for certain offenses.

## 372.2 POLICY

The Weber County Sheriff's Office will meet the reporting mandates of Utah Code 53-10-211 to minimize the risks to children or others.

## 372.3 MANDATORY NOTIFICATION

If a school employee is arrested, or the Sheriff's office receives information from another jurisdiction of a school employee's arrest, for any of the following offenses, the Sheriff or the authorized designee shall immediately report the arrest to the State Board of Education and the superintendent of the school district that employs the employee (Utah Code 53-10-211):

- (a) Any controlled substance offense under Utah Code 58-37-8
- (b) Any offense under Utah Code 76-5-4 et seq. (sexual offenses)
- (c) Any offense involving sexual conduct

If the person is an employee of a private school, notification shall be made to the administrator of the school.

# Chaplains

## 376.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Weber County Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public.

## 376.2 POLICY

The Weber County Sheriff's Office shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

## 376.3 ELIGIBILITY

Requirements for participation as a chaplain for the Office may include, but are not limited to:

- (a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
- (b) Managing their households, families and personal affairs well.
- (c) Having a good reputation in the community.
- (d) Successful completion of an appropriate-level background investigation.
- (e) A minimum of five years of successful counseling experience.
- (f) Possession of a valid driver license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

## 376.4 RECRUITMENT, SELECTION AND APPOINTMENT

The Weber County Sheriff's Office shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

### 376.4.1 RECRUITMENT

Chaplains should be recruited on a continuous and ongoing basis consistent with office policy on equal opportunity and nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the office in serving the public. Chaplain candidates are encouraged to participate in ride-alongs with office members before and during the selection process.

### 376.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

- (a) Submit the appropriate written application.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Chaplains

---

- (b) Include a recommendation from employers or volunteer programs.
- (c) Interview with the Sheriff and the chaplain coordinator.
- (d) Successfully complete an appropriate-level background investigation.
- (e) Complete an appropriate probationary period as designated by the Sheriff.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

### **376.5 IDENTIFICATION AND UNIFORMS**

As representatives of the Office, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain. Identification symbols worn by chaplains shall be different and distinct from those worn by deputies through the inclusion of "Chaplain" on the uniform and not reflect any religious affiliation.

Chaplains will be issued Weber County Sheriff's Office identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Weber County Sheriff's Office identification cards, with the exception that "Chaplain" will be indicated on the cards. Chaplains shall be required to return any issued uniforms or Office property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this Office.

### **376.6 CHAPLAIN COORDINATOR**

The Sheriff shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Sheriff. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Office, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Sheriff or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

- (a) Recruiting, selecting and training qualified chaplains.
- (b) Conducting chaplain meetings.
- (c) Establishing and maintaining a chaplain callout roster.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Chaplains*

---

- (d) Maintaining records for each chaplain.
- (e) Tracking and evaluating the contribution of chaplains.
- (f) Maintaining a record of chaplain schedules and work hours.
- (g) Completing and disseminating, as appropriate, all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

#### **376.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Office, its members and the community, as needed. Assignments of chaplains will usually be to augment the Patrol Bureau. Chaplains may be assigned to other areas within the Office as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Office.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Office or the public into a religious affiliation while representing themselves as chaplains with this Office. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Weber County Sheriff's Office.

##### **376.7.1 COMPLIANCE**

Chaplains are volunteer members of this office, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

##### **376.7.2 OPERATIONAL GUIDELINES**

- (a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.
- (b) Generally, each chaplain will serve with Weber County Sheriff's Office 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 the authorized designee.
- (d) Chaplains shall be permitted to ride with deputies during any shift and observe Weber County Sheriff's Office operations, provided the Watch Commander has been notified and has approved the activity.
- (e) Chaplains shall not be evaluators of members of the Office.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Chaplains

---

- (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 stand-by in a secure area until the situation has been deemed safe.
- (h) Chaplains shall serve only within the jurisdiction of the Weber County Sheriff's Office unless otherwise authorized by the Sheriff or the authorized designee.
- (i) Each chaplain shall have access to current Office member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

#### 376.7.3 ASSISTING OFFICE MEMBERS

The responsibilities of a chaplain related to office members include, but are not limited to:

- (a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.
- (b) Visiting sick or injured members in the hospital or at home.
- (c) Attending and participating, when requested, in funerals of active or retired members.
- (d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.
- (e) Providing counseling and support for members and their families.
- (f) Being alert to the needs of members and their families.

#### 376.7.4 ASSISTING THE OFFICE

The responsibilities of a chaplain related to this office include, but are not limited to:

- (a) Assisting members in the diffusion of a conflict or incident, when requested.
- (b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the office.
- (c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.
- (d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of office members.
- (e) Attending office and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
- (f) Participating in in-service training classes.
- (g) Willingness to train others to enhance the effectiveness of the office.

#### 376.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:



# Weber County Sheriff's Office

Weber County SO Policy Manual

## Chaplains

---

- (a) Fostering familiarity with the role of law enforcement in the community.
- (b) Providing an additional link between the community, other chaplain coordinators and the office.
- (c) Providing liaison with various civic, business and religious organizations.
- (d) Promptly facilitating requests for representatives or leaders of various denominations.
- (e) Assisting the community in any other function as needed or requested.
- (f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

### 376.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

### 376.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Office may work or volunteer for the Weber County Sheriff's Office in any capacity other than that of chaplain.

Office chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-Office counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Weber County Sheriff's Office member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

### 376.9 TRAINING

The Office will establish a minimum number of training hours and standards for Office chaplains. The training, as approved by the Training Officer, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Chaplains*

---

- Suicide
- Deputy injury or death
- Sensitivity and diversity

## 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 sheriff's office.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Adult Abuse Policy.

### 380.2 POLICY

It is the policy of this sheriff's office to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Weber County Sheriff's Office will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

### 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Child and Dependent Adult Safety*

---

#### 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.

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. Deputies should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
- (b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), deputies should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
  - 1. Except when a court order exists limiting contact, the deputy should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
- (c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
- (d) Notify Child Protective Services, if appropriate.
- (e) Notify the field supervisor or Watch Commander 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.

## *Child and Dependent Adult Safety*

---

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

### **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. Special needs (e.g., medical, mental health)
  - 5. How, where and with whom or which agency the child was placed
  - 6. Identities and contact information for other potential caregivers
  - 7. Notifications made to other adults (e.g., schools, relatives)
- (b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:
  - 1. Name
  - 2. Sex
  - 3. Age
  - 4. Whether he/she reasonably appears able to care for him/herself
  - 5. Disposition or placement information if he/she is unable to care for him/herself

### **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 contact the appropriate welfare service or other sheriff's office-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the sheriff's facility, transported in a marked law enforcement vehicle or taken into formal protective custody.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Child and Dependent Adult Safety*

---

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 the Sheriff's Office who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

## Service Animals

### 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Weber County Sheriff's Office 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. Sheriff's Office members are expected to treat individuals with service animals with the same courtesy and respect that the Weber County Sheriff's Office affords to all members of the public.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Service Animals*

---

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of the Sheriff's Office 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. Sheriff's Office members should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of the Sheriff's Office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.



## Naloxone Policy

### 383.1 PURPOSE

The purpose of this policy is to establish guidelines and regulations governing the utilization of the medication known as nasal naloxone Narcan® ("Narcan"). The objective is to treat Opiate/Opioid overdoses and reduce fatal Opiate/Opioid overdoses. Training will give deputies the appropriate knowledge and use of the drug, which is relatively simple, and may increase the patient's survivability.

### 383.2 POLICY

It is the policy of the Weber County Sheriff's Office that deputies who will be administering Narcan are properly trained in the use and deployment of Narcan according to the laws of the state of Utah. No deputy shall carry or administer Narcan under this policy without first attending the initial Narcan training and subsequent training(s) every 2 years and as appropriate.

### 383.3 PROCEDURE

The sheriff's office will deploy the Narcan kit in the following primary locations:

A. One kit in each patrol vehicle per trained officer.

**NOTE:** Narcan maybe damaged by extreme temperatures, both high and low. Due to this fact, consideration should be given to (i) storing the Narcan in the interior of a patrol car when extreme temperatures exist, and (ii) removing the Narcan from the patrol car and storing it properly in a secure location after a shift is completed.

Narcan Coordinator: The EMT Coordinator is designated as the Narcan Coordinator, and shall be responsible for the following:

- (a) Ensuring the Narcan is current and not expired.
- (b) Proper and efficient deployment of Narcan for patrol deputies.
- (c) Replacement of any Narcan that is damaged, unusable, expired or deployed.
- (d) Ensuring all personnel who will administer nasal Narcan has received appropriate training in the Administration of narcan.
- (e) Ensuring that any deployment of Narcan to a subject will have a corresponding police report documenting said deployment.
- (f) Reports to the medical review physician, which reports may be reviewed and debriefed as necessary.

Narcan use:

## *Naloxone Policy*

---

When using the Narcan kit, deputies will maintain universal precautions, perform victim assessment, and determine unresponsiveness, absence of breathing or pulse. After such precautions and assessment, deputies should update their communications dispatcher to state that the victim is in a potential overdose state. The deputies shall follow the protocol as outlined in the Narcan training.

### **383.4 DEPUTY NARCAN DEPLOYMENT PROTOCOL**

- (a) Identify and assess victim for responsiveness, pulse and status of breathing.
- (b) If no pulse, initiate CPR with breathing support an AED as per normal protocol; notify incoming EMS. If pulse is present and the victim is unconscious, assess breathing status:
  - 1. If breathing is adequate (>8 breaths per minute, no cyanosis) and no signs of trauma, place in the recovery position.
  - 2. If breathing is decreased or signs of low oxygen (cyanosis), pupils are very small and overdose is suspected (based on history, evidence on scene, bystander reports, and physical examination) then proceed with Narcan administration.
- (c) Retrieve Narcan.
- (d) Prepare or assemble Narcan kit.
- (e) Administer a maximum of a single unit dose of 2 mg in the preassembled device in one nostril.
- (f) Initiate breathing support with pocket mask, bag-valve-mask and oxygen if available. If the victim is unresponsive after 3 minutes and a second dose of Narcan is available, repeat the administration. Any application beyond the 2nd dose will require medical doctors direction.
- (g) Continue to monitor breathing and pulse - if breathing increases and there is no evidence of trauma, place victim in the recovery position.
- (h) Keep EMS advised of victim status when able to do so.
- (i) If at any time pulses are lost, initiate CPR and AED as per normal protocol until relieved by advanced life EMS support responders.
- (j) Give full report to EMS when they arrive.
- (k) Complete documentation and procedures for restocking and notification.

NOTE: When a deputy deploys Narcan and it results in a resuscitation of an overdose victim, that deputy should ensure that person remain on scene until the appropriated EMS units arrive to conduct an appropriate assessment of the victim's medical needs. Once the transporting agency of AEMT or higher arrives on scene, deputies shall defer to those EMS units for any additional treatment or decisions regarding treatment, care and transport of the victim. The effects of Narcan only last for a limited period of time and the person may experience another opiate overdose when the effects of the Narcan wear off.

## *Naloxone Policy*

---

### **383.5 NARCAN MAINTENANCE / REPLACEMENT**

- (a) An inspection of the Narcan kit shall be the responsibility of the WCSO personnel assigned the equipment and will be conducted each shift.
- (b) Missing or damaged Narcan kit(s) will be reported directly to the Sergeant in charge of the shift, who shall notify the EMT Coordinator.
- (c) If any condition exists that necessitates the Narcan kit to be taken offline or be submitted for replacement, this information shall be directed to the EMT Coordinator.
- (d) It should be noted that Narcan has an expiration date per the manufacturer (usually about 2 years from the date of manufacture). As such, all WCSO personnel assigned Narcan shall be responsible for checking the expiration date of the product. If expired, the EMT Coordinator shall be notified as soon as possible.
- (e) Replacement: If the patient is transported, the transporting agency should replace the used medication. If not then the EMT Coordinator shall be responsible for replacing the Narcan and ensuring that WCSO has an adequate supply available for patrol use.

### **383.6 NARCAN DOCUMENTATION REPORT**

Upon completing a medical assist, a WCSO Deputy shall submit a "Nasal Narcan Deployment Report" detailing the nature of the incident, the care the victim received and the fact that the Narcan was deployed. The report will be forwarded to the EMT / Narcan Coordinator, and, after approval, forwarded to the designated medical review physician or designee.

### **383.7 NARCAN DISTRIBUTION FOR GENERAL PUBLIC ADMINISTRATION**

- (a) Weber County Enforcement Deputies assigned to the Patrol Bureau will have access to Narcan Kits for distribution to the general public. Upon request, a deputy is authorized to provide one Narcan Kit consisting of a vial of Naloxone medication and syringes to administer the medication to victims of opiate overdose, family members of victims, or acquaintances. The Narcan Kits available for distribution are separate from the Nasal Atomized Narcan Kits used by deputies during an overdose emergency. Nasal Atomizer Narcan Kits should not be distributed to the general public.
- (b) Storage of Narcan Kits for public distribution will be in the Patrol Bureau Supply Closet. Each Deputy should be issued one Distribution NARCAN Kit consisting of medication, syringes, and information packet to provide to the general public upon request.
- (c) Any damaged Narcan kits shall be disposed of properly including placement of any sharps into a sharps container.

## Volunteer Program

### 384.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Sheriff's Office 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 responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers may bring new skills and expertise and prompt new enthusiasm.

#### 384.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Sheriff's Office without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### 384.2 VOLUNTEER MANAGEMENT

#### 384.2.1 VOLUNTEER COORDINATOR

A Volunteer Coordinator shall be appointed by the Sheriff or his/her designee. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Sheriff's Office, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Sheriff's Office staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

- (a) Recruiting, selecting and training qualified volunteers for various positions.
- (b) Facilitating the implementation of new volunteer activities and assignments.
- (c) Maintaining records for each volunteer.
- (d) Tracking and evaluating the contribution of volunteers.
- (e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
- (f) Maintaining a record of volunteer schedules and work hours.
- (g) Completion and dissemination as appropriate of all necessary paperwork and information.
- (h) Planning periodic recognition events.
- (i) Administering discipline when warranted.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Volunteer Program*

---

- (j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

#### 384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with Sheriff's Office policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Sheriff's Office in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

#### 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 Sheriff's Office 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 Sheriff's Office, 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 training 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 Sheriff's Office. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Sheriff's Office.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Volunteer Program*

---

#### 384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Sheriff's Office, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator. Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn deputies or other full-time members. 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 Sheriff's Office.

#### 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 the Sheriff's Office regarding drug and alcohol use.

#### 384.2.7 DRESS CODE

As representatives of the Sheriff's Office, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to Sheriff's Office 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 Sheriff's Office 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 Sheriff's Office property at the termination of service.

## *Volunteer Program*

---

### **384.3 SUPERVISION OF VOLUNTEERS**

Each volunteer who is accepted to a position with the Sheriff's Office must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided 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.
- (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 Sheriff's Office policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by Sheriff's Office policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Sheriff's Office. 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 Sheriff's Office, or maintain that they represent the Sheriff's Office in such matters without permission from the proper office 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 Sheriff's Office shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Sheriff's Office and shall be returned at the termination of service.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Volunteer Program*

---

#### 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 Sheriff's Office 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 Sheriff's Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Sheriff's Office 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 Sheriff's Office 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.

### **384.6 DISCIPLINARY PROCEDURES/TERMINATION**

A volunteer may be removed from the volunteer program at the discretion of the Sheriff or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Sheriff or authorized designee.

Volunteers may resign from volunteer service with the Sheriff's Office at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

#### 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 Sheriff's Office.

### **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



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Volunteer Program*

---

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.

## Deputy Sheriff / Emergency Medical Technicians

### 385.1 EMT PURPOSE

The purpose of this EMT (Emergency Medical Technician) management protocol is to provide guidelines for the administration of the Emergency Medical Technician Program within the Weber County Sheriff's Office. It is the intent of this Protocol to define the responsibilities of the Sheriff's Office administration to the EMT (Emergency medical Technician) program, and to define the role of the responsibilities of the program within the emergency medical delivery system.

### 385.2 RATIONALE

The Emergency Medical Program has been instituted by the Weber County Sheriff's Office to meet the responsibility of providing emergency medical care for the victims of life-threatening illness and injury. EMT (Emergency Medical Technicians) are Deputy Sheriffs who undergo extensive and continuing medical training, to deal with varying medical emergencies.

EMT (Emergency Medical Technicians) are certified by the State of Utah, employed by the Sheriff's Office, and operate under the guidance of physicians and nurses in the field, via radio or telephone communications that link the EMT (Emergency Medical Technicians) and the hospital emergency room.

### 385.3 ORGANIZATIONAL STRUCTURE

The Sheriff will have the final authority in all matters pertaining to the operation of the Deputy Sheriff / EMT (Emergency Medical Technician) Program within Weber County. While the Sheriff retains final authority, it is expected that he will be assisted in the operation of the program by other members of the Sheriff's Office. Those individuals who will be heavily involved in the day-to-day operations and administration of the Emergency Medical Technician Program are the Patrol Division Commander, the Patrol Division Lieutenant, EMS Coordinator, and the Emergency Medical Technician Physician Advisor.

### 385.4 EMT PHYSICIAN ADVISOR

The Physician Advisor shall be a duly licensed physician with a background in the delivery of emergency medical care. The main responsibilities of the Physician Advisor are:

- (a) To advise the Sheriff's Office on matters pertaining to the emergency medical program.
- (b) Review, and assist the Sheriff's Office in selection of EMT (Emergency Medical Technician) student candidates.
- (c) Establish and review standing orders for medical treatment.
- (d) Interact with hospital personnel and physicians regarding quality assurance in the field, and in the hospital setting.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Deputy Sheriff / Emergency Medical Technicians*

---

- (e) To assist in, or conduct, selected medical in-service training for the EMT (Emergency Medical Technician) program.
- (f) Periodically evaluate field EMT's (Emergency Medical Technicians) to insure that the standards, techniques, and practice meet the requirements of the Mobile Intensive Care Act as passed by the Utah State Legislature, as well as more specific requirements established within the Sheriffs Office.

#### **385.5 EMS (EMERGENCY MEDICAL SERVICE) COORDINATOR**

A Certified Emergency Medical Technician shall be designated by the Sheriff as the Sheriff's Office Emergency Medical Services Coordinator. The EMS Emergency Medical Services Coordinator will have the responsibility for:

- (a) Daily operations of the Emergency Medical Services Program.
- (b) Accountability for medical equipment.
- (c) Accountability for Emergency Medical Personnel.
- (d) Accountability for all EMS (Emergency Medical Services) functions and responsibilities assigned to the EMS Program.
- (e) Interaction with the Physician Advisor, hospitals, and the County EMS Committee.
- (f) Represent the Sheriff on the Inter-hospital Committee Advisory Council, and other sub-committees as required.
- (g) Review all applications for EMT school, make recommendations to the Sheriff regarding who should be trained as EMT's.
- (h) Assist as needed with problems involving Sheriff's Office personnel attending Emergency Medical Technician training.
- (i) Work with the Sheriff's Office Training Coordinator in establishing training programs for EMT level employees.
- (j) Development of the yearly budget for the EMS (Emergency Medical Services) Program.
- (k) Insure the EMS (Emergency Medical Services) vehicles are inspected and certified in accordance with Utah State Bureau of Emergency Medical Services rules.

#### **385.6 TERM OF SERVICE**

- (a) The Weber County Sheriff's Office recognizes the importance and value of EMT's with extensive field experience. Experience and continuing medical education enhance the EMT's value to the EMS delivery system.
- (b) The Weber County Sheriff's Office obtains certified Deputy/EMT's through two sources.
  - 1. The Sheriff's Office may select a Deputy Sheriff from within the organization to attend Emergency Medical Technician training at a State Authorized Company. The Sheriff's Office provides funding, to include: tuition, books, pay and benefits.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Deputy Sheriff / Emergency Medical Technicians*

---

2. The Sheriff's Office tests and hires trained Emergency Medical Technicians as stated in the Weber County Policy.
- (c) The Deputy/EMT, either educated and trained at the expense of the Sheriff's Office, or hired because of their EMT status, will be expected to be available for line duty EMT service for a minimum period of four (4) years.
- (d) The EMT may, continue line duty EMT service beyond four years, as long as the EMT maintains certification and is able to provide the dedicated service the program requires.
- (e) If for any reason a EMT feels that they cannot complete a minimum four years of active field service, the EMT shall advise the Sheriff in writing, setting forth all reasons why the EMT should not be required to complete four years of line duty. The Sheriff will then, after review of the case, make a decision involving the EMT's request and status.
- (f) This Policy should not be interpreted as limiting the Sheriff's ability to transfer or reassign any Sheriff's Office personnel. EMT's serve at the pleasure of the Sheriff, regardless of this Protocol, and the Sheriff has the authority to modify or re-assign EMT personnel, as the Sheriff deems necessary, throughout the Sheriff's Office.

### **385.7 EMT STATUS**

The Weber County Sheriff's Office recognizes the problems associated with high stress levels of the Deputy/ EMT, and the continued demands to maintain high levels of training and efficiency.

- (a) Definitions:
  1. Deputy/EMT: A sworn Deputy Sheriff of the Weber County Sheriff's Office who has completed an accredited EMT training course acceptable to the Utah State Bureau of Emergency Medical Services, and who has been tested and certified as a EMT.
  2. Line Duty: EMT duty which involves the personal and direct attention of the EMT to the medical needs of a patient, or patients, requiring emergency medical services. Any duty involved in the staffing of, or direct maintenance and care of equipment and supplies involved in the delivery of emergency medical services to a patient or patients.
  3. Administrative duty: EMT duty which involves the administration, supervision, training, certification, support programs, and public relations, associated with EMT services.
- (b) Definitions, which encompass Emergency Medical Technician duties, and describe function;
  1. Active EMT Status: An EMT will be considered on Active EMT status if the EMT Serves or is assigned to the Enforcement Division and/or regularly performs duties relating to Emergency Medical Care.
  2. Inactive EMT status: The Deputy/EMT who is no longer assigned to the Enforcement Division and no longer serves as, or performs duties relating to Emergency Medical Care, will be considered on an Inactive EMT status.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Deputy Sheriff / Emergency Medical Technicians*

---

3. The Deputy/EMT who is assigned from line duty to a non-EMT assignment, shall retain "Active EMT Status" provided: all certification requirements through the State of Utah are kept current.

### **385.8 EMT SELECTION**

- (a) The foundation of a quality EMT program begins with the selection process to determine who will receive EMT training. The Sheriff will make the decision as to who will be selected and trained as EMT's, after input and recommendations from the staff.
- (b) All employees of the Weber County Sheriff's Office who are interested in being considered as candidates for EMT training should indicate their intent in writing, to the Sheriff. All applicants will submit with their letter of intent.
- (c) In order to be considered for EMT training, members of the Weber County Sheriff's Office shall meet the following minimum requirements:
  1. Be a full-time employee of the Sheriff's Office and be eligible to become a sworn Deputy Sheriff.
  2. Have one (1) year of service with the Weber County Sheriff's Office.
  3. The Sheriff may waive the above requirements when the good of the Sheriff's Office would be served by so doing.
- (d) All applicants selected to attend EMT school will review this Protocol, review and sign the EMT training contract, and arrange their outside obligations so that they will not interfere with EMT training.

### **385.9 TRAINING, RE-CERTIFICATION, IN-SERVICE**

- (a) After selection for EMT training, the EMT student will be expected to complete all phases of training required for certification as a Emergency Medical Technician in the State of Utah.
- (b) In order to keep abreast of new methods, and to review general medical education in-service training has become an important part of the EMT Program. All Weber County EMT'S are expected to meet the requirements for in-service training and re-certification as established by Utah State Bureau of Emergency Medical Services.
- (c) Where possible, every effort shall be made to allow the EMT to complete continuing medical education requirements during regular duty hours, however, because of staffing and deployment, this may not always be possible. EMT's are personally responsible for ensuring that they meet all training requirements.

### **385.10 FEES**

- (a) The Weber County Sheriff's Office will be responsible for all costs of initial EMT certification. The Sheriff's Office will be responsible for all costs involved in EMT re-certification, with the exception of required second or third re-tests.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Deputy Sheriff / Emergency Medical Technicians*

---

- (b) In the case where an employee fails initial EMT examinations, the employee will then be required to pay for additional testing. In the case of an employee who is a Certified EMT in another state and seeking reciprocity, the Sheriff's Office will pay all reasonable training and testing fees leading to Utah State Certification

#### **385.11 DUTIES**

- (a) Deployment, staffing, and responsibilities
  - 1. All EMT's in the Weber County Sheriff's Office have dual-role assignments as Deputy Sheriffs and EMT's. They shall be expected to maintain proficiency in both areas.
  - 2. Deputy /EMT units shall be staffed by State certified EMT's.
  - 3. In the event of an emergency, all Deputy / EMT personnel shall be subject to call-back at any time.
- (b) Record keeping
  - 1. The importance of complete, accurate, and concise records and reports cannot be underestimated.
  - 2. Each time a Deputy /EMT unit receives a request for service, an incident number will be assigned, and a medical incident report form will be completed. The Deputy/EMT will complete the form and include as much information as possible regarding the case.
  - 3. The Professional Standards & Training Division Commander of the Weber County Sheriff's Office or a duly assigned Training Coordinator will assist the Medical Training Officer for the EMT Program. The Training Officer will maintain training records for all EMT's employed by the Sheriff's Office.
  - 4. A record of all training hours will be submitted to the Training Officer on a regular basis for posting in Sheriff's Office records. Only training records authorized by the Professional Standards & Training Division Commander or Training Coordinator will be recognized by the Sheriff's Office and the State Bureau of Emergency Medical Services.
  - 5. It will be the responsibility of the individual EMT to insure timely and correct notification of all continuing medical education where certification credits are being requested.
- (c) Vehicle Check Sheets
  - 1. Each EMT or Quick Response Unit will complete a vehicle check sheet once a month. The check sheet will be included with the vehicle inspection sheet and turned in to the Supervisor upon completion of the Vehicle Inspection.
- (d) Letters/Memos
  - 1. A letter or memo will be written and forwarded to the Patrol Division Commander, through the EMS Coordinator, outlining the circumstances in any of the following situations:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Deputy Sheriff / Emergency Medical Technicians*

---

- (a) When equipment is lost, stolen, destroyed, damaged, or fails in use.
- (b) When a vehicle fails, or emergency equipment on the vehicle, fails during a medical response.
- (c) Any injury to a Deputy/EMT or other individual riding in the unit.
- (d) Any unusual or potential medical/legal incident arising in the course of patient care.
- (e) Any incident or conflict involving the Deputy/EMT and personnel of a hospital, police agency, ambulance service, fire department, or other agencies or civilian groups or individuals.
- (f) Any incident or complaint in which the Deputy/EMT requests investigation or review.
- (g) Suggestions for improvement in equipment, vehicles, training, medical protocols, or any other subject that may influence the EMT Program.

#### **385.12 TRAINING**

- (a) Professional, well-trained EMT's are the end result of an intensive, continuous EMT program. Without EMT training, the EMT program would not have the ability to maintain current and future staffing responsibilities.
- (b) The Weber County Sheriff's Office realizes the importance of EMT training, and the major contribution to the EMT program of those involved in this aspect of emergency medical services. EMT training is an important part of the EMT program, and as such, great emphasis is placed on selection, training, certification, and field experience of those involved in this program.
- (c) The Weber County Sheriff's Office will train a sufficient number of EMT's each year to meet the training demands of the EMT Program. The Sheriff's Office will provide funding for tuition, books, and State certification fees.
- (d) Members of the Sheriff's Office who wish to apply for EMT training should make written application to the EMS Training Coordinator. The following information should be included by the applicant:
  - 1. A completed State EMS application form, including two (2) photographs of the applicant. (Forms are available from the Professional Standards & Training Division Commander.)
  - 2. One letter of recommendation for training from a member of the Sheriff's Office.
- (e) Applicants will be selected by the Chief Deputy, with recommendations from the Professional Standards & Training Division Commander and the Patrol Division Commander.

#### **385.13 PROFESSIONAL DEPORTMENT**

- (a) EMT's have been extended special privileges to work in the medical community. EMT's have been given intensive training in certain areas of emergency medicine, and are

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Deputy Sheriff / Emergency Medical Technicians*

---

authorized to perform life-saving procedures under the guidance of physicians and nurses.

- (b) One of the important aspects of the EMT's work is the relationship that the EMT has with the patient, the emergency department staff, and the hospital. To minimize problems and conflicts, each EMT is expected to respect the medical ethics that are a part of the EMT's responsibility as a member of the medical community.
- (c) One of the most important medical ethics that the EMT should follow is the ethic of privileged information. All information given to a EMT by a patient is privileged and should be repeated only to the physician and nursing staff at the hospital or other appropriate medical provider.
- (d) Additionally, what is observed in a hospital should be considered privileged information and should not be discussed at other institutions. It is absolutely unethical to criticize or discuss the performance of a hospital, staff member, fellow EMT, paramedic, or other members of the health care team, with anyone in or out of the medical community, unless that individual has authority or responsibility to correct the problem.
- (e) If a problem arises concerning medical care provided to a patient by a hospital, orders given by the emergency department, support given to an EMT, or any conflict governing patient care, the EMT involved has the responsibility to notify the Patrol Division Commander immediately. The individual involved may choose to resolve the problem on a one-to-one basis. The individual still has the responsibility to notify the supervisor and the Patrol Division Commander.
- (f) If the problem cannot be resolved by the individual EMT and the EMT's supervisor, then a letter will be sent to the Enforcement Division Commander, detailing the problem. With the Assistance of the Physician Advisor, the Enforcement Division Commander will arrange a meeting with the concerned parties to resolve the problem.
- (g) Any Emergency Medical Technician who cannot abide by the ethics of the medical profession will be subject to disciplinary action by the Sheriff's Office, and may lose EMT certification.



## 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 Weber County Sheriff's Office 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 the Sheriff's Office who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, deputies should first consider reporting and monitoring the activity and only take direct action as a last resort.

Deputies should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (Utah Code § 77-9-3).

### 386.3 FIREARMS

Deputies of this office may carry firearms while off-duty in accordance with federal regulations and office policy. All firearms and ammunition must meet guidelines as described in the office Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their office-issued badge and identification.

Deputies 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, taken any drugs or medications or any combination thereof 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:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Off-Duty Law Enforcement Actions*

---

- (a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.
- (b) The inability to communicate with responding units.
- (c) The lack of equipment, such as handcuffs, OC or baton.
- (d) The lack of cover.
- (e) The potential for increased risk to bystanders if the off-duty 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 Weber County Sheriff's Office 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 CIVILIAN RESPONSIBILITIES**

Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### **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 Weber County Sheriff's Office Supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Weber County Sheriff's Office). 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). The Watch Commander shall determine whether a report should be filed by the employee.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Off-Duty Law Enforcement Actions*

---

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

# Sheriff's Office Use of Social Media

## 387.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the sheriff's office is consistent with the sheriff's office mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by sheriff's office members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this sheriff's office (see the Investigation and Prosecution Policy).

### 387.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the sheriff's office website or social networking services.

## 387.2 POLICY

The Weber County Sheriff's Office may use social media as a method of effectively informing the public about sheriff's office services, issues, investigations and other relevant events.

sheriff's office members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

## 387.3 AUTHORIZED USERS

Only members authorized by the Sheriff or the authorized designee may utilize social media on behalf of the Sheriff's Office. Authorized members shall use only Sheriff's Office-approved equipment during the normal course of duties to post and monitor Sheriff's Office-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Sheriff may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over Sheriff's Office social media by members who are not authorized to post should be made through the member's chain of command.

## 387.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the sheriff's office mission and conforms to all sheriff's office policies regarding the release of information may be posted.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Sheriff's Office Use of Social Media*

---

Examples of appropriate content include:

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Investigative requests for information.
- (d) Requests that ask the community to engage in projects that are relevant to the sheriff's office mission.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.
- (f) Traffic information.
- (g) Press releases.
- (h) Recruitment of personnel.

### **387.4.1 INCIDENT-SPECIFIC USE**

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

### **387.5 PROHIBITED CONTENT**

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the Weber County Sheriff's Office or its members.
- (e) Any information that could compromise the safety and security of office operations, members of the Office, victims, suspects, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy, or a supervisor.
- (h) Personal information of a deputy, or the deputy's immediate family member.
  - 1. The Sheriff or the authorized designee shall provide the deputy with a form to request that the information remain private (Utah Code 53-18-102; Utah Code 53-18-103).

Any member who becomes aware of content on this office's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Sheriff's Office Use of Social Media*

---

### **387.5.1 PUBLIC POSTING PROHIBITED**

Sheriff's Office social media sites shall be designed and maintained to prevent posting of content by the public.

The Sheriff's Office may provide a method for members of the public to contact Sheriff's Office members directly.

### **387.6 MONITORING CONTENT**

The Sheriff will appoint a supervisor to review, at least annually, the use of sheriff's office social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

### **387.7 RETENTION OF RECORDS**

The Administration Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### **387.8 TRAINING**

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on sheriff's office sites.

# Native American Graves Protection and Repatriation

## 388.1 PURPOSE AND SCOPE

This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 388.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects and associated funerary objects** - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Native American human remains** - The physical remains of the body of a person of Native American ancestry.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 388.2 POLICY

It is the policy of the Weber County Sheriff's Office that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 388.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Native American Graves Protection and Repatriation*

---

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Antiquities Section of the Utah Division of State History (Utah Code 9-8-304 et seq.)
- Tribal land - Responsible Indian tribal official

### **388.4 EVIDENCE AND PROPERTY**

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.6).



# Community Relations

## 389.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

Additional guidance on community relations and outreach is provided in other policies, including the:

- Hate Crimes Policy.
- Limited English Proficiency Services Policy.
- Communications with Persons with Disabilities Policy.
- Chaplains Policy.
- Patrol Function Policy.
- Suspicious Activity Reporting Policy.

## 389.2 POLICY

It is the policy of the Weber County Sheriff's Office to promote positive relationships between office members and the community by treating community members with dignity and respect and engaging them in public safety strategy development and relationship-building activities, and by making relevant policy and operations information available to the community in a transparent manner.

## 389.3 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

- (a) Make casual and consensual contacts with community members to promote positive community relationships (see the Detentions and Photographing Detainees Policy).
- (b) Become reasonably familiar with the schools, businesses and community groups in their assigned jurisdictional areas.
- (c) Work with community members and the department community relations coordinator to identify issues and solve problems related to community relations and public safety.
- (d) Conduct periodic foot patrols of their assigned areas to facilitate interaction with community members. Deputies carrying out foot patrols should notify an appropriate supervisor and Dispatch of their status (i.e., on foot patrol) and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

## 389.4

## 389.5

## *Community Relations*

---

### **389.6**

### **389.7**

### **389.8**

### **389.9 SAFETY AND OTHER CONSIDERATIONS**

Office members responsible for community relations activities should consider the safety of the community participants and, as much as reasonably practicable, not allow them to be present in any location or situation that would jeopardize their safety.

Office members in charge of community relations events should ensure that participating community members have completed waiver forms before participation, if appropriate. A parent or guardian must complete the waiver form if the participating community member has not reached 18 years of age.

Community members are subject to a criminal history check before approval for participation in certain activities, such as citizen academies.

### **389.10**

#### **389.10.1**

### **389.11**

### **389.12 TRAINING**

Subject to available resources, members should receive training related to this policy, including training on topics such as:

- (a) Effective social interaction and communication skills.
- (b) Cultural, racial and ethnic diversity and relations.
- (c) Building community partnerships.
- (d) Community policing and problem-solving principles.
- (e) Enforcement actions and their effects on community relations.

Where practicable and appropriate, community members, especially those with relevant expertise, should be involved in the training to provide input from a community perspective.

## **Chapter 4 - Patrol Operations**

## Patrol Function

### 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Bureau of the Sheriff's Office to ensure intra-office cooperation and information sharing.

#### 400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Weber County respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day seven days per week.

Patrol will generally provide the following services within the limits of available resources:

- (a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions.
- (b) Crime prevention activities such as residential inspections, business inspections, community presentations.
- (c) Calls for service, both routine and emergency in nature.
- (d) Investigation of both criminal and non-criminal acts.
- (e) The apprehension of criminal offenders.
- (f) Community Oriented Policing and problem solving activities such as citizen assists and individual citizen contacts of a positive nature.
- (g) The sharing of information between the Patrol Bureau and other bureaus within the Sheriff's Office, 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 Weber County Sheriff's Office 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 Bureau Supervisor in a timely fashion.

## *Patrol Function*

---

### **400.2 PATROL INFORMATION SHARING PROCEDURES**

The following guidelines are intended to develop and maintain intra-office cooperation and information flow between the various bureaus of the Weber County Sheriff's Office.

#### **400.2.1 CRIME ANALYSIS UNIT**

The Crime Analysis Unit (CAU) will be the central unit for information exchange. This unit will function as a part of the Investigations Bureau. Criminal information and intelligence reports can be submitted to the Records Section for distribution to all bureaus within the Sheriff's Office through daily and special bulletins.

#### **400.2.2 CRIME REPORTS**

A crime report may be completed by any patrol deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

#### **400.2.3 PATROL BRIEFING**

Patrol supervisors, detective sergeants and special unit sergeants are encouraged to share information as much as possible. Patrol briefings are encouraged whenever possible.

#### **400.2.4 INFORMATION CLIPBOARDS**

The use of information clipboards are encouraged. They will maintained in the Briefing Room and available for review by deputies from all bureaus within the Sheriff's Office. These may include, but not be limited to, a patrol check clipboard, a wanted persons clipboard a investigations clipboard and a written directive clipboard.

#### **400.2.5 BULLETIN BOARDS**

A bulletin board will be kept in the Briefing Room and the Investigation Bureau 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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Patrol Function*

---

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.

## Bias-Based Policing

### 402.1 PURPOSE AND SCOPE

This policy provides guidance to office members that affirms the Weber County Sheriff's Office's commitment to policing that is fair and objective (Utah Code 10-3-913; Utah Code 17-22-2; Utah Code 53-1-108).

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the office's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

#### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Biased-based policing** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement.

### 402.2 POLICY

The Weber County Sheriff's Office is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this office to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

### 402.3 BIASED-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit a deputy from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

### 402.4 MEMBER RESPONSIBILITIES

Every member of this office shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

#### 402.4.1 REASON FOR CONTACT

Deputies contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

## *Bias-Based Policing*

---

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 contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any deputy to document a contact that would not otherwise require reporting.

### **402.5 SUPERVISOR RESPONSIBILITIES**

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.
  - 1. Supervisor should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Terminal (MDT) data and any other available resource used to document contact between 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 bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this office who discloses information concerning bias-based policing.

### **402.6 ADMINISTRATION**

The Patrol Bureau Commander should review the efforts of the Office to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Sheriff. The annual report should not contain any identifying information about any specific complaint, member of the public or deputy. It should be reviewed by the Sheriff to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

### **402.7 TRAINING**

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards Bureau.



## Briefing Training

### **404.1 PURPOSE AND SCOPE**

Briefing training is generally conducted at the beginning of the deputy's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however deputies may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

- (a) Briefing deputies with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.
- (b) Notifying deputies of changes in schedules and assignments.
- (c) Notifying deputies of new General Orders or changes in General Orders.
- (d) Reviewing recent incidents for training purposes.
- (e) Providing training on a variety of subjects.

### **404.2 PREPARATION OF MATERIALS**

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate deputy in his/her absence or for training purposes.

### **404.3 RETENTION OF BRIEFING TRAINING RECORDS**

Briefing training materials and a curriculum or summary shall be forwarded to the Training Officer for inclusion in training records, as appropriate.

# Crime and Disaster Scene Integrity

## 406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 406.2 POLICY

It is the policy of the Weber County Sheriff's Office to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 406.3 SCENE RESPONSIBILITY

The first deputy at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Deputies shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once a deputy has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the deputy shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 406.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

- (a) Broadcast emergency information, including requests for additional assistance and resources.
- (b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
- (c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
- (d) Provide first aid to injured parties if it can be done safely.
- (e) Evacuate the location safely as required or appropriate.
- (f) Secure the inner perimeter.
- (g) Protect items of apparent evidentiary value.
- (h) Secure an outer perimeter.
- (i) Identify potential witnesses.
- (j) Start a chronological log noting critical times and personnel allowed access.

## *Crime and Disaster Scene Integrity*

---

### **406.5 SEARCHES**

Deputies arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once deputies are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Deputies should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### **406.5.1 CONSENT**

When possible, deputies should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

### **406.6 EXECUTION OF HEALTH ORDERS**

Any sworn member of the Weber County Sheriff's Office may assist in enforcement of orders of restriction issued by the Department of Health or local health authority for the purpose of preventing the spread of any contagious, infectious or communicable disease (Utah Code 26-6b-3; Utah Code 26-6b-3.2).

## 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.

The Weber County Sheriff's Office is provided CRU services by the Ogden Metro SWAT and Negotiations teams. These teams are comprised of law enforcement officers throughout Weber County and are governed by an executive committee. Members of the executive committee are the Chiefs of Police of the cities within Weber County and the Sheriff.

The Ogden Metro SWAT and Negotiations teams function with their own specific policies and procedures. Those policies and procedures supersede any Weber County Sheriff's Office policies while a deputy is performing CRU functions.

### 408.2 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

The Commander of the CRU shall be selected by the Ogden Metro Swat Team Executive Board.

### 408.3 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.

#### 408.3.1 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 Watch Commander, he/she will notify the CRU Commander.

#### 408.3.2 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.

## *Crisis Response Unit*

---

- (e) Any situation that could enhance the ability to preserve life, maintain social order and ensure the protection of property.

### 408.3.3 MOBILIZATION OF CRISIS RESPONSE UNIT

The on-scene supervisor shall make a request to the Watch Commander for the Crisis Response Unit. The Watch Commander shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander's office by the CRU Commander. The Watch Commander will then notify the Enforcement Division Commander as soon as practical.

The Watch Commander 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.

### 408.3.4 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.

## *Crisis Response Unit*

---

- (g) Plan for, and stage, anticipated resources.

### 408.3.5 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.

### 408.3.6 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.

# Hazardous Material Response

## 412.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to office members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities.

### 412.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** - A substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 412.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill, or fire. When members come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond to and mitigate most incidents involving hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training. A responder entering the area may require decontamination before he/she is allowed to leave the scene, and should be evaluated by appropriate technicians and emergency medical services personnel for signs of exposure.

## 412.3 REPORTING EXPOSURE

Office members who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an incident report that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report as applicable.

### 412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that a member has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to mitigate the exposure or continued exposure.

## *Hazardous Material Response*

---

To ensure the safety of members, PPE is available from supervisors. PPE not maintained by this office may be available through the appropriate fire department or emergency response team.

### **412.4 POLICY**

It is the policy of the Weber County Sheriff's Office to respond to hazardous material emergencies with due regard for the safety of the public and those members responding to such incidents.

### **412.5 CONSIDERATIONS**

The following steps should be considered at any scene involving suspected hazardous materials:

- (a) Make the initial assessment of a potentially hazardous material from a safe distance.
- (b) Notify Dispatch, appropriate supervisors, the appropriate fire department and hazardous response units.
  1. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.
- (c) Wear personal protective equipment (PPE), being cognizant that some hazardous material can be inhaled.
- (d) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.
- (e) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars or spotting scopes) if they are available. Identification can be determined by:
  1. Placards or use of an emergency response guidebook.
  2. Driver's statements or shipping documents from the person transporting the material.
  3. Information obtained from any involved person with knowledge regarding the hazardous material. Information should include:
    - (a) The type of material.
    - (b) How to secure and contain the material.
    - (c) Any other information to protect the safety of those present, the community and the environment.
- (f) Provide first aid to injured parties if it can be done safely and without contamination.
- (g) Make reasonable efforts to secure the scene to prevent access from unauthorized individuals and to protect and identify any evidence.
- (h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered; mandatory evacuation may be necessary and will depend on the type of material.
- (i) Establish a decontamination area when needed.
- (j) Activate automated community notification systems, if applicable.



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Hazardous Material Response*

---

- (k) Notify the Utah Department of Environmental Quality, Division of Waste Management and Radiation Control.

## 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 Weber County Sheriff's Office 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, sheriff's office-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

## *Hostage and Barricade Incidents*

---

order approving the interception is sought within 48 hours after the interception begins (Utah Code 77-23a-10(7)).

### **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.

## *Hostage and Barricade Incidents*

---

- (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 sheriff's office, such as command officers and the Public Information Officer.
- (j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.
- (k) Establish a command post.

### 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 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.

## *Hostage and Barricade Incidents*

---

- (k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
- (l) Determine the need for and notify the appropriate persons within and outside the sheriff's office, such as command officers and the Public Information Officer (PIO).
- (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.
- (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 Dispatch.
- (i) Identify a media staging area outside the outer perimeter and have the department PIO or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
- (j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
- (k) Debrief personnel and review documentation as appropriate.

## *Hostage and Barricade Incidents*

---

### **414.6 CRISIS RESPONSE UNIT RESPONSIBILITIES**

It will be the Incident Commander's decision, with input from the CRU / SWAT Commander, whether to deploy the CRU / SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU / SWAT Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU / SWAT. The Incident Commander and the CRU / SWAT 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

The purpose of this policy is to provide guidelines to assist members of the Weber County Sheriff's Office in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

## 416.2 POLICY

It is the policy of the Weber County Sheriff's Office to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

## 416.3 RECEIPT OF BOMB THREAT

Sheriff's Office members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

## 416.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

### 416.4.1 WEBER COUNTY SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Weber County Sheriff's Office facility, the Watch Commander will direct and assign deputies as required for coordinating a general building search or evacuation of the sheriff's office, as he/she deems appropriate.

### 416.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Weber County Sheriff's Office that is not the property of this office, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Response to Bomb Calls*

---

#### **416.4.3 FEDERAL BUILDING OR PROPERTY**

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

#### **416.5 PRIVATE FACILITY OR PROPERTY**

When a member of this office receives notification of a bomb threat at a location in the County the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

- (a) The location of the facility.
- (b) The nature of the threat.
- (c) Whether the type and detonation time of the device is known.
- (d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.
- (e) Whether the individual is requesting sheriff's assistance at the facility.
- (f) Whether there are any internal facility procedures regarding bomb threats in place, such as:
  - 1. No evacuation of personnel and no search for a device.
  - 2. Search for a device without evacuation of personnel.
  - 3. Evacuation of personnel without a search for a device.
  - 4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

##### **416.5.1 ASSISTANCE**

The Watch Commander should be notified when sheriff's assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including sheriff's control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

- (a) The appropriate level of assistance.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Response to Bomb Calls*

---

- (b) The plan for assistance.
- (c) Whether to evacuate and/or search the facility.
- (d) Whether to involve facility staff in the search or evacuation of the building.
  - 1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
  - 2. The safety of all participants is the paramount concern.
- (e) The need for additional resources, including:
  - 1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request sheriff's assistance to clear the interior of a building, based upon the circumstances and known threat, deputies may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

#### **416.6 FOUND DEVICE**

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

- (a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
- (b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
- (c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
  - 1. Two-way radios
  - 2. Cell phones
  - 3. Other personal communication devices
- (d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
- (e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
- (f) A safe access route should be provided for support personnel and equipment.
- (g) Search the area for secondary devices as appropriate and based upon available resources.
- (h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
- (i) Promptly relay available information to the Watch Commander including:
  - 1. The time of discovery.

## *Response to Bomb Calls*

---

2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

### **416.7 EXPLOSION/BOMBING INCIDENTS**

When an explosion has occurred, there are multitudes of considerations which may confront the responding deputies. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

#### **416.7.1 CONSIDERATIONS**

Deputies responding to explosions, whether accidental or a criminal act, should consider the following actions:

- (a) Assess the scope of the incident, including the number of victims and extent of injuries.
- (b) Request additional personnel and resources, as appropriate.
- (c) Assist with first aid.
- (d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
- (e) Assist with the safe evacuation of victims, if possible.
- (f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
- (g) Preserve evidence.
- (h) Establish an outer perimeter and evacuate if necessary.
- (i) Identify witnesses.

#### **416.7.2 NOTIFICATIONS**

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

## *Response to Bomb Calls*

---

### 416.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

### 416.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign deputies to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

## Civil Commitments

### 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under protective custody for a civil commitment.

### 418.2 POLICY

It is the policy of the Weber County Sheriff's Office to protect the public and individuals through legal and appropriate use of the civil commitment process.

### 418.3 AUTHORITY

If a deputy observes a person involved in conduct that gives the deputy probable cause to believe that the person has a mental illness, and because of that mental illness and conduct, the individual poses a substantial danger to that person or others, the deputy shall take that person into protective custody (Utah Code 62A-15-629).

The deputy shall transport the person to a temporary commitment facility designated by the local mental health authority (Utah Code 62A-15-629).

#### 418.3.1 VOLUNTARY EVALUATION

If a deputy encounters an individual who may qualify for a civil commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the deputies should:

- (a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a civil commitment.
- (b) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

If at any point the individual changes his/her mind regarding voluntary evaluation, deputies should proceed with the civil commitment, if appropriate.

#### 418.3.2 COMMITMENT OF ADULTS

A deputy should take an adult person into protective custody when that deputy observes the individual involved in conduct that gives the deputy probable cause to believe the following (Utah Code 62A-15-629):

- (a) The person has a mental illness.
- (b) The mental illness and conduct of the person poses a substantial danger to that person or others.

The deputy should transport the person to a temporary commitment facility designated by the local mental health authority (Utah Code 62A-15-629).

## *Civil Commitments*

---

### **418.3.3 COMMITMENT OF CHILDREN**

A deputy should take a child into protective custody for purposes of a 72-hour civil commitment when that deputy observes the child involved in conduct that gives the deputy probable cause to believe each of the following (Utah Code 62A-15-629; Utah Code 62A-15-703):

- (a) The child has a mental illness (Utah Code 62A-15-602).
- (b) The mental illness and conduct of the child poses a substantial danger to that child or others.
- (c) The child will benefit from mental health care and treatment.
- (d) There is no appropriate less-restrictive alternative.

### **418.4 CONSIDERATIONS AND RESPONSIBILITIES**

Any deputy handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

- (a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.
- (b) Community or neighborhood mediation services.
- (c) Conflict resolution and de-escalation techniques.
- (d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade deputies from taking reasonable action to ensure the safety of the deputies and others.

Civil commitments should be preferred over arrest for people with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

### **418.5 TRANSPORTATION**

When transporting any individual for a civil commitment, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol vehicle and should secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, Watch Commander approval is required before transport commences.

#### **418.5.1 METHOD OF TRANSPORTATION**

Deputies taking a person into custody for a civil commitment should ensure that the person is transported to a designated temporary commitment facility as follows (Utah Code 62A-15-629):

- (a) The person should be transported by ambulance when the person meets any of the criteria described in Utah Code 26-8a-305.

## *Civil Commitments*

---

- (b) When necessary for public safety, and when the designated facility is within the jurisdiction of the Weber County Sheriff's Office, the person should be transported by the detaining deputy using a County vehicle appropriate for use in transporting persons for purposes of a civil commitment.
  - 1. If the designated facility is outside of this County's jurisdiction, a request should be made to the appropriate deputies to transport the person to the designated facility.
- (c) The person may be transported by ambulance if the deputy's presence is not necessary for public safety and such transportation arrangements have been made by a physician, designated examiner, or mental health officer.

### **418.6 TRANSFER TO APPROPRIATE FACILITY**

Upon arrival at the facility, the deputy will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the deputy should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting deputy should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the deputy may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, deputies will not apply facility-ordered restraints.

### **418.7 DOCUMENTATION**

The deputy shall complete an application for commitment, using the form prescribed by the Division of Substance Abuse and Mental Health, provide it to the facility staff member assigned to the individual and retain a copy of the application for inclusion in the case report (Utah Code 62A-15-629).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

### **418.8 CRIMINAL OFFENSES**

Deputies investigating an individual who is suspected of committing a minor criminal offense and who is being taken for a civil mental commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the deputy should:

- (a) Arrest the individual when there is probable cause to do so.
- (b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.
- (c) Facilitate the individual's transfer to the jail facility.

## *Civil Commitments*

---

- (d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may instead be transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this office to regain custody of the individual, office resources (e.g., posting a guard), and other relevant factors in making this decision.

### **418.9 FIREARMS AND OTHER WEAPONS**

Whenever an individual is taken into custody for a civil commitment, the handling deputies should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Deputies should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Deputies are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling deputies should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

### **418.10 TRAINING**

This office will endeavor to provide POST-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

## Citation Releases

### 420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the Weber County Sheriff's Office with guidance on when to release adults who are suspected offenders on a citation for a criminal offense, rather than having the person held in custody for a court appearance or released on bail.

Additional release restrictions may apply to those detained for domestic violence, as outlined in the Domestic Violence Policy.

### 420.2 POLICY

The Weber County Sheriff's Office will consider its resources and its mission of protecting the community when exercising any discretion to release suspected offenders on a citation, when authorized to do so.

### 420.3 RELEASE

A suspected offender may be released on issuance of a citation as follows:

- (a) When the person is arrested for a misdemeanor or infraction charge (Utah Code 77-7-18).
- (b) When a warrant has been issued by a magistrate who has included in the order that the person be released on a summons (U. R. Crim. P. Rule 6).

### 420.4 PROHIBITIONS

The release of a suspected offender on a citation is not permitted if prohibited by local court rule.

See the Domestic Violence Policy for release restrictions related to those investigations.

### 420.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

- (a) The type of offense committed.
- (b) The known criminal history of the suspected offender.
- (c) The ability to identify the suspected offender with reasonable certainty.
- (d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense.
- (e) The individual's ties to the area, such as residence, employment or family.
- (f) Whether there is reasonable likelihood that criminal conduct by the individual will continue.

### 420.6 STATE PRIVILEGES



## *Citation Releases*

---

### 420.6.1 LEGISLATIVE PRIVILEGE

Members of the Legislature shall not be subject to arrest during each general and special session of the Legislature or for 15 days immediately preceding and following each session, except for any felony, treason or breach of the peace. Legislators may be issued a citation and a summons to appear at a date outside of the time of legislative privilege (Utah Constitution Article VI § 8).

### 420.6.2 NATIONAL GUARD PRIVILEGE

Members of the National Guard shall not be subject to citation or arrest during military exercises or other duty when emergency circumstances require the member's presence, except for an act of treason, a class A misdemeanor or felony, breach of the peace, reckless driving or driving under the influence (DUI) (Utah Code 39-1-54).

### 420.6.3 VOTER PRIVILEGE

A person who attends an election or who is traveling to and from a voting location shall not be subject to arrest on an election day, except for an act of treason, a felony or a breach of the peace (Utah Constitution Article IV § 3).

## Arrest or Detention of Foreign Nationals

### 422.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Weber County Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

### 422.2 POLICY

The Weber County Sheriff's Office respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

### 422.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

- (a) Notify a supervisor.
- (b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.
- (c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.
- (d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.
- (e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

### 422.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Arrest or Detention of Foreign Nationals*

---

- (a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.
- (b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.
- (c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.
  - 1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.
- (d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:
  - 1. Diplomatic-level staff of missions to international organizations and recognized family members
  - 2. Diplomatic agents and recognized family members
  - 3. Members of administrative and technical staff of a diplomatic mission and recognized family members
  - 4. Career consular officers, unless the person is the subject of a felony warrant
- (e) The following persons may generally be detained and arrested:
  - 1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
  - 2. Support staff of missions to international organizations
  - 3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries
  - 4. Honorary consular officers

#### **422.5 DOCUMENTATION**

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

##### **422.5.1 DOCUMENTATION PROCEDURES**

A deputy who stops a person holding a driver's license issued by the DOS or otherwise claiming privileges or immunities, for a moving traffic violation or any of the following offenses while operating a vehicle shall document all of the relevant information from the driver license or identification card (Utah Code 41-6a-1901):

- (a) Automobile homicide

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Arrest or Detention of Foreign Nationals

- (b) Manslaughter
- (c) Negligent homicide
- (d) Aggravated assault
- (e) Reckless endangerment

The Records Section shall forward such information with a copy of the traffic citation, vehicle accident report or written report of the incident, as applicable, to the Department of Public Safety (DPS) within five working days (Utah Code 41-6a-1901).

### 422.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

Category	Arrested or	Enter	Issued	Subpoenaed	Prosecuted	Recognized
<b>Diplomatic</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Member of</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity & inviolability)
<b>Service Staff</b>	Yes (note (a))	Yes	Yes	Yes	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))
<b>Career</b>	Yes if for a felony and pursuant to a warrant (note (a))	Yes (note (d))	Yes	No for official acts Testimony may not be compelled in any case	No for official acts Yes otherwise (note (a))	No immunity or inviolability
<b>Honorable</b>	Yes	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability
<b>Consulate</b>	Yes (note (a))	Yes	Yes	No for official acts Yes otherwise	No for official acts Yes otherwise (note (a))	No immunity or inviolability (note (a))

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Arrest or Detention of Foreign Nationals*

---

<b>Int'l Org</b>	Yes (note (c))	Yes (note (c))	Yes	Yes (note (c))	No for official acts Yes otherwise (note (c))	No immunity or inviolability
<b>Diplomatic-</b>	No (note (b))	No	Yes	No	No	Same as sponsor (full immunity and inviolability)
<b>Support</b>	Yes	Yes	Yes	Yes	No for official act Yes otherwise	No immunity or inviolability

Notes for diplomatic immunity table:

- (a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
- (b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.
- (c) A small number of senior officers are entitled to be treated identically to diplomatic agents.
- (d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

## Rapid Response And Deployment Policy

### 424.1 PURPOSE AND SCOPE

Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding deputies in situations that call for rapid response and deployment.

### 424.2 POLICY

The Weber County Sheriff's Office will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the office in protecting themselves or others from death or serious injury.

### 424.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat. Deputies must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably possible, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

- (a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.
- (b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.
- (c) Whether individuals who are under imminent threat can be moved out of danger or evacuated with reasonable safety.
- (d) Whether the suspect can be contained or denied access to victims.
- (e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

## *Rapid Response And Deployment Policy*

---

- (f) Whether planned tactics can be effectively deployed.
- (g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In 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).

### **424.4 CONSIDERATIONS**

When dealing with a crisis situation members should:

- (a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.
- (b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.
- (c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.
- (d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

### **424.5 PLANNING**

The Patrol Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

- (a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Availability of building plans and venue schematics of likely critical incident target sites.
- (c) Communications interoperability with other law enforcement and emergency service agencies.
- (d) Training opportunities in critical incident target sites, including joint training with site occupants.
- (e) Evacuation routes in critical incident target sites.
- (f) Patrol first-response training.
- (g) Response coordination and resources of emergency medical and fire services.
- (h) Equipment needs.
- (i) Mutual aid agreements with other agencies.
- (j) Coordination with private security providers in critical incident target sites.

## *Rapid Response And Deployment Policy*

---

### **424.6 TRAINING**

The Training Officer should include rapid response to critical incidents in the training plan. This training should address:

- (a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.
- (b) Communications interoperability with other law enforcement and emergency service agencies.
- (c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.
- (d) First aid, including gunshot trauma.
- (e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).



# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Weber County Sheriff's Office relating to immigration and interacting with federal immigration officials.

## 428.2 POLICY

It is the policy of the Weber County Sheriff's Office that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

In keeping with this commitment, race, color, or national origin will not be considered under this policy except to the extent permitted by the constitutions of the United States and Utah (Utah Code § 76-9-1003).

## 428.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or Utah constitutions.

## 428.4 DETENTIONS

A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

A deputy who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of federal immigration law may detain the person for a reasonable period of time in order to contact federal immigration officials to verify whether an immigration violation is a federal civil violation or a criminal violation. If the violation is a criminal violation, the deputy may continue to detain the person for a reasonable period of time if requested by federal immigration officials (8 USC § 1357(g)(10)). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request a federal immigration official to respond to the location to take custody of the detained person (8 USC § 1357(g)(10)).

## *Immigration Violations*

---

A deputy is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities, or the potential to obstruct a separate investigation outweigh the need for the detention.

A deputy should notify a supervisor as soon as practicable whenever an individual is being detained for a criminal immigration violation.

### **428.4.1 INVESTIGATING HUMAN TRAFFICKING OR SMUGGLING**

When a deputy conducts a lawful traffic stop and reasonably suspects that any person in the vehicle is violating Utah human trafficking or human smuggling laws, the deputy shall investigate the suspected violations and inquire into the immigration status of the occupants of the vehicle. A deputy may not delay or postpone addressing the original purpose of the stop merely to confirm a person's immigration status (Utah Code 76-9-1003).

### **428.4.2 VERIFICATION OF IMMIGRATION STATUS**

A person's citizenship or immigration status shall be verified whenever the person is lawfully arrested for a felony or misdemeanor offense and is unable to provide an identifying document as listed in Utah Code 76-9-1004 and the deputy is otherwise unable to verify the identity of the person. Verification of immigration status should take place at the time of the booking and not in the field (Utah Code 76-9-1003).

### **428.4.3 SUPERVISOR RESPONSIBILITIES**

When notified that a deputy has detained an individual and established reasonable suspicion or probable cause to believe the person has violated a criminal immigration offense, the supervisor should determine whether it is appropriate to:

- (a) Transfer the person to federal authorities.
- (b) Lawfully arrest the person for a criminal offense or pursuant to a judicial warrant (see the Law Enforcement Authority Policy).

### **428.5 ARREST NOTIFICATION TO FEDERAL IMMIGRATION OFFICIALS**

Generally, a deputy should not notify federal immigration officials when booking arrestees at a jail facility. Any required notification will be handled according to jail operation procedures. No individual who is otherwise ready to be released should continue to be detained solely for the purpose of notification.

### **428.6 FEDERAL REQUESTS FOR ASSISTANCE**

Requests by federal immigration officials for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts.

## *Immigration Violations*

---

### **428.7 INFORMATION SHARING**

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373):

- (a) Sending information to, or requesting or receiving such information from federal immigration officials
- (b) Maintaining such information in department records
- (c) Exchanging such information with any other federal, state, or local government entity

#### **428.7.1 IMMIGRATION DETAINERS**

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

### **428.8 U VISA AND T VISA NONIMMIGRANT STATUS**

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigation Bureau supervisor assigned to oversee the handling of any related case. The Investigation Bureau supervisor should:

- (a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.
- (b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.
- (c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.
  - 1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
- (d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

#### **428.8.1 U NONIMMIGRANT STATUS GUIDELINES**

U nonimmigrant status requests shall be processed and maintained in a manner consistent with Utah Code 77-38-503 and federal guidelines.

## *Immigration Violations*

---

The Investigation Bureau Commander should ensure certification requests conducted by this agency are processed within 90 days of request, unless the noncitizen is in removal proceedings, in which case the certification should be processed within 14 days of request (Utah Code 77-38-503).

### **428.8.2 REPORTING REQUIREMENTS**

Before June 30 of each year, the Sheriff shall submit a report of the following information to the Commission on Criminal and Juvenile Justice (Utah Code 77-38-503):

- (a) The number of victims that requested U nonimmigrant certifications from the agency
- (b) The number of U nonimmigrant certifications that were signed
- (c) The number of U nonimmigrant certifications that were denied

### **428.9 TRAINING**

The Training Officer should ensure that deputies receive training on this policy.

Training should include:

- (a) Identifying civil versus criminal immigration violations.
- (b) Factors that may be considered in determining whether a criminal immigration offense has been committed.

---

## 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 Sheriff's Office. Requests for such service received by the Sheriff's Office 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 Dispatch.

#### 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 Dispatch.

## 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 Weber County Sheriff's Office 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 may be owned by the Sheriff's Office or the individual deputy 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 Sheriff's Office armorer.

### 432.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Sheriff or the designated Sheriff's Office Armorer may be used by deputies in their law enforcement responsibilities.

### 432.4 RIFLE MAINTENANCE

- (a) Primary responsibility for maintenance of patrol rifles shall fall on the deputy, 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. Reports to their immediate supervisor and the Sheriff's Office Armorer.
- (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 or the Rangemaster at any time.
- (f) No modification shall be made to any patrol rifle without prior written authorization from the Rangemaster and the Sheriff.

### 432.5 TRAINING

Deputies shall not carry or utilize the patrol rifle unless they have successfully completed Sheriff's Office approved training. This training shall consist of a minimum of 24-hours of patrol rifle user's

## *Patrol Rifles*

---

course and scored qualification exercise with a certified patrol rifle instructor. Deputies shall thereafter be required to successfully complete annual training and qualification conducted by a certified patrol rifle instructor.

Any deputy who fails to qualify or who fails to successfully complete an annual Sheriff's Office-sanctioned training/qualification session will no longer be authorized to carry the patrol rifle without successfully retaking the patrol rifle refresher course and scored qualification exercise. Any qualification 3 years or more will be required to take the 24-hour patrol rifle user's course.

### **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 Sheriff's Office 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 chamber is empty, the hammer is down or in its relaxed (uncocked) position, fire selector switch is in the fire position, selector switch will not go on "safe" in this condition. A properly loaded magazine is securely seated into the magazine well with the dust cover closed.

### **432.9 RIFLE STORAGE**

- (a) When not assigned, patrol rifles will be stored in the Sheriff's Office armory.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Patrol Rifles*

---

- (b) When not deployed, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk.
- (c) At the conclusion of a deputy's shift, the assigned weapon shall be removed from the assigned vehicle and secured in an appropriate and secure manner either in the deputy's residence or the Sheriff's Office armory.
- (d) If the vehicle is parked in a secure or locked structure, such as a garage, etc. the weapon may remain locked in the vehicle.



# Aircraft Accidents

## 434.1 PURPOSE AND SCOPE

The purpose of this policy is to provide office members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 434.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 434.2 POLICY

It is the policy of the Weber County Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

### 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.

## *Aircraft Accidents*

---

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, Sheriff's Office personnel 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 PUBLIC INFORMATION OFFICER RESPONSIBILITIES**

The Sheriff's Office 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 Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the media.

### **434.3 ARRIVAL AT SCENE**

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

- (a) Protect persons and property.
- (b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.
- (c) Preserve ground scars and marks made by the aircraft.
- (d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.
- (e) Maintain a record of persons who enter the accident site.
- (f) Consider implementation of an Incident Command System (ICS).

### **434.4 INJURIES AND CASUALTIES**

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

### **434.5 NOTIFICATIONS**

When an aircraft accident is reported to this office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

## *Aircraft Accidents*

---

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

- (a) Fire department
- (b) Appropriate airport tower
- (c) Emergency medical services (EMS)

### **434.6 CONTROLLING ACCESS AND SCENE AUTHORITY**

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

- (a) FAA.
- (b) Fire department, EMS or other assisting law enforcement agencies.
- (c) [Medical Examiner/JOP].
- (d) Air Carrier/Operators investigative teams with NTSB approval.
- (e) Appropriate branch of the military, when applicable.
- (f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

### **434.7 DANGEROUS MATERIALS**

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

- (a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.
- (b) Pressure vessels, compressed gas bottles, accumulators and tires.
- (c) Fluids, batteries, flares and igniters.
- (d) Evacuation chutes, ballistic parachute systems and composite materials.

## *Aircraft Accidents*

---

### **434.8 DOCUMENTATION**

All aircraft accidents occurring within the County of Weber County Sheriff's Office shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of WCSO members deployed to assist; other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

#### **434.8.1 WRECKAGE**

When reasonably safe, members should:

- (a) Obtain the aircraft registration number (N number) and note the type of aircraft.
- (b) Attempt to ascertain the number of casualties.
- (c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
  - 1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
- (d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
- (e) Acquire copies of any recordings from security cameras that may have captured the incident.

#### **434.8.2 WITNESSES**

Members tasked with contacting witnesses should obtain:

- (a) The location of the witness at the time of his/her observation relative to the accident site.
- (b) A detailed description of what was observed or heard.
- (c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.
- (d) The names of all persons reporting the accident, even if not yet interviewed.
- (e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

### **434.9 MEDIA RELATIONS**

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Aircraft Accidents*

---

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

# 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 Weber County Sheriff's Office.

It is the policy of the Sheriff's Office 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

FTOs will be selected based on the following requirements:

- (a) Desire to be an FTO.
- (b) Demonstrated ability as a positive role model.
- (c) May have to participate and pass an internal oral interview selection process.
- (d) Evaluation by supervisors and current FTOs.
- (e) Possess a POST Basic certificate or Office approved FTO course.
- (f) Field Trainers need to be off of probation and trainers will be approved by the FTO Commander, Coordinator or designee.

### 436.2.2 TRAINING

A deputy selected as a Field Training Officer should successfully complete a POST-certified 24-hour Field Training Officer's Course or Office approved FTO course prior to being assigned as an FTO.

FTOs 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 Enforcement Division Commander or designee and shall possess a POST First-Line Supervisory Certificate or FTO Management Course Certificate.

The responsibilities of the FTO Program Supervisor include the following:

## *Field Training Officer Program*

---

- (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.
- (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 Weber County Sheriff's Office 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 Weber County Sheriff's Office. 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 Weber County Sheriff's Office.

### **436.6 EVALUATIONS**

Evaluations are an important component of the training process and shall be completed as outlined below.

## *Field Training Officer Program*

---

### **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.

### **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.



## Ride Along Program

### 437.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for to experience the law enforcement function firsthand. This policy provides the requirements and approval process for the Ride-Along Program.

### 437.2 ELIGIBILITY

The Weber County Sheriff's Office Ride-Along Program is offered to those actively interested in pursuing a law enforcement career or transfer to this department, students (currently enrolled in a criminal justice related course) VIPs/VIP recruits, cadet corps, dispatchers, contract city elected officials (or elect candidates). Every attempt will be made to accommodate interested persons, however, any applicant may be disqualified without cause.

Exceptions to the above listed eligibility can be made by the enforcement Chief Deputy or his designee on a case by case basis.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 18-years of age - exception for participants in the explorer program
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

### 437.3 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be approved by the Patrol Lieutenant's. The participant will complete a Ride-Along Waiver Form. Information requested will include a valid ID or Utah driver's license, address and telephone number. If the participant is under 18-years of age, a parent/guardian must be present to complete the Ride-Along Waiver Form. If a student request is made they will provide contact information for the instructor and contact will be made to ensure the status of the student prior to approval.

### 437.4 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed such that they will not bring discredit to the Department. The Shift Supervisor may refuse a ride along to anyone not properly dressed.

### 437.5 RIDE-ALONG RECORD AND WARRANT CHECK

All ride-along applicants are subject to a warrants and RMS check, provided that the ride-along is not an employee of the Weber County Sheriff's Office.

## *Ride Along Program*

---

### **437.6 DEPUTIES RESPONSIBILITY**

Deputies shall consider the safety of the ride-along at all times. Deputies shall not engage in a vehicle pursuit with a ride-along present. 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 and as soon as practical and arrange for the participant to be picked up at that location. The ride-along may be continued or terminated at this time.

### **437.7 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 department 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) Deputy's 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.

## 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 Watch Commander, or designee, will call the closest agency having helicopter support available. The Watch Commander 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.

## Contacts and Temporary Detentions

### 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

#### 440.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When a deputy contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the 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** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio/Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by deputies in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the deputy, the detainee, or others.

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

**Temporary detention** - When a deputy intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when a deputy actually restrains a person's freedom of movement.

### 440.2 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the deputy's suspicion (Utah Code 77-7-15).

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Weber County Sheriff's Office to strengthen community involvement, community awareness, and problem identification.

## *Contacts and Temporary Detentions*

---

### 440.2.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the deputy should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

- (a) Appearance or demeanor suggesting that the individual is part of a criminal enterprise or is engaged in a criminal act.
- (b) Actions suggesting that the individual is engaged in a criminal activity.
- (c) Presence in an area at an inappropriate hour of the day or night.
- (d) Presence in a particular area is suspicious.
- (e) Carrying of suspicious objects or items.
- (f) Excessive clothes for the climate or clothes bulging in a manner that suggest the individual is carrying a dangerous weapon.
- (g) Location in proximate time and place to an alleged crime.
- (h) Physical description or clothing worn that matches a suspect in a recent crime.
- (i) Prior criminal record or involvement in criminal activity as known by the deputy.

### 440.2.2 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 Sheriff's Office personnel.
  - 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Sheriff's Office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

## *Contacts and Temporary Detentions*

---

### **440.3 PAT-DOWN SEARCHES**

Once a valid stop has been made, and consistent with the deputy's training and experience, a deputy may pat a suspect's outer clothing for weapons if the deputy has a reasonable, articulable suspicion the suspect may pose a safety risk (Utah Code 77-7-16). The purpose of this limited search is not to discover evidence of a crime, but to allow the deputy to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

- (a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.
- (b) Where more than one suspect must be handled by a single deputy.
- (c) The hour of the day and the location or area where the stop takes place.
- (d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
- (e) The actions and demeanor of the suspect.
- (f) Visual indications which suggest that the suspect is carrying a firearm or other dangerous weapon.

Whenever practicable, a pat-down search should not be conducted by a lone deputy. A cover deputy should be positioned to ensure safety and should not be involved in the search.

### **440.4 FIELD PHOTOGRAPHS**

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the deputy shall carefully consider, among other things, the factors listed below.

#### **440.4.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT**

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the deputy should have the individual read and sign the appropriate form accompanying the photograph.

#### **440.4.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT**

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The 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. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Contacts and Temporary Detentions*

---

#### **440.4.3 DISPOSITION OF PHOTOGRAPHS**

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

- (a) If the photograph and associated FI or documentation are relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.
- (b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Section.

When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### **440.4.4 SUPERVISOR RESPONSIBILITIES**

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

#### **440.5 POLICY**

The Weber County Sheriff's Office respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the deputy, the decision to temporarily detain a person and complete an FI, pat-down search, or field photograph shall be left to the deputy based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

#### **440.6 WITNESS IDENTIFICATION AND INTERVIEWS**

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, deputies should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

- (a) Identify all persons present at the scene and in the immediate area.
  - 1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Contacts and Temporary Detentions*

---

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 the witness's departure.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by [department/office] members.
  1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.



# Criminal Street Gangs

## 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Weber County Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 442.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 442.2 POLICY

The Weber County Sheriff's Office recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of the Sheriff's Office to collect and share relevant information while respecting the privacy and legal rights of the public.

## 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No Sheriff's Office member may create, submit to or obtain information from a criminal intelligence system unless the Sheriff has approved the system for department use.

Any criminal intelligence system approved for Sheriff's Office use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for Sheriff's Office use. The supervisor or the authorized designee should ensure the following:

- (a) Members using any such system are appropriately selected and trained.
- (b) Use of every criminal intelligence system is appropriately reviewed and audited.
- (c) Any system security issues are reasonably addressed.

### 442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with the Sheriff's Office, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any

## *Criminal Street Gangs*

---

supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

### **442.4 TEMPORARY INFORMATION FILE**

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the Sheriff's Office-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

#### **442.4.1 FILE CONTENTS**

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

- (a) Must only be included upon documented authorization of the responsible Sheriff's Office supervisor.
- (b) Should not be originals that would ordinarily be retained by the Records Section or Evidence Room, but should be copies of, or references to, retained documents, such as copies of reports, field interview (FI) forms, Dispatch records or booking forms.
- (c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
- (d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

#### **442.4.2 FILE REVIEW AND PURGING**

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

## *Criminal Street Gangs*

---

### **442.5 INFORMATION RECOGNITION**

Sheriff's Office members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

- (a) Gang indicia associated with a person or residence.
- (b) Information related to a drug-trafficking operation.
- (c) Vandalism indicating an animus for a particular group.
- (d) Information related to an illegal gambling operation.

Sheriff's Office supervisors who utilize an authorized criminal intelligence system should work with the Training Officer to train members to identify information that may be particularly relevant for inclusion.

### **442.6 RELEASE OF INFORMATION**

Sheriff's Office members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

### **442.7 CRIMINAL STREET GANGS**

The Investigation Bureau supervisor should ensure that there are an appropriate number of Sheriff's Office members who can:

- (a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity, as described in Utah Code 76-9-802 et seq. and Utah Code 76-9-902 et seq.
- (b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.
- (c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

## *Criminal Street Gangs*

---

### **442.8 TRAINING**

The Training Officer should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises.

Training should include:

- (a) The protection of civil liberties.
- (b) Participation in a multiagency criminal intelligence system.
- (c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
- (d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.
- (e) The review and purging of temporary information files.

## Watch Commanders

### **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 Sheriff's Office policies, procedures, practices, functions and objectives. To accomplish this goal, a Sergeant heads each watch.

### **444.2 DESIGNATION AS ACTING WATCH COMMANDER**

When a Sergeant is unavailable for duty as Watch Commander, in most instances the senior qualified Corporal shall be designated as acting Watch Commander. This policy does not preclude designating a less senior Corporal as an acting Watch Commander when operational needs require or training permits.

# Mobile Audio Video Procedure

## 446.1 PURPOSE AND SCOPE

The Weber County Sheriff's Office 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 Weber County Sheriff's Office to use mobile audio and video technology to more effectively fulfill the office's mission and to ensure these systems are used securely and efficiently.

## 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 Sheriff's Office 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 Weber County Sheriff's Office 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 office operating procedures and training.

System documentation is accomplished by the deputy recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the deputy shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.

## *Mobile Audio Video Procedure*

---

### **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 Dispatch
- (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

## *Mobile Audio Video Procedure*

---

### 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

#### 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 the Sheriff's Office may surreptitiously record a conversation of any other member of the Sheriff's Office 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, including notification of Dispatch.

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.



## *Mobile Audio Video Procedure*

---

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, officer-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.

### **446.5 REVIEW OF MAV RECORDINGS**

All recording media, recorded images and audio recordings are the property of the Sheriff's Office. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the office MAV technician or forensic media staff. 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 an office 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 office 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

## *Mobile Audio Video Procedure*

---

- (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 Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

### **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.

#### **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 Weber County Sheriff's Office 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 may not be configured to record audio data occurring prior to activation.

## *Mobile Audio Video Procedure*

---

- (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.
- (g) Deputies shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.
- (h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

### **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.
- (c) Erasing of media:
  - 1. Pursuant to a court order.
  - 2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.
- (d) Assigning all media an identification number prior to issuance to the field:
  - 1. Maintaining a record of issued media.
- (e) Ensuring that an adequate supply of recording media is available.
- (f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the office evidence storage protocols and the records retention schedule.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Mobile Audio Video Procedure*

---

### **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 purpose of this policy is to establish guidelines for the proper access, use and application of the Mobile Data Terminal (MDT) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch.

## 448.2 POLICY

Weber County Sheriff's Office members using the MDT shall comply with all appropriate federal and state rules and regulations and shall use the MDT in a professional manner, in accordance with this policy.

## 448.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any sheriff's office technology system (see the Information Technology Use Policy for additional guidance).

## 448.4 RESTRICTED ACCESS AND USE

MDT use is subject to the Information Technology Use and Protected Information policies.

Members shall not access the MDT system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDT by another member to their supervisors or Watch Commanders.

Use of the MDT system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and communications that are directly related to the business, administration or practices of the sheriff's office. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from his/her supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages on the MDT system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDT system unless directed to do so by a supervisor. Members are required to log off the MDT or secure the MDT when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

### 448.4.1 USE WHILE DRIVING

Use of the MDT by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

## *Mobile Data Terminal Use*

---

In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### **448.5 DOCUMENTATION OF ACTIVITY**

Except as otherwise directed by the Watch Commander or other office-established protocol, all calls for service assigned by a [dispatcher] should be communicated by voice over the sheriff's radio and electronically via the MDT unless security or confidentiality prevents such broadcasting.

MDT and voice transmissions are used to document the member's daily activity. To ensure accuracy:

- (a) All contacts or activity shall be documented at the time of the contact.
- (b) Whenever the activity or contact is initiated by voice, it should be documented by a [dispatcher].
- (c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDT.

#### **448.5.1 STATUS CHANGES**

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the sheriff's radio or through the MDT system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDT when the vehicle is not in motion.

#### **448.5.2 EMERGENCY ACTIVATION**

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with the Deputy Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the sheriff's radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

### **448.6 EQUIPMENT CONSIDERATIONS**

#### **448.6.1 MALFUNCTIONING MDT**

Whenever possible, members will not use vehicles with malfunctioning MDTs. Whenever members must drive a vehicle in which the MDT is not working, they shall notify Dispatch. It shall be the responsibility of the [dispatcher] to document all information that will then be transmitted verbally over the sheriff's radio.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Mobile Data Terminal Use*

---

### 448.6.2 BOMB CALLS

When investigating reports of possible bombs, members should not communicate on their MDTs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDT could cause some devices to detonate.

## Portable Audio/Video Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this sheriff's office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment (Utah Code 77-7a-102).

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Weber County Sheriff's Office facility, undercover operations, wiretaps or eavesdropping (concealed listening devices).

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

### 450.2 POLICY

The Weber County Sheriff's Office 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 office by accurately capturing contacts between members of the office and the public.

### 450.3 MEMBER PRIVACY EXPECTATION

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

### 450.4 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The portable recorder shall be activated in any of the following situations (Utah Code 77-7a-103; Utah Code 77-7a-104):

- (a) All enforcement and investigative contacts including stops and field interview situations
- (b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
- (c) Self-initiated activity in which a member would normally notify Dispatch
- (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Portable Audio/Video Recorders*

---

- (e) Any use of force
- (f) Dispatched calls for service
- (g) Execution of a warrant

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media (Utah Code 77-7a-102). However, the recorder should be activated in situations described above as soon as reasonably practicable (Utah Code 77-7a-104).

#### 450.4.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Utah law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (Utah Code 77-23a-4).

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

Members shall not surreptitiously record another Office member without a court order unless lawfully authorized by the Sheriff or the authorized designee.

#### 450.4.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped (Utah Code 77-7a-104):

- (a) During significant periods of inactivity such as report writing or other breaks from direct participation in the incident, including consultation with a supervisor or other officer.
- (b) When speaking with a victim, witness, or person wishing to report or discuss criminal activity if both of the following apply:
  - 1. The subject of the recording requests deactivation.
  - 2. The member believes the value of the information outweighs the value of the potential recording.
- (c) During a conversation with a victim of a sexual offense or domestic violence if:
  - 1. The member is conducting an evidence-based lethality assessment.
  - 2. The victim or the member believes that deactivating the body-worn camera recording will either:
    - (a) Encourage complete and accurate information sharing by the victim, or

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Portable Audio/Video Recorders*

---

- (b) Is necessary to protect the safety or identity of the victim.
- 3. The body-worn camera is reactivated as soon as reasonably possible after the evidence-based lethality assessment is complete.

The member should record the request to deactivate the portable recorder. A member should document any instance where he/she should have activated his/her body-worn camera but failed to do so, and the reason for the failure (Utah Code 77-7a-104).

### **450.4.3 EXPLOSIVE DEVICE**

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

### **450.5 PROHIBITED USE OF PORTABLE RECORDERS**

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

Members are also prohibited from retaining recordings of activities or information obtained while on-duty whether the recording was created with a office-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 Office (Utah Code 77-7a-106).

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for office-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

### **450.6 IDENTIFICATION AND PRESERVATION OF RECORDINGS**

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

A member should transfer, tag or mark recordings when the member reasonably believes:

- (a) The recording contains evidence relevant to potential criminal, civil or administrative matters.
- (b) A complainant, victim or witness has requested non-disclosure.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Portable Audio/Video Recorders*

---

- (c) A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
- (d) Disclosure may be an unreasonable violation of someone's privacy.
- (e) Medical or mental health information is contained.
- (f) Disclosure may compromise an under-cover officer or confidential informant.
- (g) Recorded content contains sound or images from a residence (Utah Code 63G-2-302).
- (h) Recorded content contains sound or images from a hospital, health care facility, human service program or the clinic of a health care provider (Utah Code 63G-2-305).

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

#### **450.7 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Sheriff's Office 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 Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

#### **450.8 COORDINATOR**

The Sheriff or the authorized designee should designate a coordinator responsible for establishing procedures for (Utah Code 77-7a-102):

## *Portable Audio/Video Recorders*

---

- (a) The security, storage and maintenance of data and recordings.
- (b) Accessing data and recordings.
- (c) Logging or auditing access.
- (d) Transferring, downloading, tagging or marking events.

### **450.9 PUBLIC ACCESS**

The Records Manager should ensure that this policy is available to the public in written format as well as published to the sheriff's office website (Utah Code 77-7a-105).

### **450.10 RETENTION OF RECORDINGS**

All recordings shall be retained for a period consistent with the requirements of the established records retention schedule and as required by any applicable federal, state and local law (Utah Code 77-7a-107).

#### **450.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS**

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

## Bicycle Patrol Unit

### 454.1 PURPOSE AND SCOPE

The Weber County Sheriff's Office has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase deputy visibility in congested areas. The quiet operation of the bicycles also can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

### 454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. The use of the patrol bicycle will emphasize deputies mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Sheriff's Office needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol deputies shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

### 454.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Bureau Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and a second person to be selected by the BPU supervisor. Interested personnel shall be evaluated by the following criteria:

- (a) Recognized competence and ability as evidenced by performance.
- (b) Special skills or training as it pertains to the assignment.
- (c) Good physical condition.
- (d) Willingness to perform duties using the bicycle as a mode of transportation.

#### 454.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Patrol Bureau Commander or designee.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

- (a) Organizing bicycle patrol training.
- (b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
- (c) Scheduling maintenance and repairs.
- (d) Evaluating performance of bicycle deputies.

## *Bicycle Patrol Unit*

---

- (e) Coordinating activities with the Patrol Bureau.
- (f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

### **454.4 TRAINING**

Participants in the program must successfully complete the Utah POST 32-hour basic training course or a Sheriff's Office-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol deputies should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol deputies will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

### **454.5 UNIFORMS AND EQUIPMENT**

Deputies shall wear the Sheriff's Office-approved uniform and safety equipment while operating the Sheriff's Office bicycle. Safety equipment includes Sheriff's Office-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other Sheriff's Office-approved shirt with Sheriff's Office badge and patches and Sheriff's Office-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone. In colder weather a jacket may be worn. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol deputies shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Deputies will be responsible for obtaining the necessary forms, citation books and other Sheriff's Office equipment needed while on bicycle patrol.

### **454.6 CARE AND USE OF PATROL BICYCLES**

- (a) Deputies will be assigned a specially marked and equipped patrol bicycle, and related equipment.
- (b) Bicycles utilized for uniformed bicycle patrol shall be marked with a Sheriff's decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights and a siren/horn satisfying the requirements of Utah Code 41-6a-1114.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Bicycle Patrol Unit*

---

- (c) Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.
- (d) Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, sides or rear of the bicycle.
- (e) Bicycle deputies shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Deputies are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).
- (f) If a needed repair is beyond the ability of the bicycle deputy, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.
- (g) Each bicycle will have scheduled maintenance at least annually to be performed by a Sheriff's Office-approved repair shop/technician.
- (h) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.
- (i) Deputies shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor or in the event of an emergency.
- (j) Vehicle bicycle racks are available should the deputy need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.
- (k) Bicycles shall be properly secured when not in the deputy's immediate possession.

#### **454.7 DEPUTY RESPONSIBILITY**

Deputies must operate the bicycle in compliance with the Utah Code under normal operation. Deputies may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Deputies must use caution and care when operating the bicycle without lighting equipment.

Deputies are exempt from the rules of the road under the following conditions:

- (a) In response to an emergency call.
- (b) While engaged in rescue operations.
- (c) In the immediate pursuit of an actual or suspected violator of the law.

## Foot Pursuits

### 458.1 PURPOSE AND SCOPE

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

### 458.2 POLICY

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

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

### 458.3 DECISION TO PURSUE

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

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

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

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

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

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



## *Foot Pursuits*

---

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

### **458.4 GENERAL GUIDELINES**

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

- (a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory.
- (b) The deputy is acting alone.
- (c) 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) The deputy is pursuing multiple suspects and it is not reasonable to believe that the deputy would be able to control the suspect should a confrontation occur.
- (f) The physical condition of the deputy renders him/her incapable of controlling the suspect if apprehended.
- (g) The deputy loses radio contact with Dispatch 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 resources.
- (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 known.

## *Foot Pursuits*

---

- (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.

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) Location and direction of travel
- (b) Call sign identifier
- (c) Reason for the foot pursuit, such as the crime classification
- (d) Number of suspects and description, to include name if known
- (e) Whether the suspect is known or believed to be armed with a dangerous weapon

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, to include requesting medical aid as needed for deputies, suspects or members of the public.

#### **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.

## *Foot Pursuits*

---

### **458.5.3 SUPERVISOR RESPONSIBILITIES**

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

The supervisor shall terminate the foot pursuit at any time he/she concludes that the danger to pursuing 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 DISPATCH RESPONSIBILITIES**

Upon notification or becoming aware that a foot pursuit is in progress, the [dispatcher] is responsible for:

- (a) Clearing the radio channel of non-emergency traffic.
- (b) Coordinating pursuit communications of the involved deputies.
- (c) Broadcasting pursuit updates as well as other pertinent information as necessary.
- (d) Ensuring that a field supervisor is notified of the foot pursuit.
- (e) Notifying and coordinating with other involved or affected agencies as practicable.
- (f) Notifying the Watch Commander as soon as practicable.
- (g) Assigning an incident number and logging all pursuit activities.

### **458.6 REPORTING REQUIREMENTS**

The initiating deputy shall complete appropriate crime/arrest reports documenting, at minimum:

- (a) Date and time of the foot pursuit.
- (b) Initial reason and circumstances surrounding the foot pursuit.
- (c) Course and approximate distance of the foot pursuit.
- (d) Alleged offenses.
- (e) Involved vehicles and deputies.
- (f) Whether a suspect was apprehended as well as the means and methods used.
  - 1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
- (g) Arrestee information, if applicable.
- (h) Any injuries and/or medical treatment.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Foot Pursuits*

---

- (i) Any property or equipment damage.
- (j) Name of the supervisor at the scene or who handled the incident.

Assisting deputies taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating 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 Weber County Sheriff's Office 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 DEFINITIONS

- (a) "Automatic license plate reader system" (ALPR) means a system of one or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert an image of a license plate into computer-readable data.
- (b) "Captured plate data" means global positioning system coordinates, dates and time, photograph, license plate number, and any other data captured by or derived from an automatic license plate reader system.

### 462.3 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by the Enforcement Division Commander or designee. The Enforcement Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 462.4 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Sheriff's Office 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 Sheriff's Office shall operate ALPR equipment or access ALPR data without first completing Sheriff's Office-approved training.

## *Automated License Plate Readers (ALPRs)*

---

- (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.

### **462.5 ALPR DATA COLLECTION AND RETENTION**

All data and images gathered by an ALPR are for the official use of the Weber County Sheriff's Office and are a protected record under Utah Code (63G-2-305). ALPR information gathered and retained by the Sheriff's Office may be used and shared with prosecutors or others only as permitted by law (Utah Code 41-6a-2004).

The Enforcement Bureau Commander is responsible to ensure proper collection and retention of ALPR data, and for transferring ALPR data stored in Sheriff's Office vehicles to the Sheriff's Office 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 Sheriff's Office 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).

### **462.6 NON-GOVERNMENTAL AGENCY ALPR**

Use of ALPR data captured by a non-governmental agency device (private system) may only be obtained pursuant to a warrant or a court order (Utah Code 41-6a-2005).

### **462.7 ACCOUNTABILITY AND SAFEGUARDS**

All saved data will be closely safeguarded and protected by both procedural and technological means. The Weber County Sheriff's Office 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 Manager 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 Sheriff's Office-related civil or administrative action.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Automated License Plate Readers (ALPRs)*

---

- (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.
- (f) Alerts for wanted vehicles such as stolen vehicles, amber alerts and fugitives may be uploaded to the system at any time through a Request for Information forwarded to their Supervisor.
- (g) Alert Notifications- Wanted and stolen vehicle alerts can be made directly to the officers in the field through their MDT (Mobile Data Terminals). These alerts will come directly from the LPR system and have not been vetted to confirm whether the vehicle is still wanted or stolen. When an alert is received, the deputy shall confirm that the vehicle is still wanted or stolen prior to acting. Confirmation can be made via radio communication with Weber Dispatch, or querying UCJIS.

# 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 Weber County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Weber County Sheriff's Office will address these needs in balance with the overall missions of the Sheriff's Office. Therefore, deputies will consider the following when serving the homeless community.

### 464.1.1 POLICY

It is the policy of the Weber County Sheriff's Office 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 the Sheriff's Office 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 sheriff's office to act as the Homeless Liaison Deputy. The responsibilities of the Homeless Liaison Deputy include the following:

- (a) Maintain and make available to all sheriff's office employees a list of assistance programs and other resources that are available to the homeless.
- (b) Meet with Social Services and representatives of other organizations that render assistance to the homeless.
- (c) Maintain a list of 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 the Property and Evidence Policy and other established procedures.
- (e) Be present during any clean-up operation conducted by this sheriff's office involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.
- (f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.



## *Homeless Persons*

---

### **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 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 the Adult Abuse Policy.
- (f) Arrange for transportation for investigation related matters, such as medical exams and court appearances.
- (g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

### **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

## *Homeless Persons*

---

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 sheriff's office Homeless Liaison Deputy. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the sheriff's office Homeless Liaison Deputy if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Deputy to address the matter in a timely fashion.

### **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 the Civil Commitments Policy).

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.

## Public Recording of Law Enforcement Activity

### 465.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this office. In addition, this policy provides guidelines for situations where the recordings may be evidence.

### 465.2 POLICY

The Weber County Sheriff's Office recognizes the right of persons to lawfully record members of this office who are performing their official duties. Members of this office will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Deputies should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

### 465.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

- (a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.
- (b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:
  - 1. Tampering with a witness or suspect.
  - 2. Inciting others to violate the law.
  - 3. Being so close to the activity as to present a clear safety hazard to the deputies.
  - 4. Being so close to the activity as to interfere with a deputy's effective communication with a suspect or witness.
- (c) The individual may not present an undue safety risk to the deputy, him/herself or others.
- (d) Recording the actions of a deputy does not by itself constitute a crime of interference, willful resistance, disorderly conduct or obstruction of justice (Utah Code 76-8-305).

### 465.4 DEPUTY RESPONSE

Deputies should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the

## *Public Recording of Law Enforcement Activity*

---

recording may be evidence. If practicable, deputies should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, deputies or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, a deputy could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, deputies shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### **465.5 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the deputy and:

- (a) Request any additional assistance as needed to ensure a safe environment.
- (b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.
- (c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.
- (d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.
- (e) Explain alternatives for individuals who wish to express concern about the conduct of Office members, such as how and where to file a complaint.

### **465.6 SEIZING RECORDINGS AS EVIDENCE**

Deputies should not seize recording devices or media unless (42 USC § 2000aa):

- (a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.
  - 1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.
- (b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.
- (c) The person consents.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Public Recording of Law Enforcement Activity*

---

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.
2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

## Medical Aid and Response

### 466.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

### 466.2 POLICY

It is the policy of the Weber County Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

### 466.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - 1. Signs and symptoms as observed by the member.
  - 2. Changes in apparent condition.
  - 3. Number of patients, sex, and age, if known.
  - 4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
  - 5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

## *Medical Aid and Response*

---

### **466.4 TRANSPORTING ILL AND INJURED PERSONS**

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Deputies should search any person who is in custody before releasing that person to EMS for transport.

A deputy should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### **466.5 PERSONS REFUSING EMS CARE**

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the deputy should consider proceeding with temporary custody pursuant to a civil commitment in accordance with the Civil Commitments Policy.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

#### **466.5.1 SICK OR INJURED ARRESTEE**

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the deputy has reason to believe the arrestee is feigning injury or illness, the deputy should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the deputy should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

## *Medical Aid and Response*

---

Arrestees who appear to have a serious medical issue should be transported by ambulance. Deputies shall not transport an arrestee to a hospital without a supervisor's approval.

### **466.6 MEDICAL ATTENTION RELATED TO USE OF FORCE**

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

### **466.7 AIR AMBULANCE**

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Patrol Bureau Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider's minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider's minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

One department member at the scene should be designated as the air ambulance communications contact. Headlights, spotlights and flashlights should not be aimed upward at the air ambulance. Members should direct vehicle and pedestrian traffic away from the landing zone.

Members should follow these cautions when near an air ambulance:

- Never approach the aircraft until signaled by the flight crew.
- Always approach the aircraft from the front.
- Avoid the aircraft's tail rotor area.
- Wear eye protection during landing and take-off.
- Do not carry or hold items, such as IV bags, above the head.



## *Medical Aid and Response*

---

- Ensure that no one smokes near the aircraft.

### **466.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE**

A member should use an AED only after he/she has received appropriate training (Utah Code 26-8b-201).

#### **466.8.1 AED USER RESPONSIBILITY**

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Officer who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

#### **466.8.2 AED REPORTING**

Any member using an AED will complete an incident report detailing its use.

#### **466.8.3 AED TRAINING AND MAINTENANCE**

The Training Officer should ensure appropriate training, that includes training in CPR and AED use, is provided to members authorized to use an AED (Utah Code 26-8b-401).

The Training Officer is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule.

### **466.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION**

Members may administer opioid overdose medication in accordance with protocol specified by the health care provider who prescribed the overdose medication for use by the member. With approval of the on-duty supervisor, members may also provide the opioid overdose medication to a person who is experiencing an opiate-related drug overdose event or to a family member, friend, or other individual who is in a position to assist such individual (Utah Code 26-55-104).

#### **466.9.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the Training Officer.

Any member who administers an opioid overdose medication should contact Dispatch as soon as possible and request response by EMS.

## *Medical Aid and Response*

---

### **466.9.2 OPIOID OVERDOSE MEDICATION REPORTING**

Any member administering opioid overdose medication should detail its use in an appropriate report.

The Training Officer will ensure that the Records Manager is provided enough information to meet applicable state reporting requirements.

### **466.9.3 OPIOID OVERDOSE MEDICATION TRAINING**

The Training Officer should ensure training is provided to members authorized to administer opioid overdose medication. The training should include the written instructions provided by the dispensing health care provider on (Utah Code 26-55-104):

- (a) How to recognize an opiate-related drug overdose event.
- (b) How to administer an opiate antagonist.
- (c) How to ensure that an individual to who the medication has been administered receives additional medical care and a medical evaluation, as soon as possible.

### **466.10 FIRST AID TRAINING**

Subject to available resources, the Training Officer should ensure deputies receive periodic first aid training appropriate for their position.

# First Amendment Assemblies

## 467.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 467.2 POLICY

The Weber County Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this sheriff's office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 467.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

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

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

Deputies should not:

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

Supervisors should continually observe sheriff's office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

## *First Amendment Assemblies*

---

### **467.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS**

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating sheriff's office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

### **467.4 UNPLANNED EVENTS**

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

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

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

### **467.5 PLANNED EVENT PREPARATION**

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

#### **467.5.1 INFORMATION GATHERING AND ASSESSMENT**

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

## *First Amendment Assemblies*

---

- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 467.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

- (a) Command assignments, chain of command structure, roles and responsibilities.
- (b) Staffing and resource allocation.
- (c) Management of criminal investigations.
- (d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
- (e) Deployment of specialized resources.
- (f) Event communications and interoperability in a multijurisdictional event.
- (g) Liaison with demonstration leaders and external agencies.
- (h) Liaison with County government and legal staff.
- (i) Media relations.
- (j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
- (k) Traffic management plans.
- (l) First aid and emergency medical service provider availability.
- (m) Prisoner transport and detention.
- (n) Review of policies regarding public assemblies and use of force in crowd control.
- (o) Parameters for declaring an unlawful assembly.
- (p) Arrest protocol, including management of mass arrests.
- (q) Protocol for recording information flow and decisions.
- (r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
- (s) Protocol for handling complaints during the event.

## *First Amendment Assemblies*

---

- (t) Parameters for the use of body-worn cameras and other portable recording devices.

### **467.5.3 MUTUAL AID AND EXTERNAL RESOURCES**

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

### **467.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS**

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

### **467.7 USE OF FORCE**

Use of force is governed by current sheriff's office policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Electro-muscular-disruption-technology-device (EMDT)s should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *First Amendment Assemblies*

---

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this sheriff's office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

#### **467.8 ARRESTS**

The Weber County Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of deputies and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.
- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Citation Releases Policy).

#### **467.9 MEDIA RELATIONS**

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

#### **467.10 DEMOBILIZATION**

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

## *First Amendment Assemblies*

---

### **467.11 POST EVENT**

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

- (a) Operational plan
- (b) Any incident logs
- (c) Any assignment logs
- (d) Vehicle, fuel, equipment and supply records
- (e) Incident, arrest, use of force, injury and property damage reports
- (f) Photographs, audio/video recordings, Dispatch records/tapes
- (g) Media accounts (print and broadcast media)

#### **467.11.1 AFTER-ACTION REPORTING**

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

- (a) Date, time and description of the event
- (b) Actions taken and outcomes (e.g., injuries, property damage, arrests)
- (c) Problems identified
- (d) Significant events
- (e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

### **467.12 TRAINING**

Sheriff's Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Sheriff's Office should, when practicable, train with its external and mutual aid partners.



# Suspicious Activity Reporting

## 468.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 468.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity.

## 468.2 POLICY

The Weber County Sheriff's Office recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 468.3 RESPONSIBILITIES

The Investigation Bureau Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for sheriff's office participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Investigation Bureau Commander include, but are not limited to:

- (a) Remaining familiar with those databases available to the sheriff's office that would facilitate the purpose of this policy.

## *Suspicious Activity Reporting*

---

- (b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.
- (c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.
- (d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the sheriff's office.
- (e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.
- (f) Coordinating investigative follow-up, if appropriate.
- (g) Coordinating with any appropriate agency or fusion center.
- (h) Ensuring that, as resources are available, the sheriff's office conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

### **468.4 REPORTING AND INVESTIGATION**

Any sheriff's office member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any civilian member who receives such information should ensure that it is passed on to a deputy in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, a deputy becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

### **468.5 HANDLING INFORMATION**

The Records Section will forward copies of SARs, in a timely manner, to the following:

- Investigation Bureau supervisor
- Crime Analysis Unit
- Other authorized designees

## Civil Disputes

### 469.1 PURPOSE AND SCOPE

This policy provides members of the Weber County Sheriff's Office with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to "court orders" apply to any order of a court that does not require arrest or enforcement by the terms of the order or by Utah law.

### 469.2 POLICY

The Weber County Sheriff's Office recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this sheriff's office will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

### 469.3 GENERAL CONSIDERATIONS

When appropriate, members handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Members must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, members should give considerations to the following when handling civil disputes:

- (a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.
- (b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.
- (c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.
- (d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.
- (e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## *Civil Disputes*

---

### **469.4 COURT ORDERS**

Disputes involving court orders can be complex. Where no mandate exists for a deputy to make an arrest for a violation of a court order, the matter should be addressed by documenting any apparent court order violation in a report. If there appears to be a more immediate need for enforcement action, the investigating deputy should consult a supervisor prior to making any arrest.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating deputy should document the following:

- (a) The person's knowledge of the court order or whether proof of service exists.
- (b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### **469.4.1 STANDBY REQUESTS**

Deputies responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Members should accompany the person to the location of the property. Members should ask if the other party will allow removal of the property or whether the other party would remove the property.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Deputies should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### **469.5 VEHICLES AND PERSONAL PROPERTY**

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### **469.6 REAL PROPERTY**

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Civil Disputes*

---

### 469.6.1 LONG-TERM GUEST ISSUES

For disputes related to a long-term guest, as defined by Utah Code 76-6-206.4, who has received notice to vacate a residence by the primary occupant or other person with apparent authority to act for the primary occupant, deputies must provide the guest with a reasonable time to collect personal belongings prior to escorting the individual from the residence (Utah Code 76-6-206.4).

# Crisis Intervention Incidents

## 470.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 470.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

## 470.2 POLICY

The Weber County Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The sheriff's office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 470.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

- (a) A known history of mental illness
- (b) Threats of or attempted suicide
- (c) Loss of memory
- (d) Incoherence, disorientation or slow response
- (e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
- (f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
- (g) Social withdrawal
- (h) Manic or impulsive behavior, extreme agitation, lack of control
- (i) Lack of fear
- (j) Anxiety, aggression, rigidity, inflexibility or paranoia

## *Crisis Intervention Incidents*

---

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

### **470.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS**

The Sheriff should designate an appropriate Bureau Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide sheriff's office interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

### **470.5 FIRST RESPONDERS**

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

- (a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.
- (b) Request available backup deputies and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.
- (c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
- (d) Attempt to determine if weapons are present or available.
- (e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the deputy.
- (f) Secure the scene and clear the immediate area as necessary.
- (g) Employ tactics to preserve the safety of all participants.
- (h) Determine the nature of any crime.
- (i) Request a supervisor, as warranted.
- (j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
- (k) If circumstances reasonably permit, consider and employ alternatives to force.

## *Crisis Intervention Incidents*

---

### **470.6 DE-ESCALATION**

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### **470.7 INCIDENT ORIENTATION**

When responding to an incident that may involve mental illness or a mental health crisis, the deputy should request that the [dispatcher] provide critical information as it becomes available. This includes:

- (a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.
- (b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous sheriff's response.
- (c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### **470.8 SUPERVISOR RESPONSIBILITIES**

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:



## *Crisis Intervention Incidents*

---

- (a) Attempt to secure appropriate and sufficient resources.
- (b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).
- (c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.
- (d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.
- (e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.
- (f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

### **470.9 INCIDENT REPORTING**

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

#### **470.9.1 DIVERSION**

Individuals who are not being arrested should be processed in accordance with the Civil Commitments Policy.

### **470.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS**

Civilian members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

- (a) Members should treat all individuals equally and with dignity and respect.
- (b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.
- (c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

## *Crisis Intervention Incidents*

---

### **470.11 EVALUATION**

The Bureau Commander designated to coordinate the crisis intervention strategy for this sheriff's office should ensure that a thorough review and analysis of the sheriff's office response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents and will be submitted to the Sheriff through the chain of command.

### **470.12 TRAINING**

In coordination with the mental health community and appropriate stakeholders, the sheriff's office will develop and provide comprehensive education and training to all sheriff's office members to enable them to effectively interact with persons in crisis.

## **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. The Weber County Sheriff's Office 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 Weber County Sheriff's Office. 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. The Sheriff's Office does not establish ticket quotas, and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Traffic Function and Responsibility*

---

#### 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.

#### 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 Sheriff's Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

#### 500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations,

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Traffic Function and Responsibility*

---

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 the trunk of each patrol and investigation unit, in the side box of each sheriff's motorcycle and in the saddlebag or gear bag of each sheriff's bicycle. Each vest should be stored inside the resealable plastic bag provided 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.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The quartermaster should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

### **500.6 SPEEDING IN A SCHOOL ZONE COMPLAINT PROCEDURE**

It is the responsibility of the Patrol Lieutenant to establish a report form and a procedure for school crossing guards to report speed violations to the Weber County Sheriff's Office. The reporting forms shall be made available to school crossing guards and to school administrative offices (Utah Code 41-6a-604 and Utah Code 41-6a-604.5). The report form shall include the following:

- (a) Date, time and location of the violation.
- (b) Vehicle license plate number and state.
- (c) Vehicle description.
- (d) Description of the vehicle operator.
- (e) Description of the incident.
- (f) Contact information of the school crossing guard.
- (g) The signature of the school crossing guard who witnessed the offense attesting to the accuracy of the report.

Reports should be submitted to the Weber County Sheriff's Office no more than two business days after the alleged violation occurred.

### **500.6.1 NOTIFICATION OF VIOLATION TO VIOLATOR/VEHICLE OWNER**

It will be the Patrol Lieutenant's responsibility to establish a system in which notification letters are sent to the last known registered owner of the vehicle that was reported speeding. The letter should contain the following (Utah Code 41-6a-604.5(1)(a)):

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Traffic Function and Responsibility*

---

- (a) Applicable information on the school crossing guard's report stating that the vehicle was observed speeding in a reduced-speed school zone in violation of state law.
- (b) Complete explanation of the applicable provisions of Utah Code 41-6a-604.
- (c) An explanation that the notification letter is not a peace officer citation but is an effort to call attention to the seriousness of the incident.

The Patrol Lieutenant is responsible for ensuring all other mandates of Utah Code 41-6a-604.5 are met or that further investigation, if warranted, is conducted.

# Traffic Collision Reporting

## 502.1 PURPOSE AND SCOPE

The Weber County Sheriff's Office 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

The Patrol Lieutenant will be responsible for distribution of the Collision Investigation Manual. The Patrol Lieutenant will receive all changes in the state manual and ensure conformity with this policy.

## 502.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of the Sheriff's Office shall be reviewed for approval and data entry into the Records Management System. The Patrol Lieutenant will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Enforcement Division Commander or other persons as required.

## 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. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a County vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Bureau Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

[See attachment: Accident Report Guidelines 02.2022.pdf](#)

### 502.4.2 TRAFFIC COLLISIONS WITH SHERIFF OFFICE EMPLOYEES

When an employee of the Sheriff's Office, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Weber County Sheriffs Office resulting in a serious injury or fatality, the Patrol Lieutenant or the Watch Commander may request an outside law enforcement agency for assistance.

The term serious injury is defined as any injury that may result in a fatality.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Traffic Collision Reporting*

---

#### 502.4.3 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS

The Patrol Lieutenant or on-duty Watch Commander 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 \$2,500 or more. An incident report may be taken at the discretion of any supervisor.

#### 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 Sheriff's Office 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 TRAFFIC BUREAU SUPERVISION**

In the event of a traffic collision that results in serious injury or death, the Watch Commander shall notify the Patrol Lieutenant to relate the circumstances of the traffic collision and seek assistance from the Traffic Bureau. In the absence of a Patrol Lieutenant, the Watch Commander or any supervisor may assign an accident investigator or motor deputy to investigate the traffic collision.

### **502.6 TRAFFIC COLLISION REVIEW COMMITTEE** **Committee**

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Traffic Collision Reporting*

---

The Weber County Sheriffs will form a traffic collision review committee. The purpose of the traffic collision committee is to review incidents involving damage to County vehicles which includes but is not limited to traffic collisions. The goal of the committee is to reduce the number of incidents involving damage to County vehicles.

#### **Structure of the Committee**

Committee members should include a representative from Corrections of the rank of Lieutenant or higher, a representative from enforcement with the rank of Lieutenant or Higher, an EVO instructor, a civilian employee and someone from the training and professional standards bureau.

#### **Reviews**

The committee will review all damage to County Vehicle Incidents within 30 days of the incident.

An employee's immediate supervisor should be invited to attend the review. The review should include a review of any associated reports and a review any associated pictures or video.

#### **Scope of the Review**

The committee will determine whether or not the accident was preventable or non-preventable.

The committee will also determine whether or not Sheriff's Office Policies were violated.

The committee will also classify the incident using the guidelines in this policy.

The committee should also make recommendations for improvements to training, policy and procedure.

#### **Classification of Damage to County Vehicle Incidents**

- (a) **Minor** An accident shall be classified as minor when damage to the County vehicle and damage to any other vehicle or property does not exceed \$2,499.00 in the aggregate and no injury to any person results.
- (b) **Moderate** An accident shall be classified as a moderate accident when damage to the County vehicle and the damage to any other vehicle or property is more than \$2,499.00 but does not exceed \$5,000 in the aggregate and/or when any injury to any person results, but said injury does not require overnight hospitalization or exceed \$1,000 in medical costs.
- (c) **Severe** An accident shall be classified as severe when damage to the County vehicle and damage to any other vehicle or property exceeds \$5,000 in the aggregate, and/or when any person is injured and said injury requires hospitalization for one or more days

#### **Committee Recommendation**

The Committee will submit a memo to the involved employee's Chief that includes the following;

- Brief explanation of incident
- Previous damage to county vehicle incidents

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Traffic Collision Reporting*

---

- Violations of policy
- Recommendation for discipline / corrective action.
- Recommendation for changes to policy and practice

The Chief will forward the memo through the involved employees chain of command to the appropriate supervisor, consistent with this policy.

### **Discipline Recommendations**

Recommendations for discipline / corrective action will not be made for at fault incidents that have been classified as moderate or severe. Those decisions will be made by the bureau commander with input from the Chief and Sheriff. Committee recommendations for discipline will be limited to oral / written warnings and corrective action plan such as additional training. In compliance with HR policy 3-600 oral and written warnings are not considered disciplinary action that can be grieved. If the committee believes that a minor incident may merit discipline beyond an oral / written warning and a corrective action plan, the report will be submitted to the bureau commander with a recommendation to review for disciplinary action.

### **Records**

Any written disciplinary action will include the committee review of that employee's accident and only their accident. All accident review documents will be stored in a folder on the Sheriff's Office shared drive which is only accessible by Lieutenants, Captains, Chiefs and the Sheriff. Discipline related to accidents will be documented using the HR disciplinary form and will be stored on the employees e-file record and their personnel record with HR.

## 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 Weber County Sheriff's Office.

### 510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows.

#### 510.2.1 COMPLETION OF NOTICE OF IMPOUND

Sheriff's Office 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 Section 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 Watch Commander 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 Sheriff's Office 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 by the Tow Dispatch Contractor.

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 Sheriff's Office 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 Sheriff's Office 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Towing and Release*

---

#### 510.2.4 IMPOUND FOR LACK OF PROOF OF SECURITY

If the operator of a vehicle involved in a collision cannot provide proof of security as required by Utah Code 41-12a-301, the vehicle may be impounded after the deputy confirms that the security is not in effect through query of the Uninsured Motorist Identification Database (Utah Code 41-1a-1101).

#### 510.3 TOWING SERVICES

Weber County selects providers to perform tow services. A list of these providers shall be forwarded to the Tow Dispatch Company selected and contracted with through the Weber County Sheriff's Office County Law Enforcement Consortium. 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 Sheriff's Office 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 the Sheriff's Office 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Towing and Release*

---

In such cases, the handling employee shall note in the report that the owner was informed that the Sheriff's Office 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 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 Sheriff's Office against fraudulent claims of lost, stolen or damaged property.

#### **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 office members who play a role in the detection and investigation of driving under the influence (DUI).

### 514.2 POLICY

The Weber County Sheriff's Office 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.

The Patrol Lieutenant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating deputies in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

- (a) The field sobriety tests (FSTs) administered and the results.
- (b) The deputy's observations that indicate impairment on the part of the individual, and the deputy's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
- (c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
- (d) Information about any audio and/or video recording of the individual's driving or subsequent actions.
- (e) The location and time frame of the individual's vehicle operation and how this was determined.
- (f) Any prior related convictions in Utah or another jurisdiction.

### 514.4 FIELD TESTS

The Patrol Lieutenant should identify standardized FSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

### 514.5 CHEMICAL TESTS

A person implies consent under Utah law to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Utah Code 41-6a-520):

- (a) The deputy has reasonable grounds to believe that the person was operating or in actual physical control of a motor vehicle while:

## *Impaired Driving*

---

1. Having a prohibited blood or breath alcohol content level as defined by Utah Code 41-6a-502 (DUI) or Utah Code 41-6a-530 (Alcohol Restricted Drivers).
  2. Under the influence of alcohol, any drug or combination of alcohol and any drug.
  3. Having any measurable controlled substance or metabolite of a controlled substance in the person's body.
- (b) The deputy has stopped a person under the age of 21 and has reasonable grounds to believe that the person was operating or in actual physical control of a vehicle or motorboat with a measurable blood, breath or urine alcohol concentration in the person's body (Utah Code 53-3-231).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the deputy should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

### 514.5.1 BREATH SAMPLES

The Patrol Lieutenant 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 Patrol Lieutenant.

### 514.5.2 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Utah Code 41-6a-523; Utah Code 77-23-213). The blood draw should be witnessed by the assigned deputy. No deputy, should draw blood on a case in which they are the primary deputy.

Deputies should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 514.5.3 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The deputy shall follow any directions accompanying the urine evidence collection kit.



## *Impaired Driving*

---

Urine samples shall be collected and witnessed by a deputy or jail staff member of the same sex as the person giving the sample. The arrestee tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample.

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

### **514.5.4 STATUTORY NOTIFICATIONS**

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.

### **514.6 REFUSALS**

When an arrestee refuses to provide a chemical sample, deputies should:

- (a) Advise the arrestee of the requirement to provide a sample (Utah Code 41-6a-520).
- (b) Audio- and/or video-record the admonishment and the response when it is practicable.
- (c) Document the refusal in the appropriate report.

#### **514.6.1 STATUTORY NOTIFICATIONS UPON REFUSAL**

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 the person's driving privilege or license upon the 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 any of the following conditions exist (Utah Code 77-23-213):

- (a) A search warrant has been obtained.
- (b) The deputy can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person's bloodstream. Exigency can be established by the existence of special facts, such as a lengthy time delay resulting from an accident investigation or medical treatment of the person.

#### **514.6.3 FORCED BLOOD SAMPLE**

If an arrestee indicates by word or action that he/she will physically resist a blood draw, the deputy should request a supervisor to respond.

The responding supervisor should:

- (a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
- (b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes, a viable form of testing in a timely manner.

## *Impaired Driving*

---

- (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 individual to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.
- (d) Ensure that the blood sample is taken in a medically approved manner.
- (e) Ensure that the forced blood draw is recorded on audio and/or video when practicable.
- (f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances.
  - 1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
  - 2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
  - 3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.
- (g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, 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 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) Provide the person with basic information regarding how to obtain a hearing before DLD.
- (b) 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.

#### **514.7.3 VEHICLE IMPOUNDMENT**

A deputy who arrests a person for DUI shall seize and impound the vehicle the person was driving at the time of the arrest. If operable, the vehicle may be released upon request to the registered owner of the vehicle if the person is able to present proof of ownership, a valid driver license and

## *Impaired Driving*

---

that the person would not be in violation of the DUI laws of this state if permitted to operate the vehicle (Utah Code 41-6a-527).

### **514.7.4 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).

### **514.7.5 ADDITIONAL TESTING**

A person may have qualified medical personnel administer an additional test, at the person's own expense. The additional test shall be administered subsequently to that which is administered at the direction of the deputy (Utah Code 41-6a-520).

### **514.8 REPORTING**

The Patrol Lieutenant shall ensure that the Department complies with all reporting requirements pursuant to Utah Code 53-10-206.

### **514.9 RECORDS SECTION RESPONSIBILITIES**

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

### **514.10 ADMINISTRATIVE HEARINGS**

The Records Manager will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DLD.

Any deputy who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

A deputy called to testify at an administrative hearing should document the hearing date and 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.

### **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 shall also ensure that each deputy receives training on the current standard field sobriety testing guidelines established by National Highway Traffic Safety Administration (Utah Code 41-6a-515.6).

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 Patrol Lieutenant shall be responsible for the development and design of all Sheriff's Office traffic citations in compliance with state law and the Judicial Council.

## 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of the Sheriff's Office do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Utah Code 77-7-26). Any request from a recipient to dismiss a citation shall be referred to the Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may request the Patrol Bureau Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should a deputy determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the deputy shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Patrol Bureau Commander for review.

## 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. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation.

## 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 supervisor shall review the request and if the correction is appropriate, require the deputy who issued the citation to prepare and send a letter of correction to the court having jurisdiction and to the recipient of the citation.

## *Traffic Citations*

---

### **516.6 DISPOSITION OF TRAFFIC CITATIONS**

The court and file copies of all traffic citations issued by members of the Department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with the department, all employees issued traffic citations books shall return any unused citations to the Records Section.

### **516.7 PARKING VIOLATION APPEAL PROCEDURE**

Disposition of parking violation appeals shall be conducted by the Enforcement Division Commander or designee.

#### **516.7.1 APPEAL STAGES**

Appeals may be pursued sequentially at three different levels:

- (a) Administrative reviews are conducted by the Traffic Bureau which will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Weber County Sheriff's Office. These requests are informal written statements outlining why a parking violation should be dismissed. Copies of documentation relating to the dismissal of a parking violation and the Request for Dismissal Form must be mailed to the current mailing address of the processing agency.
- (b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
- (c) If the appellant wishes to pursue the matter beyond an administrative hearing, a District Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the appropriate District Court.

#### **516.7.2 TIME REQUIREMENTS**

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

- (a) Requests for administrative hearings must be made in advance of the parking violation's due date.
- (b) Registered owners of leased or rented vehicles may transfer responsibility for the violation to the lessee or renter of the vehicle at the time of the violation if the name, address and driver's license number of the lessee/renter is provided to the processing agency within 30 days of the mail date of the delinquent notice.

## *Traffic Citations*

---

### 516.7.3 COSTS

- (a) There is no cost for an administrative review.
- (b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay before receiving an administrative hearing.
- (c) An appeal through District Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the District Court.

### 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.

## 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 Agency'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 should 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 Sheriff's Office personnel will be contingent on the time of day, the location, the availability of Sheriff's Office resources and the vulnerability of the disabled motorist.

#### 520.3.1 MECHANICAL REPAIRS

Sheriff's Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

#### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this sheriff's office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

#### 520.3.3 RELOCATION OF MOTORIST

The relocation of a motorist with a disabled vehicle should only occur with the person's consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The sheriff's office member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

### 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 72-9-601 et seq.

### 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 Section. 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 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).



## **Chapter 6 - Investigation Operations**

# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Weber County Sheriff's Office to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 INITIAL INVESTIGATION

### 600.3.1 DEPUTY RESPONSIBILITIES

A deputy responsible for an initial investigation shall complete no less than the following:

- (a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
  - 1. An initial statement from any witnesses or complainants.
  - 2. A cursory examination for evidence.
- (b) If information indicates a crime has occurred, the deputy shall:
  - 1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
  - 2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
  - 3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
  - 4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
  - 5. Collect any evidence.
  - 6. Take any appropriate law enforcement action.
  - 7. Complete and submit the appropriate reports and documentation.
- (c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.3.2 CIVILIAN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take

## *Investigation and Prosecution*

---

any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of a deputy shall be requested.

### **600.4 CUSTODIAL INTERROGATION REQUIREMENTS**

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

#### **600.4.1 AUDIO/VIDEO RECORDINGS**

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense as defined in Utah Code 76-3-203.5(1)(c)(i) should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigation Bureau supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate, and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### **600.5 DISCONTINUATION OF INVESTIGATIONS**

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

- (a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
- (b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
  - 1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
  - 2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
- (c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Investigation and Prosecution*

---

- (d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted or requested, and there is no need to take the suspect into custody.
- (e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.
- (f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations and Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

#### **600.6 COMPUTERS AND DIGITAL EVIDENCE**

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, deputies should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, deputies should take reasonable steps to prepare for such seizure and use the resources that are available.

#### **600.7 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES**

Use of social media and any other Internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights and civil liberties. Information gathered via the Internet should only be accessed by members while on-duty and for purposes related to the mission of this sheriff's office. If a member encounters information relevant to a criminal investigation while off-duty or while using his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using sheriff's office equipment. Information obtained via the Internet should not be archived or stored in any manner other than sheriff's office-established record keeping systems (see the Records Maintenance and Release and Criminal Organizations policies).

##### **600.7.1 ACCESS RESTRICTIONS**

Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

## *Investigation and Prosecution*

---

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

### **600.7.2 INTERCEPTING ELECTRONIC COMMUNICATION**

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

### **600.8 MODIFICATION OF CHARGES FILED**

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Sheriff. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

### **600.9 USE OF FACIAL RECOGNITION TECHNOLOGY**

#### **600.9.1 AUTHORIZATION FOR FACIAL RECOGNITION TECHNOLOGY**

Members seeking the use of facial recognition technology (FRT) should make a request to the Bureau Commander or authorized designee.

Upon approval, requests should be made to the Department of Public Safety to conduct a facial recognition comparison of an image obtained by the Weber County Sheriff's Office. The comparison may only be for the following purposes (Utah Code 77-23e-103):

- (a) To investigate a felony, a violent crime, or a threat to human life
- (b) To identify an individual who is deceased, incapacitated, or at risk and unable to provide information regarding his/her identity

#### **600.9.2 REQUESTS**

Requests shall be in writing and transmitted through the Utah Criminal Justice Information System (Utah Code 77-23e-103; Utah Code 77-23e-104). If the request pertains to the investigation of a crime, deputies should include a description of the crime and facts sufficient to show that there is reasonable suspicion that the individual who is the subject of the request is connected to the crime (Utah Code 77-23e-103).

## *Investigation and Prosecution*

---

### **600.9.3 COORDINATION WITH PROSECUTING OFFICE**

When a case is submitted for prosecution, deputies shall disclose to the prosecutor in writing whether or not FRT was utilized in the investigation. If FRT was used, deputies shall also include a description of how the comparison was used in the investigation, including the fact that the search returned no results, if applicable (Utah Code 77-23e-103). Deputies should ensure that any report received from DPS is transmitted to the prosecuting attorney, in a supplemental report if necessary.

### **600.9.4 RELEASE OF FRT-RELATED RECORDS**

Records used in or created as a result of the use of FRT shall only be released to or shared with law enforcement agencies to facilitate the authorized purposes. Any other requests for these records should be forwarded to the Records Manager and processed according to the Records Maintenance and Release Policy.

### **600.10 IDENTITY THEFT**

A report should be taken any time a person living within the jurisdiction of the [Department/Office] reports that the person has been a victim of identity theft. This includes:

- (a) Taking a report, even if the location of the crime is outside the jurisdiction of this [department/office] or has not been determined.
- (b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. [Department/Office] members should encourage the individual to review the material and should assist with any questions.

A report should also be taken if a person living outside [department/office] jurisdiction reports an identity theft that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in Weber County Sheriff's Office to facilitate the crime).

A member investigating a case of identity theft should ensure that the case is referred to the appropriate agency if it is determined that this [department/office] should not be the investigating agency (e.g., an identity theft ring working from out of state). The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for [department/office] use and are specific to this type of investigation.

# Sexual Assault Investigations

## 602.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 602.1.1 DEFINITIONS

Definitions related to this policy include:

**Restricted sexual assault kit** - A sexual assault kit collected from a victim who is at least 18 years old and at the time of collection declines to have the kit processed or to have the examination form shared with any entity outside of the collection facility (Utah Code 53-10-902).

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Utah Code, Title 76, Chapter 5, Part 4 (Sexual Offenses).

**Sexual assault kit** - A package of items that is used by medical personnel to gather and preserve biological and physical evidence following an allegation of sexual assault (Utah Code 53-10-902).

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 602.2 POLICY

It is the policy of the Weber County Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 602.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.

## *Sexual Assault Investigations*

---

- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

### **602.4 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### **602.5 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **602.6 TRAINING**

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
  - 1. Initial response to sexual assaults.
  - 2. Legal issues.
  - 3. Victim advocacy.
  - 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
  - 1. Interviewing sexual assault victims.
  - 2. SART.
  - 3. Medical and legal aspects of sexual assault investigations.
  - 4. Serial crimes investigations.
  - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
  - 6. Techniques for communicating with victims to minimize trauma.

### **602.7 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.



## *Sexual Assault Investigations*

---

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

### **602.7.1 MEMBER RESPONSIBILITIES**

Upon written request from the victim, or his/her designee, members investigating or receiving a report of an alleged sexual assault shall inform the victim or his/her designee of the following (Utah Code 77-37-3):

- (a) That the victim has the right to request a test for the HIV infection.
- (b) Whether a DNA profile was obtained from the rape kit or other evidence in his/her case.
- (c) Whether that DNA profile was entered into the Utah Combined DNA Index System (CODIS).
- (d) Whether there is a match between that DNA profile or other crime scene evidence and a DNA profile in the Utah CODIS, unless such notice would impede or compromise an ongoing investigation.
- (e) That the victim has a right to designate a person to act as a recipient of the above information.

### **602.7.2 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION**

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

### **602.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE**

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

## *Sexual Assault Investigations*

---

Subject to the requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

### 602.8.1 DNA TEST RESULTS

Members investigating sexual assault cases should ensure that a victim, or their designee, is notified of any DNA test results as soon as reasonably practicable (Utah Code 77-37-3).

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

### 602.8.2 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to:

- (a) Notify the victim, or the victim's designee, if evidence will not be analyzed in a case involving an unknown perpetrator (Utah Code 77-37-3).
- (b) Take possession of sexual assault kits within one business day after receiving notice from a collecting facility (Utah Code 53-10-904; Utah Code 53-10-907).
  1. The member taking possession of the kit should ensure that the required information is entered into the statewide sexual assault kit tracking system within five days of receiving the kit from a collection facility.
- (c) Transfer the kit to the appropriate law enforcement agency within 10 days in cases where the incident occurred in another jurisdiction (Utah Code 53-10-904).
- (d) Submit the kit to the Utah Bureau of Forensic Services within 30 days of obtaining possession of the kit except for cases involving restricted kits (Utah Code 53-10-904).
  1. If available, a suspect standard or a consensual partner elimination standard shall be submitted with the sexual assault kit.
  2. If not obtained until later, the standards shall be submitted as soon as possible but no later than 30 days after the [Department/Office] obtained possession of the kit.
  3. If the victim informs the Weber County Sheriff's Office that the victim wants to have the kit processed and agrees to release of the sexual assault examination form with the kit, the kit may no longer be classified as restricted and shall be submitted to the Utah Bureau of Forensic Services as soon as possible, but

## *Sexual Assault Investigations*

---

no later than 30 days after the victim chooses to unrestrict the kit (Utah Code 53-10-904).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

### **602.9 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Bureau supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

### **602.10 CASE REVIEW**

The Investigation Bureau supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

# Informants

## 608.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 608.2 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Weber Morgan Narcotics Strike Force (WMNSF) or Weber County Sheriff's Street Crime Unit (SCU) respective offices. The Weber Morgan Narcotics Strike Force or SCU supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Bureau Commander, Weber Morgan Narcotics Strike Force supervisor, SCU supervisor, or their authorized designees.

The Investigation Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Weber Morgan Narcotics Strike Force or SCU supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

### 608.2.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. The SCU utilizes informants for a multitude of different types of information including, but not limited to, vehicle theft/burglary cases, fugitive apprehension, narcotics activity, and other common street crime activity. Narcotics informants, specifically for the purchase of narcotics, must be filed with the WMNSF or other applicable narcotics unit such as the Department of Public Safety, among others. Informants solely utilized by the SCU will be assigned a different control number than those used by the WMNSF in order to prevent two informants being assigned the same number, and to differentiate the use by separate units. SCU informant numbers shall begin with the letters SC, followed by a number. (i.e. SC0001). All informants

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Informants*

---

initiated by the SCU will be reviewed and approved by the Bureau Commander prior to being filed with any Narcotic unit.

An informant history shall be prepared to correspond to each informant file and include the following information:

- (a) Name and aliases
- (b) Date of birth
- (c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
- (d) Photograph
- (e) Current home address and telephone numbers
- (f) Current employers, positions, addresses and telephone numbers
- (g) Vehicles owned and registration information
- (h) Places frequented
- (i) Briefs of information provided by the informant and his/her subsequent reliability
  - 1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification
- (j) Name of deputy initiating use of the informant
- (k) Signed informant agreement
- (l) Update on active or inactive status of informant

### **608.3 USE OF INFORMANTS**

#### **608.3.1 JUVENILE INFORMANTS**

The use of juvenile informants under the age of 13-years is prohibited.

In all cases, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

- (a) The juvenile's parents or legal guardians
- (b) The juvenile's attorney, if any
- (c) The court in which the juvenile's case is being handled, if applicable
- (d) The Sheriff or the authorized designee

#### **608.3.2 INITIAL APPROVAL**

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience

## *Informants*

---

with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### **608.3.3 INFORMANT AGREEMENTS**

All informants are required to sign and abide by the provisions of the designated sheriff's office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

### **608.4 INFORMANT PAYMENTS**

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

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

The Weber Morgan Narcotics Strike Force or SCU supervisor will discuss the above factors with the Patrol Bureau Commander and recommend the type and level of payment subject to approval by the Sheriff.

#### **608.4.1 PAYMENT PROCESS**

Approved payments to an informant should be in cash using the following process:

- (a) Payments of \$500 and under may be paid in cash from the WMNSF buy/expense fund.
- (a) The WMNSF supervisor shall sign the voucher for cash payouts from the WMNSF buy/expense fund.
- (b) Payments up to the equivalent of 1/10<sup>th</sup> of the SCU buy/expense fund may be made in cash. (i.e. If the total buy/expense fund budget is \$3,000, a cash payment of up to \$300 is authorized)
- (c) Payments exceeding the \$500 WMNSF limit should be in adherence with the applicable WMNSF policy.
- (d) Payments exceeding the 1/10<sup>th</sup> SCU limit must be approved by the Investigations Commander, Enforcement Division Chief, and/or the Weber County Sheriff.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Informants*

---

- (e) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.
- (a) The cash transfer form shall include the following:
  - (a) Date
  - (b) Payment amount
  - (c) Weber County Sheriff's Office case number
  - (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
- (b) The cash transfer form shall be signed by the informant.
- (c) The cash transfer form shall be kept in the informant's file.

#### **608.4.2 REPORTING OF PAYMENTS**

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed \$600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as "other income" and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant's file.

#### **608.4.3 AUDIT OF PAYMENTS**

The Weber Morgan Narcotics Strike Force (WMNSF) or the Weber County Sheriff's Office Street Crimes Unit (SCU) or other authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Bureau Commander should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

#### **608.5 POLICY**

The Weber County Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this sheriff's office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## *Informants*

---

### **608.6 INFORMANT INTEGRITY**

To maintain the integrity of the informant process, the following must be adhered to:

- (a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Bureau Commander, WNSF supervisor, the SCU supervisor, or their authorized designee.
- (a) Identities of informants acting in a confidential capacity shall otherwise be kept confidential.
- (b) Criminal activity by informants shall not be condoned.
- (c) Informants shall be informed they are not acting as sheriff's deputies, employees or agents of the Weber County Sheriff's Office, and they shall not represent themselves as such.
- (d) The relationship between sheriff's office members and informants shall always be ethical and professional.
- (a) Members shall not become intimately involved with an informant.
- (b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the WMNSF or SCU supervisor.
- (c) Members shall neither solicit or accept gratuities or engage in any private business transaction with an informant.
- (e) Deputies shall not meet informants in a private place unless accompanied by at least one additional deputy or with prior approval of the WMNSF or SCU supervisor.
- (a) Deputies may meet informants alone in an occupied public place, such as a restaurant.
- (f) When contacting informants for the purpose of making payments, deputies shall make arrangements for the presence of another deputy.
- (g) In all instances when sheriff's office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.
- (h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

#### **608.6.1 UNSUITABLE INFORMANTS**

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the sheriff's office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file "unsuitable" when appropriate.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Informants*

---

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

- (a) The informant has provided untruthful or unreliable information in the past.
- (b) The informant behaves in a way that may endanger the safety of a deputy.
- (c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.
- (d) The informant appears to be using his/her affiliation with this sheriff's office to further criminal objectives.
- (e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
- (f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.
- (g) The informant commits criminal acts subsequent to entering into an informant agreement.

# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of the Sheriff's Office 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

The Weber County Sheriff's Office 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

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 610.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigation Bureau 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 should include appropriate forms or reports that provide:

- (a) The date, time and location of the eyewitness identification procedure.
- (b) The name and identifying information of the witness.

## *Eyewitness Identification*

---

- (c) The name of the person administering the identification procedure.
- (d) If applicable, the names of all of the individuals present during the identification procedure.
- (e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
- (f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
- (g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
- (h) An instruction to the witness that the investigation will continue regardless of whether identification is made by the witness.
- (i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
- (j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary.

### **610.5 EYEWITNESS IDENTIFICATION**

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Members should avoid mentioning that:

- 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 member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness. Techniques to achieve this include randomly numbering photographs, shuffling folders or using a computer program to order the persons in the lineup.

## *Eyewitness Identification*

---

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

### 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 show-up or one-on-one identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the 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, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.
- (e) The person who is the subject of the show-up should not be shown to the same witness more than once.

## *Eyewitness Identification*

---

- (f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.
- (g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.
- (h) If a witness positively identifies a subject of a show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

### **610.6 DOCUMENTATION**

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

## Brady Material Disclosure

### 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 Weber County Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

### 612.2 POLICY

The Weber County Sheriff's Office 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 Weber County Sheriff's Office will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Sheriff's Office 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 attorney-client information, attorney work product), the deputy should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If a deputy is unsure whether evidence or facts are material, the deputy should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

## *Brady Material Disclosure*

---

### **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:

- (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 Sheriff's Office receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### **612.6 TRAINING**

Sheriff's Office personnel should receive periodic training on the requirements of this policy.

## *Brady Material Disclosure*

---

### **612.7 SUBPOENA PROCESSING**

The individual processing subpoenas (or the supervisor of the subpoenaed member) shall check the subpoenaed member's name against the current list of those who are known to have Brady information in their files or background, and shall alert the coordinator if a person on the list is subpoenaed.



## 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 Weber County Sheriff's Office to seize or place a hold on such property. This policy provides guidance on placing such holds.

### 614.2 POLICY

The Weber County Sheriff's Office 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. Subsequent extensions must be approved by a court order (Utah Code 13-32a-109).

A deputy may seize the held item when exigent circumstances exist or when necessary during the course of a criminal investigation. Items may also be seized (Utah Code 13-32a-109.5; Utah Code 13-32a-115(2)):

- (a) When seizure is necessary to permit the fingerprinting or chemical testing of the item.
- (b) If the item contains unique or sensitive personal identifying information.

A written hold or seizure notice shall be provided and shall include (Utah Code 13-32a-109.5):

- An active case number.
- The date of the hold or seizure request and the property to be held or seized.
- Notice to the pawnbroker or secondhand business of contact information to allow tracking of the property when the prosecuting agency takes over the case.
- If the property is seized, the reason the property is necessary during the course of a criminal investigation.

If the pawnbroker or secondhand business is located outside of the jurisdiction of this department, a copy of the hold notice shall be sent to the local law enforcement agency having jurisdiction (Utah Code 13-32a-109). An extension of the hold must be communicated in writing to the pawnbroker or secondhand business prior to the expiration of the initial 90-day hold (Utah Code 13-32a-109).

Whenever the 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.

## *Pawn Shop Holds*

---

- The length of any holding period.

### **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 and no original victim was located, the Department shall, within 15 business days after the termination (Utah Code 13-32a-109(7)):

- (a) Notify the pawnbroker or secondhand business in writing that the hold or seizure has been terminated.
- (b) Return the item to the pawnbroker or secondhand business, or advise the pawnbroker or secondhand business, either in writing or electronically, of the specific alternative disposition of the item.

If an original victim was located, the release of the property shall only be made with the consent of the appropriate prosecutor and with notices made according to Utah Code 13-32a-109(8).

If this Department receives a registered or certified letter from the pawnbroker or secondhand business informing the Department that the holding period has expired, the Department shall respond within 30 days in the manner prescribed by law (Utah Code 13-32a-109(9)).

### **614.5 TRAINING**

The Training Officer should ensure that members with access to the Utah Division of Consumer Protection's central database for pawnbrokers and secondhand business (Utah Code 13-32a-105) receive annual training related to property held by pawn shops and secondhand businesses (Utah Code 13-32a-112.1).

# Unmanned Aircraft System (UAS) Operations

## 615.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aircraft system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 615.1.1 DEFINITIONS

Definitions related to this policy include (Utah Code 72-14-102):

**Unmanned aircraft system (UAS)** – An unmanned aircraft of any type that is capable of sustaining flight whether preprogrammed or remotely controlled (commonly referred to as an unmanned aircraft) and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

## 615.2 POLICY

A UAS may be utilized to enhance the sheriff's office's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

## 615.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

## 615.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.

## *Unmanned Aircraft System (UAS) Operations*

---

- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions (Utah Code 72-14-205).
- Developing UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Facilitating law enforcement access to images and data captured by its UAS.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Sheriff.
- Ensuring that data collected on a person, object, structure, or area that is not a target, as defined by Utah Code 72-14-202, is not used, copied or disclosed (Utah Code 72-14-204).

### **615.5 USE OF UAS**

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas where there is no protectable privacy interest or where a warrant has been obtained. In all other instances, legal counsel should be consulted.

Members shall not obtain, receive or use data acquired through an UAS unless the data was obtained pursuant to a search warrant, obtained under a valid warrant exception, or used to locate a lost or missing person in an area where no person would have a reasonable expectation of privacy (Utah Code 72-14-203).

#### **615.5.1 DATA COLLECTED BY PRIVATE CITIZEN**

The Weber County Sheriff's Office may not accept or review data captured by a privately owned UAS unless one of the following conditions exists (Utah Code 72-14-203):

## *Unmanned Aircraft System (UAS) Operations*

---

- (a) The person delivering the UAS data informs the Office that the data appear to pertain to the commission of a crime.
- (b) The receiving member, in good faith, that the data pertain to an imminent or ongoing emergency that involves the danger of death or serious bodily injury to another person and that the disclosure of the data will permit the Office to assist in responding to the emergency.

### **615.5.2 TEMPORARY FLIGHT RESTRICTION DUE TO WILDLAND FIRES**

A UAS shall not be used in an area under a temporary flight restriction as a result of a wildland fire without the permission of, and in accordance with the restrictions established by, the official in command of the fire response (Utah Code 65A-3-2.5).

### **615.5.3 DOCUMENTATION**

The following information must be documented in any related report or other record of the law enforcement encounter when the UAS is operated by a member of the Weber County Sheriff's Office, or when the Office obtains or receives data pursuant to Utah Code 72-14-203 (Utah Code 72-14-205):

- (a) The presence and use of the UAS
- (b) Any data acquired
- (c) If applicable, the private citizen from whom the data was received

### **615.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized (Utah Code 72-14-303).

### **615.7 RETENTION OF UAS DATA**

The Records Section supervisor shall ensure that data collected by the UAS is deleted as soon as reasonably possible subject to applicable retention schedules under the Utah Government Records Access and Management Act (GRAMA) or a federal, state or local law (Utah Code 72-14-203; Utah Code 72-14-204).

## Warrant Service

### 616.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this sheriff's office. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol deputies.

#### 616.1.1 DEFINITIONS

Definitions related to this policy include:

**Reportable incident** - An incident where forcible entry is used or a special unit specifically trained and equipped to respond to critical, high-risk situations is deployed in the service of a search warrant (Utah Code 77-7-8.5).

### 616.2 POLICY

It is the policy of the Weber County Sheriff's Office to balance the safety needs of the public, the safety of sheriff's office members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

### 616.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

#### 616.3.1 REPORTING REQUIREMENTS

The operations director shall prepare a report on all reportable incidents in the format developed by the Commission on Criminal and Juvenile Justice (CCJJ), as required by Utah Code 77-7-8.5. The director shall ensure that reports on all reportable incidents in the prior year are submitted to the Sheriff by February 1 of each year (see the Operations Planning and Deconfliction Policy for additional reporting requirements).

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

## *Warrant Service*

---

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

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

### **616.4 SEARCH WARRANTS**

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

#### 616.4.1 SUPERVISORY REVIEW OF APPLICATIONS

In the case of an application for a knock-and-announce search warrant or a no-knock search warrant, a supervisor shall review the complete search warrant application to (Utah Code 77-7-8; Utah Code 77-7-8.1):

- (a) Evaluate whether the totality of the circumstances described justify the basis for the application.
- (b) Ensure reasonable intelligence gathering efforts have been made.
- (c) Ensure a risk assessment has been completed regarding the persons and buildings to be searched.

### **616.5 ARREST WARRANTS**

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

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

### **616.6 WARRANT PREPARATION**

A deputy who prepares a warrant shall ensure the documentation in support of the warrant contains as applicable:

- (a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution (Utah Code 77-7-8.1).
- (b) A clear explanation of the affiant's training, experience, and relevant education.

## Warrant Service

---

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

### 616.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

- (a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
- (b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.
  - 1. Members executing a warrant shall wear a body-worn camera unless exigent circumstances make the use of such camera impracticable (Utah Code 77-23-210).
- (c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
- (d) Reasonable efforts are made during the search to maintain or restore the condition of the location.
- (e) Persons who are detained as part of the search warrant service are handled appropriately under the circumstances.



# Weber County Sheriff's Office

Weber County SO Policy Manual

## Warrant Service

---

- (f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
- (g) A list is made of all items seized and a copy of the list is left with the person in charge of the premises if present or otherwise left in a conspicuous place.
- (h) A copy of the search warrant is left at the location.
- (i) The condition of the property is documented with video recording or photographs after the search.
- (j) If the use of an imaging surveillance device is requested, the application must include a description of the capabilities of the device and the measures that the deputies will take to avoid the device being used in a manner beyond the scope of the warrant (Utah Code 77-23d-103).
- (k) Absent exigent circumstances, deputies serving a search warrant shall wear a uniform or other clothing that clearly identifies them as law enforcement, including a badge and law enforcement label (Utah Code 77-23-210; Utah Code 77-7-8; Utah Code 77-7-8.1).

### 616.7.1 NO-KNOCK ENTRIES

Deputies may execute a warrant without notice of the authority and purpose only if (Utah Code 77-23-210; Utah Code 77-7-6; Utah Code 77-7-8; Utah Code 77-7-8.1):

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

### 616.8 DETENTIONS DURING WARRANT SERVICE

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

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

## *Warrant Service*

---

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

### **616.9 ACTIONS AFTER WARRANT SERVICE**

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

#### **616.9.1 NOTIFICATIONS REGARDING USE OF IMAGING SURVEILLANCE DEVICE**

When an imaging surveillance device is used during the service of a warrant, notification shall be made to the person who owns or otherwise resides at the location specified in the warrant within 14 days unless a court-ordered extension has been granted (Utah Code 77-23d-104).

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

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

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The director should ensure that members of the Weber County Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Weber County Sheriff's Office members should be brought to the attention of the Sheriff or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If deputies intend to serve a warrant outside Weber County Sheriff's Office jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed, and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Deputies will remain subject to the policies of the Weber County Sheriff's Office when assisting outside agencies or serving a warrant outside the Weber County Sheriff's Office jurisdiction.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Warrant Service*

---

### **616.11 TRAINING**

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

### **616.12 MEDIA ACCESS**

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

# Operations Planning and Deconfliction

## 617.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations, such as search warrants, sting operations and arrest warrant service. The policy also covers the risk mitigation process that should be a part of these activities.

### 617.1.1 DEFINITIONS

Definitions related to this policy include:

**Deconfliction** - A centralized process that allows for the collection of operations and case information and that provides alerts to enhance safety and avoid duplication or confliction of operations.

**Reportable incident** - When law enforcement officers use forcible entry to serve a search warrant, or when a special unit that is specifically trained and equipped to respond to critical, high-risk situations within either the Office or an assisting office is deployed (Utah Code 77-7-8.5).

## 617.2 POLICY

It is the policy of the Weber County Sheriff's Office to properly plan and execute large scale and high-risk operations. Proper planning and execution enable effective coordination of such operations. The WCSO will participate in a regional deconfliction system that is designed to enhance the safety of deputies and the public, to decrease the risk of compromising investigations and prevent the duplication of efforts.

## 617.3 OPERATIONS DIRECTOR

The Sheriff will designate a member of this office to be the operations director.

The operations director will develop and maintain a risk assessment form for use in assessing, planning and coordinating high-risk operations. The form also should provide a process for supervisors to identify operations that have a lower level of risk.

The director will review risk assessment forms with operations supervisors to determine whether a particular incident qualifies as high risk, and will also have the responsibility of directing high-risk operations.

### 617.3.1 REPORTING REQUIREMENTS

A report shall be prepared for all reportable incidents in the format developed by the Commission on Criminal and Juvenile Justice (CCJJ), as required by Utah Code 77-7-8.5. This report including all reportable incidents which occurred in the prior year shall be submitted to the Sheriff by February 1st of each year (see the Warrant Service Policy).

Reportable incidents include [CRU] deployments for situations other than warrant service, such as hostage or barricaded subjects. This information should be obtained from the [CRU] Commander.

## *Operations Planning and Deconfliction*

---

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

### **617.4 RISK ASSESSMENT**

#### **617.4.1 RISK ASSESSMENT FORM PREPARATION**

Deputies assigned as operational leads for any operation that qualifies, or may qualify as a high-risk operation, such as search warrant service, shall complete a risk assessment form.

When preparing the form, the deputy should check and submit information to all relevant and reasonable intelligence resources, including regional intelligence and criminal justice databases, target deconfliction systems, firearms records, commercial databases, property records and resources for information about the target person and any others who may be present.

The deputy should also gather available information that includes, but is not limited to:

- (a) Photographs, including aerial photographs, if available, of the target location, neighboring yards and obstacles.
- (b) Geographical maps of the target location.
- (c) Diagrams of any property and the interiors of buildings that are involved.
- (d) The target person (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
- (e) Others who may be present at the target location (e.g., other criminals, innocent third parties, children, animals). Obstacles associated with the target location (e.g., fortification, booby traps, reinforced doors or windows, surveillance cameras, lookouts, the number and type of buildings, geographic and physical barriers, the number and type of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys or door combinations).
- (f) Other environmental factors (e.g., nearby venues, such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
- (g) Other available options that may minimize the risk to deputies and others (e.g., making an off-site arrest or detention of the target person).

#### **617.4.2 RISK ASSESSMENT REVIEW**

Deputies will present the risk assessment form and other relevant documents, such as copies of search warrants, affidavits and arrest warrants, to their supervisors and to the operations director.

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

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Operations Planning and Deconfliction*

---

#### **617.4.3 HIGH-RISK OPERATIONS**

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

If the director and the supervisor concur that the operation is a high-risk operation, the director should proceed as follows:

- (a) Determine what resources will be needed at the location or placed on standby, such as:
  1. [CRU]
  2. Extra personnel
  3. Outside agency assistance
  4. Special equipment
  5. Medical personnel
  6. Persons trained in negotiation
  7. Additional surveillance or information
  8. Canines
- (b) Contact the appropriate department members, or other agencies as warranted, to begin preparation.
- (c) Direct, or delegate the direction of, the actual operation.
- (d) Ensure that all legal documents, such as search warrants, are complete, with any modifications that may be necessary to support the operation.

#### **617.4.4 OTHER OPERATIONS**

Operations with a lower level of risk must be categorized as such by the operations director and the lead deputy's supervisor during risk assessment review. Operations that have a lower level of risk may be directed by the supervisor.

The risk assessment form should guide how the operation is categorized. Examples of what might be deemed an operation with a lower level of risk include:

- (a) A search warrant for an unfortified residence where the occupants have been identified and pose no identifiable risk, and the suspect of the investigation is not reasonably predicted to be at the location (e.g., suspect already in custody or lives elsewhere).
- (b) A search warrant for records and no actual search by deputies is required.
- (c) The circumstances reveal no particularized risk of violence or confrontation with multiple suspects or others, and there is no reason to suspect that the subject anticipates the operation.

#### **617.5 DECONFLICTION**

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

## *Operations Planning and Deconfliction*

---

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

### **617.6 OPERATION PLAN**

The operations director or the authorized designee shall supervise operations that are categorized as high-risk. The director should ensure that a written plan is developed. The plan should address such issues as:

- (a) Operation goals, objectives and strategies.
- (b) Information from the risk assessment form, by attaching a completed copy in the operation plan.
  - 1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
- (c) Participants and their roles:
  - 1. An adequate number of uniformed deputies are included in the operation team to ensure the operation is recognized as a legitimate law enforcement operation.
  - 2. How all participants will be identified as law enforcement.
- (d) Whether deconfliction submissions are current and that all target individuals, groups and locations have been deconflicted to the extent reasonably practicable.
- (e) Identification of communications channels and call-signs.
- (f) Use of force issues.
- (g) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
- (h) Plans for detaining people who are not under arrest.
- (i) Contingencies for handling children, dependent adults, animals and other people who might be at the location. This should be done in accordance with the Child and Dependent Adult Safety and the Animal Control policies.
- (j) Documentation of actions and responsibilities for collection, review and approval of reports.

#### **617.6.1 OPERATION PLAN RETENTION**

Since the operation plan contains intelligence information and descriptions of police tactics, it shall not be filed with the police report package. It shall be stored separately and retained in accordance with the established records retention schedule.

## *Operations Planning and Deconfliction*

---

### **617.7 OPERATION BRIEFING**

A briefing should be held prior to the commencement of the operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities, and to ask questions or seek clarification as needed. Anyone who is not present at the briefing should not be present at the location of the operation without specific supervisory approval.

- (a) The briefing should include a verbal review of the plan's elements, using visual aids, to enhance the participants' understanding of the plan.
- (b) All participants should be provided a copy of the plan and search warrant, if applicable. If a search warrant is being served, participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
- (c) The operations director or supervisor at the briefing shall ensure that all participants are visually identifiable as law enforcement officers.
  - 1. Exceptions may be specifically identified because of a specialized function, such as deputies who are conducting surveillance or working undercover. However, those members exempted from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests.
- (d) The briefing should include details of the communications plan.
  - 1. It is the responsibility of the operation supervisor to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.
  - 2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practical, but minimally should receive a copy of the operation plan.
  - 3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

### **617.8 [CRU] PARTICIPATION**

If the operations director determines that [CRU] participation is appropriate, the director and the [CRU] supervisor shall work together to develop a written plan. The [CRU] supervisor shall assume operational control until the individuals at the scene are appropriately detained and it is safe to begin a search. When this occurs, the [CRU] supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

### **617.9 MEDIA ACCESS**

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



## *Operations Planning and Deconfliction*

---

### **617.10 DEBRIEFING**

As soon as reasonably practicable, the operation should be debriefed. The debriefing should include as many participants as possible. This debrief may be separate from any [CRU] debriefing.

### **617.11 TRAINING**

Deputies and [CRU] team members who participate in these types of operations should receive periodic training on this policy, including, but not limited to, the following:

- Legal issues
- Deconfliction practices
- Warrant preparation
- Warrant service
- Operations plan preparation
- Reporting requirements

# Asset Forfeiture

## 618.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with specified designated offenses.

### 618.1.1 DEFINITIONS

Definitions related to this policy include:

**Contraband** - Any item that is unlawful to produce or possess under state or federal law, including controlled substances possessed, transferred, or distributed in violation of the Utah Controlled Substances Act and computers used to commit crimes involving child pornography or identity theft (Utah Code 24-1-102).

**Fiscal agent** - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Weber County Sheriff's Office seizes property for forfeiture or when the Weber County Sheriff's Office 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** - Seized property that has been used to facilitate the commission of a federal or state offense and seized proceeds when authorized under Utah Code 24-4-102 (Utah Code 24-1-102).

**Seizure** - The act of law enforcement officials taking property, cash, or assets that have been used in connection with or acquired by specified illegal activities.

## 618.2 POLICY

The Weber County Sheriff's Office 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 Weber County Sheriff's Office 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.

## 618.3 ASSET SEIZURE

Property and contraband may be seized for forfeiture as provided in this policy.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Asset Forfeiture*

---

#### 618.3.1 PROPERTY AND CONTRABAND SUBJECT TO SEIZURE

- (a) Property and contraband that may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer includes (Utah Code 24-2-102):
  - 1. Property subject to forfeiture that has been identified in a court order or is the subject of a prior judgment.
  - 2. Property and contraband subject to forfeiture that is seized upon the authority of a search or administrative warrant.
- (b) Property and contraband subject to forfeiture can be lawfully seized without a court order when the seizure is incident to arrest or when there is probable cause to believe:
  - 1. It is directly or indirectly dangerous to health or safety.
  - 2. It is evidence of an offense.
  - 3. It has been used or was intended to be used to commit an offense.
  - 4. It constitutes the proceeds of an offense.

Whenever practicable, obtaining a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

#### 618.3.2 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) A motor vehicle used in a violation of driving under the influence of alcohol and/or drugs (Utah Code 41-6a-502); driving with any measurable controlled substance in the body (Utah Code 41-6a-517); negligently operating a vehicle resulting in injury (Utah Code 76-5-102.1); negligently operating a vehicle resulting in death (Utah Code 76-5-207); or a local DUI ordinance, may not be forfeited unless any of the following apply Utah Code 24-4-102:
  - 1. The operator of the vehicle has previously been convicted of a specified offense committed after May 12, 2009.
  - 2. The operator of the vehicle was driving on a denied, suspended, revoked, or disqualified license and the denial, suspension, revocation, or disqualification was imposed based upon specified violations.
- (c) Property used to facilitate specific crimes related to pornography or material harmful to children (Utah Code 76-10-1204; 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.

## Asset Forfeiture

---

- (d) Property seized incident to an arrest solely for possession of a controlled substance or controlled substance analog under Utah Code 58-37-8(2)(a)(i).

### **618.4 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. 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.

### **618.5 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) Cash and other negotiable instruments are deposited into a restricted interest-bearing account designated solely for property subject to forfeiture within 30 days of seizure (Utah Code 24-2-104).
- (d) All property received for forfeiture is retained until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.
- (e) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.
- (f) Associated documentation complies with Utah Code 24-2-103.

## Asset Forfeiture

---

### 618.6 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/Office] on asset forfeiture (Utah Code 24-4-119).

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/Office] 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 24-2-105). The forfeiture reviewer should contact federal authorities when appropriate.
- (e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.
- (f) Ensuring that seizure forms are available and appropriate for [department/office] use. These should include notice forms, a receipt form, and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:
  - 1. Names and contact information for all relevant persons and law enforcement 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:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Asset Forfeiture

---

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 (Utah Code 24-4-103; Utah Code 24-4-104).
    - (a) Prior to serving notice of seizure, a search of public records shall be completed to identify the name and address of each interest holder of the property (Utah Code 24-4-103).
  4. Property is promptly released to those entitled to its return (Utah Code 24-2-107; Utah Code 24-2-108; Utah Code 24-4-103.5).
  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 24-2-104).
  12. Any records of a related interview of a child are retained pursuant to Utah Code 53-13-110.5.
  13. The request for a forfeiture action be commenced by the forfeiture attorney as provided in Utah Code 24-4-103.
- (i) Ensuring that the [Department/Office] disposes of property as provided by law following any forfeiture (Utah Code 24-4-115).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives. Utah Code 24-4-118 should be referenced for reporting federal seizures to the Utah Commission on Criminal and Juvenile Justice.

## *Asset Forfeiture*

---

### **618.7 DISPOSITION OF FORFEITED PROPERTY**

No property seized shall be transferred, sold, or auctioned to an employee of this department (Utah Code 24-2-104).

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the 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 24-2-105). Such property may be used to fund crime prevention and law enforcement activities described in Utah Code 24-4-117(10). State law prohibits the use of property or money received to be used for such things as salaries, benefits, any expenses not related to law enforcement, and other purposes specified in Utah Code 24-4-117(11).

Money received as a result of a federal forfeiture may only be used as approved by the County council (Utah Code 24-2-105).

### **618.8 LIMITATION ON FEES FOR HOLDING SEIZED PROPERTY**

The sheriff's office will not charge a person contesting a forfeiture any fee or cost for holding seized property as the result of any civil or criminal forfeiture in which a judgment is entered in favor of the person, or where a forfeiture proceeding is voluntarily dismissed by the prosecuting attorney (Utah Code 24-4-112).

## **Chapter 7 - Equipment**



## Office-Owned and Personal Property

### 700.1 PURPOSE AND SCOPE

Sheriff's Office employees are expected to properly care for Sheriff's Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Sheriff's Office property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

### 700.2 CARE OF SHERIFF'S OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Sheriff's Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Sheriff's Office 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 Sheriff's Office-issued property or equipment assigned for their use.
- (b) The use of damaged or unserviceable Sheriff's Office property should be discontinued as soon as practical and replaced with comparable Sheriff's Office property as soon as available and following notice to a supervisor.
- (c) Except when otherwise directed by competent authority or required by exigent circumstances, Sheriff's Office property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) Sheriff's Office property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.
- (e) In the event that any Sheriff's Office 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 appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Office-Owned and Personal Property*

---

Upon review by Staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Sheriff or designee who will then forward the claim and request to replace or repair to the Finance Section director.

The Sheriff's Office will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment) that are not reasonably required as a part of work.

### **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 or funded by the sheriff's office or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (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 Weber County Sheriff's Office allows employees to utilize sheriff's office-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the sheriff's office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, 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 Sheriff's Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any office-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 office 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 office-issued or personally owned PCDs that have been used to conduct office-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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personal Communication Devices*

---

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.

#### **702.4 SHERIFF'S OFFICE-ISSUED PCD**

Depending on an employee's assignment and the needs of the position, the sheriff's office may, at its discretion, issue or fund a PCD. sheriff's office-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the sheriff's office 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) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The sheriff's office accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any sheriff's office business-related communication.
  - 1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Sheriff.
- (e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the sheriff's office, without the express authorization of the Sheriff or the authorized designee.
- (f) Use of a personally owned PCD constitutes consent for the sheriff's office to access the PCD to inspect and copy data to meet the needs of the sheriff's office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the sheriff's office with all telephone access numbers of the device.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personal Communication Devices*

---

- (g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the Weber County Sheriff's Office and deleted from the member's PCD as soon as reasonably practicable but no later than the end of the member's shift.

Except with prior express authorization from their supervisor, 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 sheriff's office-related business activities in any manner shall promptly provide the sheriff's office with a copy of such records to ensure accurate record keeping.

#### **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 office business:

- (a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.
- (b) 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 office 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 office 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.

## *Personal Communication Devices*

---

### **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 sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other office 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 Sheriff's Office vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When a Sheriff's Office vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

### 704.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 704.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Sheriff's Office 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:

- 20 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, including protective gloves

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Vehicle Maintenance*

---

- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

### **704.3.2 UNMARKED VEHICLES**

An employee driving unmarked Sheriff's Office vehicles shall ensure that the minimum equipment, as listed below, is present in the vehicle:

- 20 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Blanket
- 1 Blood-borne pathogen kit, including protective gloves
- 1 Sharps container
- 1 Hazardous waste disposal bag
- 1 Traffic Safety Vest
- 1 Hazardous Materials Emergency Response Handbook
- 1 Evidence collection kit
- 1 Camera

### **704.4 VEHICLE REFUELING**

Absent emergency conditions or supervisor approval, deputies driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

### **704.5 WASHING OF VEHICLES**

All units shall be kept clean at all times, and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Prior to going to the car wash deputies in patrol shall receive approval from a supervisor and advise the dispatcher. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees 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.



## *Vehicle Maintenance*

---

### **704.6 CIVILIAN EMPLOYEE USE**

Civilian employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the “out of service” placards or lightbar covers at all times. Civilian 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

The purpose of this policy is to establish a system of accountability to ensure sheriff's office vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of sheriff's office vehicles and shall not be construed to create or imply any contractual obligation by the County of Weber County Sheriff's Office to provide assigned take-home vehicles.

## 706.2 POLICY

The Weber County Sheriff's Office provides vehicles for sheriff's office-related business use and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the sheriff's office, requirements for tactical deployments and other considerations.

## 706.3 USE OF VEHICLES

### 706.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

### 706.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from the maintenance yard or car wash.

### 706.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this sheriff's office should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Use*

---

All sheriff's office vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

#### 706.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

#### 706.3.5 MOBILE DATA TERMINAL

Members assigned to vehicles equipped with a Mobile Data Terminal (MDT) shall log onto the MDT with the required information when going on-duty. If the vehicle is not equipped with a working MDT, the member shall notify Dispatch. Use of the MDT is governed by the Mobile Data Terminal Use Policy.

#### 706.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Bureau Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

#### 706.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Vehicle Use*

---

#### **706.3.8 AUTHORIZED PASSENGERS**

Members operating sheriff's office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Program Policy.

#### **706.3.9 ALCOHOL**

Members who have consumed alcohol are prohibited from operating any sheriff's office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

#### **706.3.10 PARKING**

Except when responding to an emergency or when urgent sheriff's office-related business requires otherwise, members driving sheriff's office vehicles should obey all parking regulations at all times.

sheriff's office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to sheriff's office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

#### **706.3.11 ACCESSORIES AND/OR MODIFICATIONS**

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

#### **706.3.12 CIVILIAN MEMBER USE**

Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

### **706.4 UNMARKED VEHICLES**

Unmarked vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall also be recorded with the Watch Commander on the shift assignment roster.

### **706.5 DAMAGE, ABUSE AND MISUSE**

When any sheriff's office vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any sheriff's office vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Vehicle Use*

---

format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

### **706.6 ATTIRE AND APPEARANCE**

When operating any sheriff's office vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the sheriff's office.

---

# Cash Handling, Security and Management

## 707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure sheriff's office members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

## 707.2 POLICY

It is the policy of the Weber County Sheriff's Office to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

## 707.3 PETTY CASH FUNDS

The Sheriff shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

## 707.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

## 707.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every year. This audit requires that the fund manager and at least one command staff member, selected by the Sheriff, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Sheriff.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Sheriff or the County.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Cash Handling, Security and Management*

---

#### **707.6 ROUTINE CASH HANDLING**

Those who handle cash as part of their property or Weber Morgan Narcotics Strike Force supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

#### **707.7 OTHER CASH HANDLING**

Members of the sheriff's office who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of \$1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

# Personal Protective Equipment

## 708.1 PURPOSE AND SCOPE

This policy identifies the different types of personal protective equipment (PPE) provided by the Department as well the requirements and guidelines for the use of PPE.

This policy does not address ballistic vests or protection from communicable disease, as those issues are addressed in the Body Armor and Communicable Diseases policies.

### 708.1.1 DEFINITIONS

Definitions related to this policy include:

**Personal protective equipment (PPE)** - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical or other workplace hazards.

**Respiratory PPE** - Any device that is worn by the user to protect from exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards. For purposes of this policy, respiratory PPE does not include particulate-filtering masks such as N95 or N100 masks.

## 708.2 POLICY

The Weber County Sheriff's Office endeavors to protect members by supplying certain PPE to members as provided in this policy.

## 708.3 DEPUTY RESPONSIBILITIES

Members are required to use PPE as provided in this policy and pursuant to their training.

Members are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any member who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

## 708.4 HEARING PROTECTION

Approved hearing protection shall be used by members during firearms training.

Hearing protection shall meet or exceed industry standards for use at firing ranges (29 CFR 1910.95; UAC R614-1-4).

## 708.5 EYE PROTECTION

Approved eye protection, including side protection, shall be used by members during firearms training. Eye protection for members who wear prescription lenses shall incorporate the



## *Personal Protective Equipment*

---

prescription (e.g., eye protection that can be worn over prescription lenses). Members shall ensure their eye protection does not interfere with the fit of their hearing protection.

The Rangemaster shall ensure eye protection meets or exceeds consensus standards set by the American National Standards Institute (29 CFR 1910.133; UAC R614-1-4).

### **708.6 HEAD AND BODY PROTECTION**

Members who make arrests or control crowds should be provided ballistic head protection with an attachable face shield.

Padded body protection consisting of chest, arm, leg and groin protection should be provided as required by any collective bargaining agreement.

### **708.7 RESPIRATORY PROTECTION**

The Administration Bureau Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan shall include procedures for (29 CFR 1910.134; UAC R614-1-4):

- (a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.
- (b) Fit testing, including identification of members or contractors qualified to conduct fit testing.
- (c) Medical evaluations.
- (d) PPE inventory control.
- (e) PPE issuance and replacement.
- (f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.
- (g) Regularly reviewing the PPE plan.
- (h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

#### **708.7.1 RESPIRATORY PROTECTION USE**

Designated members may be issued respiratory PPE based on the member's assignment (e.g., a narcotics investigator who is involved in clandestine lab investigations).

Respiratory PPE may be worn when authorized by a scene commander who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Scene commanders are responsible for monitoring members using respiratory PPE and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the scene commander shall

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Personal Protective Equipment*

---

reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the scene commander reasonably believes (29 CFR 1910.134; UAC R614-1-4):

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.
- (b) The member detects vapor or gas breakthrough, or there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator, filter, cartridge or canister.

### 708.7.2 MEMBER RESPONSIBILITIES FOR RESPIRATORY PROTECTION

Members shall not use self-contained breathing apparatus (SCBA), full-face respirators or cartridge respirators unless they have completed training requirements for the equipment.

Members exposed to environments that are reasonably known to be harmful due to gases, smoke or vapors shall use respiratory PPE.

Members using respiratory PPE shall (29 CFR 1910.134; UAC R614-1-4):

- (a) Ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function.
- (b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.
- (c) Perform a user seal check per department-approved procedures recommended by the respirator manufacturer each time they put on a tight-fitting respirator.
- (d) Leave a respiratory use area whenever they detect vapor or gas breakthrough, changes in breathing resistance or leakage of their facepiece and ensure that the respirator is replaced or repaired before returning to the affected area.

### 708.7.3 GAS MASK

Full-face air-purifying respirators, commonly referred to as gas masks, may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes or mists are present. Members must identify and use the correct cartridge based on the circumstances (29 CFR 1910.134; UAC R614-1-4).

A scene commander may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

- (a) They smell, taste or are irritated by a contaminant.

## *Personal Protective Equipment*

---

- (b) They experience difficulty breathing due to filter loading.
- (c) The cartridges or filters become wet.
- (d) The expiration date on the cartridges or canisters has been reached.

### **708.7.4 SELF-CONTAINED BREATHING APPARATUS**

Scene commanders may direct members to use SCBA when entering an atmosphere that may pose an immediate threat to life, would cause irreversible adverse health effects or would impair an individual's ability to escape from a dangerous atmosphere. These situations may include, but are not limited to:

- (a) Entering the hot zone of a hazardous materials incident.
- (b) Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- (c) Entering a smoke- or chemical-filled area.

The use of SCBA should not cease until approved by a scene commander.

### **708.7.5 RESPIRATOR FIT TESTING**

No member shall be issued respiratory PPE until a proper fit testing has been completed by a designated member or contractor (29 CFR 1910.134; UAC R614-1-4).

After initial testing, fit testing for respiratory PPE shall be repeated (29 CFR 1910.134; UAC R614-1-4):

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery or any other condition that may affect the fit of the facepiece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

### **708.7.6 RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE**

No member shall be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134; UAC R614-1-4):

- (a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.
- (b) A physician or other licensed health care professional has reviewed the questionnaire.
- (c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

### **708.8 RECORDS**

The Training Officer is responsible for maintaining records of all:

- (a) PPE training.

## *Personal Protective Equipment*

---

- (b) Initial fit testing for respiratory protection equipment.
- (c) Annual fit testing.
- (d) Respirator medical evaluation questionnaires and any subsequent physical examination results.
  - 1. These records shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the department records retention schedule, 29 CFR 1910.1020 and UAC R614-1-12.

### **708.9 TRAINING**

Members should be trained in the respiratory and other hazards to which they may be potentially exposed during routine and emergency situations.

All members shall be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove and adjust PPE; how to care for the PPE; and the limitations (29 CFR 1910.132; UAC R614-1-4).

Members issued respiratory PPE shall attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134; UAC R614-1-4).

## **Chapter 8 - Support Services**

# Crime Analysis

## 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Sheriff's Office long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

## 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Department of Public Safety, Bureau of Criminal Identification

## 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

## 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Sheriff's Office strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

## PEER SUPPORT PROGRAM

### 801.1 PURPOSE

The Peer Support Program is designed to offer voluntary and confidential support for employees for personal and job-related circumstances.

### 801.2 DISCUSSION

The Peer Support Program is designed for employees to assist fellow employees in dealing with stress, emotional difficulties, or other personal circumstances. These circumstances could have an impact on the employee, and in some cases could present a danger to the welfare and safety of the employee, his or her family, the public, and employees. Peer Support Team Members are trained to be effective listeners and provide feedback to employees, clarify issues, and assist employees in identifying options for problem resolution.

In accordance with Utah State Code: 78B-5-901. "Public Safety Peer Counseling" all the information discussed in a Peer Support role is confidential except for the following situations:

- (a) A Law Enforcement Peer Support Team Member was a witness or a party to the incident that prompted the delivery of peer support services.
- (b) The information received by a Peer Support Team Member is indicative of actual or suspected child abuse, or actual or suspected child neglect;
- (c) The person receiving peer support is a clear and immediate danger to the person's self or others;
- (d) The communication to a peer support team member establishes reasonable cause for the peer support team member to believe that the person receiving peer support services is mentally or emotionally unfit for duty.
- (e) The communication to the peer support team member provides evidence that the person who is receiving the peer support services has committed a crime, plans to commit a crime, or intends to conceal a crime.

### 801.3 POLICY

Peer Support Team members are not professional therapists. When problems are acute or require professional assistance; information on professional referral resources will be provided to the employee.

The promotion of trust and confidentiality is of utmost importance for the success of this program. All information shared with a Peer Support Team member will remain confidential, except as outlined in this policy. Employees who receive assistance through the Peer Support Program will be informed of those exceptions before engaging in the Peer Support session.

Peer Support assistance and follow-up is provided at the discretion of an involved employee's supervisor, co-worker, or the employee and can be waived or terminated at any time by the involved employee.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## PEER SUPPORT PROGRAM

---

### 801.4 DEFINITIONS

Any communication made by the employee to the Peer Support team member while engaged in a support session that does not fall within exceptions noted in this policy.

Any employee who has been trained to provide emotional and moral support to other employees, and whose selection to the Peer Support Team has been approved by the Sheriff or the Administrative Peer Support Liaison.

The individual member of the Peer Support Team designated by the Sheriff or Administrative Peer Support Liaison.

- (a) Chairing the meetings of the Peer Support Team.
- (b) Assisting in the selection and removal of Peer Support Team members.
- (c) Taking recommendations for modifications to the program and providing appropriate information to the Sheriff or the Administrative Peer Support Liaison.

### 801.5 SELECTION OF TEAM MEMBERS

Peer Support Team members are selected based upon their character, integrity, interpersonal communication skills, and a history of solid decision making and wisdom. Upon successful completion of training hours, candidates will serve as Peer Support Team members. These members will then be involved in ongoing training and supervision under the direction of the Peer Support Coordinator.

Removal of Members. Peer Support team members will be removed from the program for failure to maintain the standards for team members set forth by the Sheriff. An example of this would be if a team member breaches the confidentiality agreement.

### 801.6 SERVICES

Peer Support Team members are to be easily accessible to employees who need their services. A list of members will be made available to all employees. Peer Support sessions will be confidential.

Peer Support Team members have signed a confidentiality agreement on file at the Sheriff's Office.

Examples of where Peer Support maybe utilized may include but not limited to:

- (a) Family Loss
- (b) Officer-involved shooting
- (c) IA Investigation
- (d) Injury at work
- (e) Substance Abuse
- (f) Depression/PTSD
- (g) Traumatic Incidents



## PEER SUPPORT PROGRAM

---

- (h) Approaching retirement

### 801.7 CONFIDENTIALITY

Peer Support Team members will make no written record of the details of support sessions.

Employees who seek assistance through the Peer Support Program must be made aware that Peer Support Team members will maintain confidentiality by not disclosing any information developed in Peer Support sessions, except in accordance with this policy.

Peer Support Program team members shall maintain strict confidentiality except when information obtained from an employee indicates the employee is an imminent danger to him/herself or others, or in cases of serious violations of the law such as child, spouse, or elderly abuse, or felony violations of the law. Serious violations of the law will be addressed directly with the Chief of the involved employee or their designee. Each team member will sign a confidentiality agreement upon acceptance to the team. Any willful violation of confidentiality outside of those previously outlined may be considered a violation of policy and may result in disciplinary action as well as termination from the program.

Utah Code recognizes the sensitivity of communications with peer support team members. Peer support team members may refuse to disclose information made by a person participating in peer support services, including group therapy sessions (Utah Code 78B-5-903(3)). Peer support team members and office members should be aware, however, that this only applies to communications made during individual interactions conducted by a peer support team member who is acting in the capacity of a peer support team member and functioning within the written peer support guidelines for the department (Utah Code 78B-5-903(4)). Moreover, this privilege of refusal does not apply if (Utah Code 78B-5-903(5)):

- (a) The peer support team member was a witness or a party to the incident that prompted the delivery of peer support services;
- (b) Information received by a peer support team member is indicative of actual or suspected child abuse, or actual or suspected child neglect;
- (c) The person receiving peer support is a clear and immediate danger to the person's self or others;
- (d) Communication to a peer support team member establishes reasonable cause for the peer support team member to believe that the person receiving peer support services is mentally or emotionally unfit for duty; or
- (e) Communication with the peer support team member provides evidence that the person who is receiving the peer support services has committed a crime, plans to commit a crime, or intends to conceal a crime.

In cases of an employee that may be a danger to him/herself or others, the Peer Support Program team member will contact the local law enforcement agency, Employee Assistance Program (EAP), or will take appropriate law enforcement action if the event occurs in his/her jurisdiction.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *PEER SUPPORT PROGRAM*

---

Peer Support Team members will make no written record of the details of support sessions.

Employees who seek assistance through the Peer Support Program must be made aware that Peer Support Team members will maintain confidentiality by not disclosing any information developed in Peer Support sessions, except in accordance with this policy.

Peer Support Program team members shall maintain strict confidentiality except when information obtained from an employee indicates the employee is an imminent danger to him/herself or others, or in cases of serious violations of the law such as child, spouse, or elderly abuse, or felony violations of the law. Serious violations of the law will be addressed directly with the Chief of the involved employee or their designee. Each team member will sign a confidentiality agreement upon acceptance to the team. Any willful violation of confidentiality outside of those previously outlined may be considered a violation of policy and may result in disciplinary action as well as termination from the program.

Utah Code recognizes the sensitivity of communications with peer support team members. Peer support team members may refuse to disclose information made by a person participating in peer support services, including group therapy sessions (Utah Code 78B-5-903(3)). Peer support team members and office members should be aware, however, that this only applies to communications made during individual interactions conducted by a peer support team member who is acting in the capacity of a peer support team member and functioning within the written peer support guidelines for the department (Utah Code 78B-5-903(4)). Moreover, this privilege of refusal does not apply if (Utah Code 78B-5-903(5)):

- (a) The peer support team member was a witness or a party to the incident that prompted the delivery of peer support services;
- (b) Information received by a peer support team member is indicative of actual or suspected child abuse, or actual or suspected child neglect;
- (c) The person receiving peer support is a clear and immediate danger to the person's self or others;
- (d) Communication to a peer support team member establishes reasonable cause for the peer support team member to believe that the person receiving peer support services is mentally or emotionally unfit for duty; or
- (e) Communication with the peer support team member provides evidence that the person who is receiving the peer support services has committed a crime, plans to commit a crime, or intends to conceal a crime.

In cases of an employee that may be a danger to him/herself or others, the Peer Support Program team member will contact the local law enforcement agency, Employee Assistance Program (EAP), or will take appropriate law enforcement action if the event occurs in his/her jurisdiction.

#### **801.8 DUTIES**

1- Respond when requested for a critical traumatic incident or at the request of an employee.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *PEER SUPPORT PROGRAM*

---

2- Assess the involved employee's needs and render any necessary assistance to include but not limited to:

- (a) Emotional support to diffuse any shock reaction they may be experiencing.
- (b) Provide information on possible reactions that the employee or their family may experience.
- (c) Suggest resources and referrals for the involved employee and their families.
- (d) Advise the involved employee of what actions and events to expect as a result of the incident.
- (e) When appropriate the Team member will arrange transportation for the involved employee.
- (f) Act as a liaison between the involved employee and the Mental Health Professional.
- (g) Provide any follow-up contact with the employee, and/or the employee's spouse.
- (h) Provide any follow-up contact the employee's family may request after the incident or the team member deems necessary.

3- The involvement of the Peer Support Team member in giving advice will be limited to supportive counseling about the incident. No legal advice will be given. The team member will refer employees to the Weber County Sheriff's Office Policy Manual relating to the incident.

### **801.9 PROCEDURE**

1- Supervisor notification of the Peer Support Team is mandatory in the following circumstances:

- (a) An employee's use of deadly force.
- (b) An employee is subjected to a deadly force situation.
- (c) An employee's action causes serious injury or death.
- (d) An employee requests the assistance of the team

2- A supervisor may request Peer Support Team notification when an employee is exposed to any traumatic situation or other circumstances deemed appropriate.

3- The requesting supervisor will contact the coordinator, or if unavailable, an on-call team member to respond to the involved employee's location.

4- The Peer Support Team member(s) assigned will not be in the involved member's chain of command

### **801.10 COMPENSATION**

1- Peer Support Team members will be compensated for the following:

- (a) Hours worked during Peer Support scheduled event or when called to respond to a situation by the Peer Support Team Coordinator or Administrative Liaison
- (b) Training, Team meetings and debriefs

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *PEER SUPPORT PROGRAM*

---

2- All unscheduled time must be approved by the Peer Support Team Coordinator or Administrative Liaison.

## Property and Evidence

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

- Living as if a spouse of the owner cohabitant.
- Related by blood or marriage to the owner cohabitant.
- Has one or more children in common with the owner cohabitant.
- Has an interest in the safety and well-being of the owner cohabitant.

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

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

**Owner cohabitant** - A cohabitant who 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).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Property and Evidence*

---

#### 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.
- (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 supply room. Submit the completed property record into a numbered locker indicating the location 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 Section 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 Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives fireworks, propane tanks gasoline and other flammable materials or devices will not be placed in to evidence or retained in the sheriff's facility. The deputy handling the case shall make arrangements for proper disposal.

#### 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Property and Evidence*

---

- (b) License plates found not to be stolen or connected with a known crime should be released directly to the evidence manager 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 evidence manager or placed in the bicycle storage area until a evidence manager can log it in.
- (d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking deputy and the supervisor. The Watch Commander 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. 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 cohabitant who requests it, and who believes that the owner cohabitant or another cohabitant with access to the firearm is an immediate threat to him/herself, to the owner cohabitant, or any other person (Utah Code 53-5c-201).

The deputy receiving the firearm shall:

- (a) Record the owner cohabitant's name, address and telephone number.
- (b) Record the firearm's serial number and the make and model of each firearm received.
- (c) Record the date that the firearm was accepted for safekeeping.
- (d) Obtain a signed declaration that the cohabitant resides in the home.

The person committing the firearm shall not be asked or required to provide the name of, or any other information about, the cohabitant who poses the threat.

The evidence manager shall hold a firearm accepted pursuant to this policy for an initial period of 60 days, renewable for an additional 60 days upon request of the cohabitant or owner cohabitant. At the expiration of this time or upon request by the owner cohabitant, the firearm shall be returned to the owner cohabitant or other person authorized by law. If the person who committed the firearm for safekeeping cannot be located, the Department shall, after one year, dispose of the firearm in accordance with Utah Code 24-3-103.5 (Utah Code 53-5c-202).

If a firearm received under the Act is determined to be illegal to possess or to own, the evidence manager shall confiscate and book the firearm according to current procedures, notify the person who requested that the firearm be taken for safekeeping of its confiscation, and dispose of the firearm in accordance with Utah Code 24-3-103.5 (Utah Code 53-5c-202).

The evidence manager shall destroy any record created exclusively to document the safekeeping of the firearm as soon as practicable but no later than five days after releasing the firearm to the

## *Property and Evidence*

---

owner cohabitant or other authorized person, or of otherwise disposing of the firearm under the Utah Firearms Safe Harbor Act (Utah Code 53-5c-201).

The evidence manager should promptly contact County counsel for assistance with a proper disposition when a non-owner cohabitant surrendered a firearm and an owner cohabitant at any time requests its return.

### **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.
- (f) Contraband.

#### **804.4.1 PACKAGING CONTAINER**

Employees shall package all property, in a suitable container available for its size and weight. Knife boxes should be used to package knives, and syringe tubes should be used to package syringes and needles etc.

#### **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 a copies of the property report. Prior to packaging, and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the deputy's report.

Deputies shall weigh the narcotic evidence in the container in which it was seized. If the weight of the container would alter the degree of offense, the narcotic should be weighed and recorded separately.

Narcotics and dangerous drugs shall be packaged in a container of appropriate size available. The booking deputy shall initial and date the sealed container. Narcotics and dangerous drugs shall not be packaged with other property.

### **804.5 RECORDING OF PROPERTY**

The evidence manager 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.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Property and Evidence*

---

Any changes in the location of property held by the Weber County Sheriff's Office shall be noted in the Property Logbook.

#### **804.6 PROPERTY CONTROL**

Each time the evidence manager accepts property or releases property to another person, he/she shall make a proper record. Deputies desiring property for court shall contact the evidence manager at least days prior to the court date. The notification shall include a copy of the subpoena.

##### **804.6.1 RESPONSIBILITY OF OTHER PERSONNEL**

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor.

Request for analysis of items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the evidence manager. This request may be filled out any time after booking of the property or evidence.

##### **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 evidence manager releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the deputy will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case. [See attachment: 16-04 Sexual Assault Kits.pdf](#)

##### **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 control card, stating the date, time and to whom released.

The evidence manager 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 control card, indicating date, time and the person who returned the property.

##### **804.6.4 AUTHORITY TO RELEASE PROPERTY**

The Investigation Bureau shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Property and Evidence*

---

#### 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 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.
- (c) Post a similar notice on the County public website of the Weber County Sheriff's Office.

The final disposition of all such property shall be fully documented in related reports.

A evidence manager shall release the property upon proper identification being presented by the owner for which an authorized release form has been received. A signature of the person receiving the property shall be recorded on the original Property Form. After release of all property entered on the property control card, the card shall be forwarded to the Records Section for filing with the case. If some items of property have not been released, the property card will remain with the Evidence Room. Upon release, the proper entry shall be documented in the Property Log Form.

#### 804.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Sheriff's Office, 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 Sheriff's Office may wish to file an interpleader to resolve the disputed claim.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Property and Evidence*

---

#### **804.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS**

The Investigation Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of the Sheriff's Office, 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 evidence manager 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 58-37-2 et seq.)
- 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 Release of Property, the Office shall notify the person who turned the money over to the local law enforcement agency. Any person employed by a law enforcement agency who finds or seizes money may not claim or receive the money (Utah Code 77-24a-5(2)(a)).

##### **804.7.3 PRESERVATION OF BIOLOGICAL EVIDENCE**

The Evidence Room Supervisor shall ensure that no biological evidence held by the Office is destroyed without adequate notification to the following persons, when applicable:

- (a) The defendant
- (b) The defendant's attorney

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Property and Evidence*

---

- (c) The appropriate prosecutor
- (d) Any sexual assault victim
- (e) The Investigation Bureau Supervisor

Biological evidence shall be retained for a minimum of 12 months period established by law (Utah Code 53-2-102; Utah Code 53-10-904; Utah Code 53-10-905) or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed within 12 months unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Bureau Supervisor.

Biological evidence related to a homicide 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.

Biological evidence related to sexual assaults must be retained in accordance with Utah Code 76-5-604 and Utah Code 76-5-605. If the evidence relates to an unsolved sexual offense, the victim shall be notified at least 60 days prior to destruction and provided with information on how to appeal the decision (Utah Code 77-37-3(3)).

#### 804.7.4 PROPERTY NO LONGER NEEDED AS EVIDENCE

When a prosecuting attorney notifies the Office that evidence may be returned to the rightful owner, the evidence manager shall attempt to notify the rightful owner that the property is available for return (Utah Code 24-3-103). Prior to the release of the property, the owner shall provide:

- (a) Documentation establishing ownership of the property.
- (b) Documentation that the owner may lawfully possess the property.

When the property is returned, a receipt listing the detail of the property shall be signed by the owner and retained by the Office. A copy of the receipt shall be provided to the owner.

If the Office is unable to locate the rightful owner or the rightful owner is unable to lawfully possess the property, the Office may dispose of the property as provided by Utah Code 24-3-103.

If a court orders extraction and return of personal digital data from a computer determined to be contraband, the Office shall determine reasonable cost to provide the data, which shall be paid by the owner at the time the request is made (Utah Code 24-3-103).

The Office shall dispose of confiscated or unclaimed firearms as provided by Utah Code 24-3-103.5.

## *Property and Evidence*

---

### **804.7.5 SEXUAL ASSAULT KITS**

Written notification shall be provided to a victim of the intent to destroy or dispose of a sexual assault kit evidence or other crime scene evidence from an unsolved sexual assault case within 60 days prior to the destruction or disposal (Utah Code 77-37-3).

### **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 sheriff's office shall be conducted by a Bureau 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.
- (d) Name of the escort.

## Records Section

### 806.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Weber County Sheriff's Office Records Section. The policy addresses office file access and internal requests for case reports.

### 806.2 FILE ACCESS AND SECURITY

The security of files in the Records Section must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a sheriff's office case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Section accessible only by authorized members of the Records Section. Access to case reports or files when Records Section staff is not available may be obtained through the Watch Commander.

The Records Section will also maintain a secure file for case reports deemed by the Sheriff as sensitive or otherwise requiring extraordinary access restrictions.

#### 806.2.1 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Section. Should an original case report be needed for any reason, the requesting member shall first obtain authorization from the Records Manager. All original case reports removed from the Records Section shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Section.

All original case reports to be removed from the Records Section shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Section. The photocopied report shall be shredded upon return of the original report to the file.

### 806.3 POLICY

It is the policy of the Weber County Sheriff's Office to maintain department records securely, professionally, and efficiently.

### 806.4 RESPONSIBILITIES

#### 806.4.1 RECORDSHEAD

The Sheriff shall appoint and delegate certain responsibilities to a Records Manager. The Records Manager shall be directly responsible to the Administration Bureau Commander or the authorized designee.

The responsibilities of the Records Manager include but are not limited to:

- (a) Overseeing the efficient and effective operation of the Records Section.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Records Section*

---

- (b) Scheduling and maintaining Records Section time records.
- (c) Supervising, training, and evaluating Records Section staff.
- (d) Maintaining and updating a Records Section procedure manual.
- (e) Ensuring compliance with established policies and procedures.
- (f) Supervising the access, use, and release of protected information (see the Protected Information Policy).
- (g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:
  - 1. Homicides
  - 2. Cases involving department members or public officials
  - 3. Any case where restricted access is prudent

#### 806.4.2 RECORDSBUREAU

The responsibilities of the Records Section include but are not limited to:

- (a) Maintaining a records management system for case reports.
  - 1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.
- (b) Entering case report information into the records management system.
  - 1. Modification of case reports shall only be made when authorized by a supervisor.
- (c) Providing members of the department with access to case reports when needed for investigation or court proceedings.
- (d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes but is not limited to reporting:
  - 1. Crime reporting and use of force data to the Bureau of Criminal Identification (BCI) (Utah Code 53-10-205).
  - 2. Cold case reporting to the Criminal Investigations and Technical Services Division (Utah Code 53-10-115).
- (e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.
- (f) Identifying missing case reports and notifying the responsible member's supervisor.
- (g) Providing an annual report to BCI regarding firearm-related information as required by Utah Code 76-10-526.
- (h) Receive, maintain, and remove voluntary restrictions on firearm purchase and possession in accordance with Utah Code 53-5c-301. This includes required notifications to the Bureau of Criminal Identification (Utah Code 53-5c-301).

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Records Section*

---

### **806.5 CONFIDENTIALITY**

Records Section staff has access to information that may be confidential or sensitive in nature. Records Section staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with Records Maintenance and Release and Protected Information policies and the Records Section procedure manual.



# Records Maintenance and Release

## 810.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of sheriff's office records. Protected information is separately covered in the Protected Information Policy.

## 810.2 POLICY

The Weber County Sheriff's Office is committed to providing public access to records in a manner that is consistent with the Utah Government Records Access and Management Act (GRAMA) (Utah Code 63G-2-101 et seq.).

## 810.3 RECORDS OFFICER RESPONSIBILITIES

The Sheriff shall designate a Records Officer. The responsibilities of the Records Officer include, but are not limited to:

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
  - 1. This includes performing the duties specified for governmental entities under the Public Records Management Act (Utah Code 63G-2-307).
  - 2. This includes the maintenance and destruction of imaging surveillance data as required by Utah Code 77-23d-105.
- (b) Maintaining and updating the department records retention schedule including:
  - 1. Identifying the minimum length of time the Department must keep records.
  - 2. Identifying the bureau responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
  - 1. The Records Officer shall be responsible for filing a statement with the state archivist explaining the reasons a record series that is designated as private or controlled under GRAMA is being collected or used by the Department (Utah Code 63G-2-601).
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law is available (Utah Code 63G-2-203).
- (g) Forwarding requests to the appropriate agency when a requester seeks records that are not in the possession of the Department (Utah Code 63G-2-204).

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Records Maintenance and Release*

---

### **810.4 PROCESSING REQUESTS FOR PUBLIC RECORDS**

Any Sheriff's Office member who receives a request for any record shall route the request to the Records Officer or the authorized designee.

#### **810.4.1 REQUESTS FOR RECORDS**

The processing of requests for any record is subject to the following:

- (a) The [Department/Office] is not required to create records that do not exist.
- (b) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
  - 1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio/video, a copy of the redacted audio/video release should be maintained in the [department/office]-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.
- (c) Requests for records must be in writing and contain the requester's name, contact information, and a description of the record requested (Utah Code 63G-2-204).
- (d) The Records Officer shall review each request for records within 10 business days unless the person has requested an expedited response. Expedited requests must be reviewed within five business days (Utah Code 63G-2-204).
- (e) Unless the Records Officer is prohibited by law from releasing the requested record; extraordinary circumstances exist, as defined in Utah Code 63G-2-204; or the request is submitted by or on behalf of a person confined in a jail or other correctional facility, the record shall be released (Utah Code 63G-2-201).
  - 1. If the existence of extraordinary circumstances precludes approval or denial of the request within the time permitted under law, additional time may be granted.
  - 2. Requests made by or on behalf of a person in jail or another correctional facility for a record that contains a specific reference to the individual so confined may be released up to five times per calendar year. This restriction does not apply to requests submitted by an attorney of the individual (Utah Code 63G-2-201).
- (f) If the Records Officer denies a request, a notice of denial shall be sent to the requester. The notice shall contain a description of the record denied, the legal basis upon which the Records Officer relied in denying the request, and information related to the appeal process available to the requester (Utah Code 63G-2-205).

#### **810.4.2 APPEALS**

The denial of a request for records by the Records Officer may be appealed to the Sheriff. Upon receipt of a notice to appeal, the Sheriff must review and make a determination within 10 business days (or five business days if the requester or interested party demonstrates that an expedited decision benefits the public). If a determination is not made within the specified time frame, the appeal shall be considered denied. If the Sheriff affirms the denial, notice shall be

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Records Maintenance and Release*

---

sent to the requester informing him/her of the right to appeal the denial to the records committee, district court (or local appeals board, if established), the time limits for filing such appeal, and the contact information of the executive secretary of the records committee (or local appeals board, if established) (Utah Code 63G-2-401).

### **810.5 RELEASE RESTRICTIONS**

Examples of release restrictions include, but are not limited to:

- (a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record or any office record, including traffic accident reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722; Utah Code 53-3-109; Utah Code 41-6a-404).
- (b) Victim information that may be protected by statutes (Utah Code 77-37-4).
- (c) Personnel records (Utah Code 63G-2-302; Utah Code 63G-2-303).
  - 1. Specific personnel information related to undercover deputies or investigative personnel is exempt from disclosure if release could reasonably impair the effectiveness of investigations or endanger any individual's safety (Utah Code 63G-2-301).
- (d) Properly classified records that contain medical, psychiatric or psychological data about a person if release would be detrimental to the person's mental health or safety, or would violate normal professional practice and medical ethics (Utah Code 63G-2-304).
- (e) Records created exclusively in anticipation of potential litigation involving this office (Utah Code 63G-2-305).
- (f) Automated license plate reader (ALPR) data (Utah Code 41-6a-2004).
- (g) Imaging surveillance data (Utah Code 77-23d-105).
- (h) Certain types of reports involving, but not limited to, child abuse and neglect (Utah Code 62A-4a-412).
- (i) Certain audio and video recordings created by a body-worn camera that recorded sound or images:
  - 1. Inside a home or residence (Utah Code 63G-2-302; Utah Code 77-7a-107).
  - 2. Inside a hospital or health care facility, inside a clinic of a health care provider, or inside a human service program (Utah Code 63G-2-305).
- (j) Certain data collected by an unmanned aircraft system (Utah Code 72-14-204).
- (k) Any other information that may be appropriately denied by:
  - 1. Utah Code 63G-2-302 (private records).
  - 2. Utah Code 63G-2-303 (private information of government employees).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Records Maintenance and Release*

---

3. Utah Code 63G-2-304 (controlled records).
4. Utah Code 63G-2-305 (protected records).

#### **810.6 SUBPOENAS AND DISCOVERY REQUESTS**

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Records Officer for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the [District/County Attorney], County Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the sheriff's office so that a timely response can be prepared.

#### **810.7 RELEASED RECORDS TO BE MARKED**

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

Each audio/video recording released should include the office name and to whom the record was released.

#### **810.8 EXPUNGEMENT**

Expungement orders received by the [Department/Office] shall be reviewed for appropriate action by the Records Officer. The Records Officer shall expunge such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once expunged, members shall respond to any inquiry as though the record did not exist.

Upon receiving an order for vacatur, the Records Officer shall comply with the provisions of Utah Code 77-40a-402.

#### **810.9 TRAINING**

The Records Manager shall, on an annual basis, successfully complete an online records management training course provided by the Utah Department of Administrative Services' Division of Archives and Records Service (Utah Code 63G-2-108).

#### **810.10 RELEASE OF RECORDINGS RELATED TO CRITICAL INCIDENTS**

Video and audio recordings of incidents made by deputies of this [department/office] that resulted in death or serious bodily injury of an individual or during which a deputy fired a weapon shall be released upon receipt of a proper public records request.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Records Maintenance and Release*

---

The Records Officer should coordinate as appropriate with the Sheriff or the prosecuting agency to determine which recordings may qualify for disclosure when a request for a recording is received (Utah Code 77-7a-107).

## Protected Information

### 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Weber County Sheriff's Office. This policy addresses the protected information that is used in the day-to-day operation of the Office and not the public records information covered in the Records Maintenance and Release Policy.

#### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Weber County Sheriff's Office and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

### 812.2 POLICY

Members of the Weber County Sheriff's Office will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

### 812.3 RESPONSIBILITIES

The Sheriff shall select a member of the office to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicle (DMV) records and the Utah Criminal Justice Information System (UCJIS).
- (b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.
- (c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.
- (d) Developing procedures to ensure training and certification requirements are met.
- (e) Resolving specific questions that arise regarding authorized recipients of protected information.
- (f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

## *Protected Information*

---

### **812.4 ACCESS TO PROTECTED INFORMATION**

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Weber County Sheriff's Office policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

#### **812.4.1 PENALTIES FOR MISUSE OF RECORDS**

Misuse of access to criminal history record information is a class B misdemeanor (Utah Code 53-10-108).

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of the Standards of Conduct Policy.

Employees who obtain, or attempt to obtain, information from the office files other than that to which they are entitled in accordance with their official duties is a violation of the Standards of Conduct Policy.

### **812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION**

Protected information may be released only to authorized recipients who have both a right to know and a need to know (Utah Code 53-10-108).

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the sheriff's office may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Maintenance and Release).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of deputies, other sheriff's office members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

## *Protected Information*

---

### **812.6 SECURITY OF PROTECTED INFORMATION**

The Sheriff will select a member of the office to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:

- (a) Developing and maintaining security practices, procedures and training.
- (b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- (d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

#### **812.6.1 MEMBER RESPONSIBILITIES**

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

### **812.7 TRAINING**

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.



# 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) Store 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:

## *Computers and Digital Evidence*

---

1. Where the computer was located and whether it was in operation.
  2. Who was using it at the time.
  3. Who claimed ownership.
  4. If it can be determined, how it was being used.
- (i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

### **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.

## *Computers and Digital Evidence*

---

- (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.

### **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:

## *Computers and Digital Evidence*

---

- (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:

- (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.

# Animal Control

## 820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

## 820.2 WEBER COUNTY ANIMAL SERVICES RESPONSIBILITIES

Animal control services are generally the primary responsibility of Weber County Animal Services and include the following:

- (a) Animal-related matters during periods when Weber County Animal Services is available.
- (b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Weber County Animal Services is available for investigation and resolution.
- (c) Follow-up on animal-related calls, such as locating owners of injured animals.

## 820.3 MEMBER RESPONSIBILITY

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

- (a) There is a threat to the public safety.
- (b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
- (c) An animal is creating a traffic hazard.
- (d) An animal is seriously injured.
- (e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
  - 1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
  - 2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
  - 3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

## *Animal Control*

---

### **820.4 DECEASED ANIMALS**

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

### **820.5 INJURED ANIMALS**

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

#### **820.5.1 INJURED WILDLIFE**

Members encountering injured wildlife should contact the Utah Division of Wildlife Resources or one of the Division's authorized wildlife rehabilitators.

### **820.6 POLICY**

It is the policy of the Weber County Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

### **820.7 ANIMAL CRUELTY COMPLAINTS**

Laws relating to the cruelty to animals should be enforced, including but not limited to Utah Code 76-9-301 et seq.

- (a) An investigation should be conducted on all reports of animal cruelty.
- (b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

### **820.8 ANIMAL BITE REPORTS**

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

### **820.9 STRAY DOGS**

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

## *Animal Control*

---

### **820.10 DANGEROUS ANIMALS**

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

### **820.11 PUBLIC NUISANCE CALLS RELATING TO ANIMALS**

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality of life issues.

### **820.12 DESTRUCTION OF ANIMALS**

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

## **Jeanne Clery Campus Security Act**

### **822.1 PURPOSE AND SCOPE**

The purpose of this policy is to establish guidelines to ensure the Weber County Sheriff Office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Weber State University is the only Higher Education facility in Weber County.

Weber State University is served by its own police department who fulfills the obligations of this act.



# Dispatch

## 823.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the sheriff's office in the course of its normal daily activities and during emergencies.

## 823.2 POLICY

It is the policy of the Weber County Sheriff's Office to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability for continuous communication between Dispatch and department members in the field.

## 823.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff and sheriff's office members with a specific business-related purpose.

## 823.4 RESPONSIBILITIES

### 823.4.1 DISPATCH SUPERVISOR

The Sheriff shall appoint and delegate certain responsibilities to a Dispatch Supervisor. The Dispatch Supervisor is directly responsible to the Patrol Bureau Commander or the authorized designee.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

- (a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.
- (b) Scheduling and maintaining [dispatcher] time records.
- (c) Supervising, training and evaluating [dispatcher]s.
- (d) Ensuring the radio and telephone recording system is operational.
  - 1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
- (e) Processing requests for copies of Dispatch information for release.
- (f) Maintaining Dispatch database systems.
- (g) Maintaining and updating Dispatch procedures manual.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Dispatch*

---

1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
  2. Ensuring [dispatcher] compliance with established policies and procedures.
- (h) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
- (i) Maintaining a current contact list of County personnel to be notified in the event of a utility service emergency.

#### 823.4.2 ADDITIONAL PROCEDURES

The Dispatch Supervisor should establish procedures for:

- (a) Recording all telephone and radio communications and playback issues.
- (b) Storage and retention of recordings.
- (c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).
- (d) Availability of current information for [dispatcher]s (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).
- (e) Assignment of field members and safety check intervals.
- (f) Emergency Medical Dispatch (EMD) instructions.
- (g) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).
- (h) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).
- (i) Protection of radio transmission lines, antennas and power sources for Dispatch (e.g., security cameras, fences).
- (j) Handling misdirected, silent and hang-up calls.
- (k) Handling private security alarms, if applicable.
- (l) Radio interoperability issues.

#### 823.4.3 [DISPATCHER]S

[dispatcher]s report to the Dispatch Supervisor. The responsibilities of the [dispatcher] include, but are not limited to:

- (a) Receiving and handling all incoming and transmitted communications, including:
  1. Emergency 9-1-1 lines.
  2. Business telephone lines.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Dispatch

---

3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
  4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
  5. Other electronic sources of information (e.g., text messages, digital photographs, video).
- (b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
  - (c) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (e.g., Department of Motor Vehicle (DMV) records, the Utah Criminal Justice Information System (UCJIS) and NCIC).
  - (d) Monitoring department video surveillance systems.
  - (e) Maintaining the current status of members in the field, their locations and the nature of calls for service.
  - (f) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

### **823.5 CALL HANDLING**

This department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the [dispatcher] will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the [dispatcher] determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the [dispatcher] determines that the caller is a limited English proficiency (LEP) individual, the [dispatcher] should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and

## *Dispatch*

---

a language-appropriate authorized interpreter is available in Dispatch, the [dispatcher] should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the [dispatcher] is unable to identify the caller's language, the [dispatcher] will contact the contracted telephonic interpretation service and establish a three-party call connecting the [dispatcher], the LEP individual and the interpreter.

[dispatcher]s should be courteous, patient and respectful when dealing with the public.

### **823.5.1 EMERGENCY CALLS**

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the [dispatcher] has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### **823.5.2 NON-EMERGENCY CALLS**

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the [dispatcher] to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the [dispatcher] returning to the telephone line or when there will be a delay in the response for service.

### **823.6 RADIO COMMUNICATIONS**

The sheriff's radio system is for official use only, to be used by [dispatcher]s to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

- (a) Members acknowledging the [dispatcher] with their radio identification call signs and current location.
- (b) [dispatcher]s acknowledging and responding promptly to all radio transmissions.
- (c) Members keeping the [dispatcher] advised of their status and location.
- (d) Member and [dispatcher] acknowledgements shall be concise and without further comment unless additional information is needed.

The Dispatch Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant's supervisor and processed through the chain of command.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Dispatch*

---

#### **823.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE**

Weber County Sheriff's Office radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

#### **823.6.2 RADIO IDENTIFICATION**

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. [dispatcher]s shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the [dispatcher]. The use of the call sign allows for a brief pause so that the [dispatcher] can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department/office station name or number.

#### **823.7 DOCUMENTATION**

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. [dispatcher]s shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident control number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- Disposition or status of reported incident.

#### **823.8 CONFIDENTIALITY**

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as DMV records, warrants, criminal history information, records of internal sheriff's files or medical information, shall only be made available to authorized

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Dispatch*

---

law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

## Chapter 9 - Custody

# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Weber County Sheriff's Office facility. Such items can pose a serious risk to the safety and security of sheriff's office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

A deputy should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any Sheriff's Office vehicle.

Whenever practicable, a custody search should be conducted by a deputy of the same sex as the person being searched. If a deputy of the same sex is not reasonably available, a witnessing deputy should be present during the search.



## *Custodial Searches*

---

### **900.4 SEARCHES AT SHERIFF'S FACILITIES**

Custody searches shall be conducted on all individuals in custody, upon entry to the Weber County Sheriff's Office facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

#### **900.4.1 PROPERTY**

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from the Sheriff's Office, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another Sheriff's Office member. The inventory should include the case number, date, time, member's Weber County Sheriff's Office identification number and information regarding how and when the property may be released.

#### **900.4.2 VERIFICATION OF MONEY**

All money shall be accounted for and processed in accordance with current Weber County Sheriff's Office Intake and Booking policy

### **900.5 STRIP SEARCHES**

No individual in temporary custody at any Weber County Sheriff's Office facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

- (a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
- (b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
  - 1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Custodial Searches*

---

- (c) Custody history (e.g., past possession of contraband while in custody, assaults on Sheriff's Office members, escape attempts).
- (d) The individual's actions or demeanor.
- (e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

#### 900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Weber County Sheriff's Office facilities shall be conducted as follows (28 CFR 115.115):

- (a) Written authorization from the Watch Commander shall be obtained prior to the strip search.
- (b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
- (c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
- (d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
- (e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.
- (f) The primary member conducting the search shall prepare a written report to include:
  - 1. The facts that led to the decision to perform a strip search.
  - 2. The reasons less intrusive methods of searching were not used or were insufficient.
  - 3. The written authorization for the search, obtained from the Watch Commander.
  - 4. The name of the individual who was searched.
  - 5. The name and sex of the members who conducted the search.
  - 6. The name, sex and role of any person present during the search.
  - 7. The time and date of the search.
  - 8. The place at which the search was conducted.
  - 9. A list of the items, if any, that were recovered.

## *Custodial Searches*

---

10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.
- (g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

### **900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES**

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

- (a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.
- (b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

### **900.6 PHYSICAL BODY CAVITY SEARCH**

Physical body cavity searches shall be subject to the following:

- (a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).
- (b) Only a physician may conduct a physical body cavity search.
- (c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.
- (d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.
- (e) All such searches shall be documented, including:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Custodial Searches*

---

1. The facts that led to the decision to perform a physical body cavity search of the individual.
  2. The reasons less intrusive methods of searching were not used or were insufficient.
  3. The Watch Commander's approval.
  4. A copy of the search warrant.
  5. The time, date and location of the search.
  6. The medical personnel present.
  7. The names, sex and roles of any department members present.
  8. Any contraband or weapons discovered by the search.
- (f) A copy of the written authorization shall be retained and made available to the individual who was searched or other authorized representative upon request.

#### **900.7 TRAINING**

The Training Officer shall ensure members have training that includes (28 CFR 115.115):

- (a) Conducting searches of cross-gender individuals.
- (b) Conducting searches of transgender and intersex individuals.
- (c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

# Prison Rape Elimination

## 902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against prisoners in the Weber County Sheriff's Office Temporary Holding Facilities (28 CFR 115.111).

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the prisoner does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the prisoner or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire

## *Prison Rape Elimination*

---

- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

### **902.2 POLICY**

The Weber County Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Sheriff's Office 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 Weber County Sheriff's Office will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

### **902.3 PREA COORDINATOR**

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee office efforts to comply with PREA standards in the Weber County Sheriff's Office 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 Weber County Sheriff's Office 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).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Prison Rape Elimination*

---

- (e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and office leadership to an incident of sexual abuse (28 CFR 115.165).
- (f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - 1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - 2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
  - 3. A process to document all referrals to other law enforcement agencies.
  - 4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - 5. In accordance with security needs, provisions to permit, to the extent available, prisoner access to victim advocacy services if the prisoner is transported for a forensic examination to an outside hospital that offers such services.
- (g) Ensuring that prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
  - 1. The agency shall not rely on other prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- (h) Publishing on the office's website:
  - 1. Information on how to report sexual abuse and sexual harassment on behalf of a prisoner (28 CFR 115.154).

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Prison Rape Elimination*

---

2. A protocol describing the responsibilities of the Sheriff's Office and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- (i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
  1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
  2. The data shall be aggregated at least annually.
- (j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house prisoners overnight (28 CFR 115.193).
- (k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

### **902.4 REPORTING SEXUAL ABUSE AND HARASSMENT**

Prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Sheriff's Office 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 Sheriff's Office and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **902.4.1 MEMBER RESPONSIBILITIES**

Sheriff's Office 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 Precinct Lieutenant any knowledge, suspicion or information regarding:



## *Prison Rape Elimination*

---

- (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 office member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### **902.4.2 WATCH COMMANDER RESPONSIBILITIES**

The Watch Commander shall report to the office'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 Watch Commander shall also report the allegation as required under mandatory reporting laws and office policy.

Upon receiving an allegation that a prisoner was sexually abused while confined at another facility, the Watch Commander 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 Watch Commander 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 Sheriff's Office shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

### **902.5 INVESTIGATIONS**

The Sheriff's Office shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received office-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

#### **902.5.1 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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Prison Rape Elimination*

---

- (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).

### 902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

- (a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
- (b) Interview alleged victims, suspects and witnesses.
- (c) Review any prior complaints and reports of sexual abuse involving the suspect.
- (d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a prisoner or a member of the Weber County Sheriff's Office.
- (f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
- (g) Refer allegations of conduct that may be criminal to the prosecutor's office for possible prosecution, including any time there is probable cause to believe a prisoner sexually abused another prisoner in the Temporary Holding Facility (28 CFR 115.178).
- (h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this office shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### 902.5.4 SEXUAL ASSAULT AND ABUSE VICTIMS

No prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Prison Rape Elimination*

---

Prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### **902.5.5 CONCLUSIONS AND FINDINGS**

All completed investigations shall be forwarded to the Sheriff, or if the allegations may reasonably involve the Sheriff, to the County Commissioner. The Sheriff or County Commissioner 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 office 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.

### **902.6 RETALIATION PROHIBITED**

All prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander 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 Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of prisoners or members who have reported sexual abuse and of prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of prisoners, such monitoring shall also include periodic status checks.

### **902.7 REVIEWS AND AUDITS**

## *Prison Rape Elimination*

---

### 902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
- (c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (d) Assess the adequacy of staffing levels in that area during different shifts.
- (e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the 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).

### 902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- (a) Identification of any potential problem areas.
- (b) Identification of any corrective actions taken.
- (c) Recommendations for any additional corrective actions.
- (d) A comparison of the current year's data and corrective actions with those from prior years.
- (e) An assessment of the office's progress in addressing sexual abuse.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Prison Rape Elimination*

---

The report shall be approved by the Sheriff and made readily available to the public through the office website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Weber County Sheriff's Office facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the office website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

#### **902.8 RECORDS**

The Sheriff's Office 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 Sheriff's Office, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

#### **902.9 TRAINING**

- (a) All employees, volunteers and contractors who may have contact with prisoners shall receive office-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 Sheriff's Office 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.
- (b) Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

## *Prison Rape Elimination*

---

- 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.
- (c) 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.

## Temporary Custody of Adults

### 903.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Weber County Sheriff's Office for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults are in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

#### 903.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the sheriff's office.

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

**Temporary custody** - The time period an adult is in custody at the Weber County Sheriff's Office prior to being released or transported to a housing or other type of facility.

### 903.2 POLICY

The Weber County Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Sheriff's Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

### 903.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

#### 903.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Weber County Sheriff's Office, but should be transported to a jail facility, a medical facility or other type of facility as appropriate. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, or who may require medical attention, supervision or medication while in temporary custody.
- (c) Any individual who is seriously injured.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Adults*

---

- (d) Individuals who are a suspected suicide risk (see the Civil Commitments Policy).
  - 1. If the deputy taking custody of an individual believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or a transfer to an appropriate facility is completed.
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) Individuals who are under the influence of alcohol, a controlled substance or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (g) Any individual who has exhibited extremely violent or continuously violent behavior.
- (h) Any individual who has claimed, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk.
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.

Deputies taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the sheriff's office unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

#### 903.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized sheriff's office member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability.

At least one female sheriff's office member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process.

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present.

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

#### 903.3.3 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.



## *Temporary Custody of Adults*

---

- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

### **903.4 INITIATING TEMPORARY CUSTODY**

The deputy responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The deputy should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving deputy should ask the arresting deputy if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the County jail or the appropriate mental health facility.

The deputy should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

#### **903.4.1 SCREENING AND PLACEMENT**

The deputy responsible for an individual in custody shall:

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
  - 1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.
  - 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    - (a) Continuous, direct sight and sound supervision.
    - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
  - 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
  - 4. Ensure males and females are separated by sight and sound when in cells.
  - 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Adults*

---

- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

#### 903.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Bureau Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Office members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
  - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
  - 1. If the country is on the mandatory notification list, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
    - (c) Forward any communication from the individual to his/her consular officers without delay.
    - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
  - 2. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
    - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
    - (b) Forward any communication from the individual to his/her consular officers without delay.

#### 903.5 SAFETY, HEALTH AND OTHER PROVISIONS

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Adults*

---

#### 903.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Weber County Sheriff's Office, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks.
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Weber County Sheriff's Office.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

#### 903.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
  - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
  - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
  - 1. The supervisor should ensure that there is an adequate supply of clean blankets.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Adults*

---

- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

#### 903.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to office members. At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by a deputy.

Those who require medication while in temporary custody should not be at the Weber County Sheriff's Office. They should be released or transferred to another facility as appropriate.

#### 903.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists.

#### 903.5.5 TELEPHONE CALLS

Every individual in temporary custody should be allowed to make a reasonable number of completed telephone calls as soon as possible after arrival.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
  - 1. The sheriff's office should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
  - 1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Custody of Adults*

---

#### **903.5.6 RELIGIOUS ACCOMMODATION**

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated. Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

#### **903.5.7 FIREARMS AND OTHER SECURITY MEASURES**

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

#### **903.6 USE OF RESTRAINT DEVICES**

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Weber County Sheriff's Office unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

#### **903.6.1 PREGNANT ADULTS**

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

#### **903.7 PERSONAL PROPERTY**

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another

## *Temporary Custody of Adults*

---

person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Office shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

### **903.8 HOLDING CELLS**

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members shall occur no less than every 15 minutes.
  - 1. Safety checks should be at varying times.
  - 2. All safety checks shall be logged.
  - 3. The safety check should involve questioning the individual as to his/her well-being.
  - 4. Individuals who are sleeping or apparently sleeping should be awakened.
  - 5. Requests or concerns of the individual should be logged.

### **903.9 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY**

The Patrol Bureau Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Weber County Sheriff's Office. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Temporary Custody of Adults*

---

- (b) Immediate notification of the Watch Commander, Sheriff and Investigation Bureau Commander.
- (c) Notification of the spouse, next of kin or other appropriate person.
- (d) Notification of the appropriate prosecutor.
- (e) Notification of the County Attorney.
- (f) Notification of the [Medical Examiner/JOP].
- (g) Evidence preservation.

### **903.10 RELEASE AND/OR TRANSFER**

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Weber County Sheriff's Office unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
  - 1. The sheriff's office member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, deputies should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

### **903.11 ASSIGNED ADMINISTRATOR**

The Patrol Bureau Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues:

- (a) General security

## *Temporary Custody of Adults*

---

- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety
- (h) Disaster plans
- (i) Building and safety code compliance

### **903.12 TRAINING**

Sheriff's Office members should be trained and familiar with this policy and any supplemental procedures.



## **Chapter 10 - Personnel**

# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Weber County Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Weber County Sheriff's Office provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Administration Bureau Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive sheriff's office website and the use of sheriff's office-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
- (e) Employee referral and recruitment incentive programs.
- (f) Consideration of shared or collaborative regional testing processes.

The Administration Bureau Commander shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The sheriff's office should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

## *Recruitment and Selection*

---

### **1000.4 SELECTION PROCESS**

The Department shall actively strive to identify a diverse group of candidates that have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department should employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
- (b) Driving record
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
- (e) Information obtained from public internet sites
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Polygraph or voice stress analyzer (VSA) examination (when legally permissible)
- (i) Medical and psychological examination (may only be given after a conditional offer of employment)
- (j) Review board or selection committee assessment

#### **1000.4.1 VETERAN PREFERENCE**

The Department will provide veteran preference as required by Utah Code 71-10-2.

### **1000.5 BACKGROUND INVESTIGATION**

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Weber County Sheriff's Office (Utah Code 53-6-203; Utah Code 53-6-302).

#### **1000.5.1 NOTICES**

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA (15 USC § 1681d).

#### **1000.5.2 REVIEW OF SOCIAL MEDIA SITES**

Due to the potential for accessing unsubstantiated, private or protected information, the Administration Bureau Commander shall not require candidates to provide passwords, account information or access to password-protected social media accounts (Utah Code 34-48-201).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Recruitment and Selection*

---

The Administration Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate and validated.
- (c) The Office fully complies with applicable privacy protections and local, state and federal law.

Regardless of whether a third party is used, the Administration Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

#### **1000.5.3 DOCUMENTING AND REPORTING**

The background investigator shall summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation shall be included in the candidate's background investigation file.

#### **1000.5.4 RECORDS RETENTION**

The background report and all supporting documentation shall be maintained in accordance with the established records retention schedule.

#### **1000.6 DISQUALIFICATION GUIDELINES**

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Recruitment and Selection*

---

### **1000.7 EMPLOYMENT STANDARDS**

All candidates shall meet the minimum standards required by state law (Utah Code 53-6-203; Utah Code 53-6-302). Candidates will be evaluated based on merit, ability, competence and experience, in accordance with the high standards of integrity and ethics valued by the Office and the community.

Validated, job-related and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

#### **1000.7.1 STANDARDS FOR DEPUTIES**

Candidates shall meet the minimum standards established by the Utah Peace Officer Standards and Training (POST) Council (Utah Code 53-6-203):

- (a) Citizen of the United States
- (b) Minimum Age at Utah POST Graduation
  1. 19 Years old to be certified as a Corrections Deputy (Special Functions Officer and Basic Corrections Officer Certifications)
  2. 21 Years old to be certified as a Enforcement Deputy (Law Enforcement Officer Certification)
- (c) High school graduate or possess an equivalent achievement
- (d) Not have been convicted of a crime for which the candidate could be punished by imprisonment
- (e) Demonstrate good moral character as determined through a background investigation. A candidate shall be considered to be of good moral character if he/she has not engaged in conduct that would violate Utah Code 53-6-211(1)
- (f) Be free of any physical, emotional or mental condition that might adversely affect the performance of the candidate's duties as a peace officer
- (g) Criminal background check of local, state and national criminal history files
- (h) Not prohibited from possessing a firearm under state or federal law
  1. Corrections Officers are not permitted to carry a firearm until the age of 21.

In addition to the standards established by POST, the office may establish additional standards concerning peace officer candidates (Utah Code 53-6-207).

#### **1000.7.2 STANDARDS FOR [DISPATCHER]S**

Candidates shall meet the following minimum standards (Utah Code 53-6-302):

- (a) Citizen of the United States or lawful permanent resident who has legal authorization to work in the United States and has been in the United States legally for at least five years immediately preceding the day on which the application is made

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Recruitment and Selection*

---

- (b) At least 18 years old
- (c) High school graduate or possess an equivalent achievement
- (d) Not have been convicted of a crime for which the candidate could be punished by imprisonment
- (e) Demonstrate good moral character as determined through a background investigation. A candidate shall be considered to be of good moral character if he/she has not engaged in conduct that would violate Utah Code 53-6-309(1)
- (f) Be free of any physical, emotional, or mental condition that might adversely affect the performance of the candidate's duties as a [dispatcher]
- (g) Criminal background check of local, state, and national criminal history files
- (h) Meet all other standards required by POST

In addition to the standards established by POST, the department may establish additional standards concerning [dispatcher] candidates (Utah Code 53-6-305).

# Bilingual Incentive Program

## 1001.1 PURPOSE AND SCOPE

Weber County Sheriff Deputies interact with highly diverse community members while responding to calls for service and interacting with the inmates. Therefore, we must have staff available to listen and communicate with members of our jail that speak a different language. The Bilingual Incentive Program will compensate Deputies who can communicate by listening and speaking a second language at an intermediate level.

Deputies who receive this incentive must make themselves available to assist and/or take over calls for service from other Deputies who are not bilingual (in the language needed). Deputies should also be available to assist other agencies when required. Deputies should make themselves available to call out in the event the specific language they speak is needed. This incentive also serves as a competitive recruitment incentive to attract more Deputies who speak a second language at a competitive rate.

## 1001.2 TESTING

Deputies who seek to participate in the Bilingual Incentive Program must pass a test provided by the Language Testing International (LTI) Company at an intermediate-high level. LTI will certify the qualifying Deputy through ACTFL, an internationally recognized membership organization of world language professionals. The certification is good for two years. After two years, the Deputy will have to retest to show proficiency to maintain the incentive.

Deputies will be tested in the following:

- Speaking
- Listening

Deputies will not be tested on reading or writing the second language.

## 1001.3 METHOD OF TESTING

### Oral Proficiency Interview (OPI)

**Test Type:** A scheduled telephone interview delivered by a live, ACTFL-certified tester

- (a) Test takers provide your company two dates with times of availability to allow for LTI to match schedules with a live tester
- (b) Once scheduled, the exact date and time is then communicated to the test taker

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Bilingual Incentive Program*

---

**Test Length:** 20-30 minutes depending on the level of the test taker.

**Available Languages:** Afrikaans, Akan-Twi, Albanian, Algerian, Amharic, Arabic (MSA), Armenian, Assyrian, Azerbaijani, Baluchi, Bambara, Belorussian, Bengali, Bosnian, Bulgarian, Burmese, Cambodian, Catalan, Cebuano, Chavacano, Chechen, Cantonese Chinese, Mandarin Chinese, Czech, Danish, Dari, Dhivehi, Dutch, Egyptian, English, Estonian, Ewe, Finnish, Fon, French, Fula/Peul, Fula/Toucouleur, Ga, Georgian, German, Greek (Modern), Gujarati, Haitian Creole, Hausa, Hebrew, Hilgaynon, Hindi, Hmong-Mong, Hungarian, Icelandic, Igbo, Ilocano, Indonesian, Iraqi, Italian, Japanese, Javanese, Jordanian, Kashmiri, Kazakh, Kikongo-Kongo, Kinyarwanda, Kirundi, Korean, Krio, Kurdish-Kurmanji, Kurdish-Sorani, Kurdish, Kuwaiti, Lao, Latvian, Lebanese, Levantine, Libyan, Lingala, Lithuanian, Luganda, Malay, Malayalam, Mandingo-Bambara, Marathi, Marshallese, Mongolian, Moroccan, Mossi, Nepali, Norwegian, Palestinian, Pashto, Persian Farsi, Polish, (Brazilian) Portuguese, (European) Portuguese, Punjabi, Quechua, Romanian, Russian, Serbian/Croatian, Sindhi, Sinhalese, Slovak, Slovenian, Somali, Spanish, Sudanese, Swahili, Swedish, Syrian, Tagalog, Tajik, Tamil, Tausug, Telugu, Thai, Tibetan, Tigrinya, Tunisian, Turkish, Turkmen, Uighur, Ukrainian, Urdu, Uzbek, Vietnamese, Wolof, Yemeni, Yoruba, Zulu

**ASL** is in development with an estimated release date in late 2022

**Test Format:** An adaptive test that includes a warm-up, level check questions, probes and wind-down. Questions are adapted to the interests of the test taker

- (a) The tester can ask more or less difficult questions based on the test taker's responses
- (b) No two tests are alike

**Test Results:** Live-rated and delivered within 5-10 business days (Certified).

### **1001.4 LANGUAGE INCENTIVE PAY STRUCTURE**

The Spanish language is by far the most used language we encounter other than English when speaking to members of our community and our inmates. American Sign Language (ASL) is the second most used based off statistics from Weber Dispatch language line. Due to this, the incentive will provide the higher used language with a larger incentive.

**Spanish:** \$50.00 per Pay Period

**ASL:** \$40.00 per Pay Period

All Other Languages: \$25.00 per Pay Period.

### **1001.5 COST TO START AND MAINTAIN**

The WCSO will pay for the Deputy to take the test once every two years. The cost is \$146.00 per test. The WCSO will also pay for the Deputy to retest when the certification is about to expire



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Bilingual Incentive Program*

---

after 2 years. If the Deputy does not pass the test at an intermediate-high level, the Deputy will have to reimburse the office the cost of the test.

## 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 Weber County Sheriff's Office.

#### 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) School Resource/N.O.V.A. Officer.
- (h) Court Officer.

## *Promotion and Transfer*

---

### 1004.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for transfer:

- (a) Experience.
- (b) Off probation.
- (c) Has shown an expressed interest in the position applied for.
- (d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations.
- (e) Completed any training required by POST or law.

### 1004.3 SELECTION PROCESS

The following criteria apply to transfers:

Letters of interest will be requested for specialized assignments. Employees will be instructed to justify how they meet the general requirements listed in 1004.2.1.

Letters of interest will be evaluated by the Chief Deputy or designee(s). Pay for Performance reviews of the previous two years as well as the candidate's personnel file and TEAM coaching notes should be reviewed during the selection process.

Candidates for specialized assignments will be rated using the attached evaluation sheet.

[See attachment: Specialized Assignment Selection Criteria.pdf](#)

This policy for all positions may be waived for temporary assignments, emergency situations or for training.

### 1004.4 PROMOTIONAL EXAM PROCESS

Unless otherwise directed by HR, the Sheriff's Office will draft all competitive testing processes for promotion and will have them approved by HR.

HR will monitor the testing process and assist as needed with proctoring written examinations.

HR will score written tests, enter all testing scores, create a register with rankings, notify participants of their performance and place on the register.

HR will maintain the register for each promotional process. The scores and ranking of the examination process will not be provided to the administration of the Sheriff's Office.

When there is a vacancy, an administrator will contact HR and notify them of the vacancy. HR will provide the top three candidates' names on the register in no particular rank or order to the

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Promotion and Transfer*

---

administrator. For multiple openings, no more than three names will be provided at a time. Each opening will be filled one at a time.

The administration of the Sheriff's Office will make the selection from the list of three based on current needs of the vacant position using the attached final ranking criteria. If the administration performing the final ranking is unable to clearly rank the 3 candidates using the final ranking criteria, the individual ranking highest on the original register will be offered the promotion.

The individual(s) making the final selection will be provided the letters of interest / resumes for the top three candidates. The reviewing individual(s) committee will rank the candidates in each category from 1 to 3 on the form. The candidate with the lowest score will be selected. The candidates will be ranked using supporting documentation from resumes, personnel files, annual performance reviews, and first-hand knowledge. One form should be used for each candidate for comparison. Additional information may be listed on the supplemental form.

Information should be included with an individual's application or resume that details job experience specific to the position applied for and fit for the position as defined in [Weber County SO Policy Manual: 1004.1.1 GENERAL REQUIREMENTS](#). Please use examples to demonstrate each and include awards, letters from supervisors etc.

[See attachment: Final Selection Grading Criteria](#)

See Also: [WCSO Custody Manual: 107.5 PROMOTIONAL EXAM PROCESS](#)

#### 1004.4.1 TESTING PROCESS TIME COMPENSATION

Employees who are attending any internal interview or promotional process within the Weber County Sheriff's Office will be eligible for their time to be compensated.

Individuals who are attending an interview or promotions process during their normally scheduled work hours may do so as a part of their shift without the requirement of taking vacation time or making up the time.

Those who are attending an interview or promotions process outside of their regularly scheduled working hours will be compensated for that time. However, staff are encouraged to flex that time if at all possible. Staff are required to notify their supervisor of the need to flex time as early as possible. If the supervisor is unable to flex that time off, overtime is authorized. Compensation or flex time will not apply to any time spent studying or preparing for interviews or testing processes.

This policy is to address situations from this point forward and is not retroactive for any previous processes. This policy also does not apply to any situation in which an employee is testing for employment outside of the Weber County Sheriff's Office. In the event that an employee is testing for outside employment, they will need to do so on their own time or by using their vacation hours.

See Also: [WCSO Custody Manual: 107.5.1 TESTING PROCESS TIME COMPENSATION](#)

# Anti-Retaliation

## 1007.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members (Utah Code 53-6-210.5).

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause (Utah Code 53-6-210.5).

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance, or collective bargaining agreement.

## 1007.2 POLICY

The Weber County Sheriff's Office has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1007.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

## *Anti-Retaliation*

---

### **1007.4 COMPLAINTS OF RETALIATION**

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the County Personnel Director.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### **1007.5 SUPERVISOR RESPONSIBILITIES**

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the Sheriff via the chain of command and explaining to the member how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of a member to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

## *Anti-Retaliation*

---

### **1007.6 COMMAND STAFF RESPONSIBILITIES**

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- (a) Communicating to all members the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

### **1007.7 WHISTLE-BLOWING**

The Utah Protection of Public Employees Act protects an employee who (Utah Code 67-21-1 et seq.):

- (a) Communicates in good faith the waste or misuse of public funds, property, or manpower.
- (b) Communicates in good faith a suspected violation of a state or federal law, rule, or regulation.
- (c) Objects to or refuses to carry out a directive that the member reasonably believes violates state or federal law.

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Internal Affairs Unit for investigation pursuant to the Personnel Complaints Policy.

#### **1007.7.1 NOTICE OF EMPLOYEE PROTECTIONS AND OBLIGATIONS**

The Office shall post a notice and use appropriate means to keep employees informed of their protections and obligations under the Utah Protection of Public Employees Act. The Office shall provide the employee with a copy of the Act (Utah Code 67-21-9):

- (a) When the employee is hired.
- (b) Upon a request by the employee.
- (c) When the employee files a grievance under the Utah Protection of Public Employees Act.

### **1007.8 RECORDS RETENTION AND RELEASE**

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### **1007.9 TRAINING**

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Anti-Retaliation*

---



# Reporting of Employee Convictions

## 1009.1 PURPOSE AND SCOPE

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

## 1009.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

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

All 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)).

## 1009.3 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 Sheriff's Office may be inherently in conflict with law enforcement duties and the public trust.

## 1009.4 REPORTING PROCEDURE

All members of the Sheriff's Office and all retired deputies with an identification card issued by the Sheriff's Office 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 Sheriff's Office 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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Reporting of Employee Convictions*

---

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

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

## Drug- and Alcohol-Free Workplace

### 1011.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

### 1011.2 POLICY

It is the policy of the Weber County Sheriff's Office to provide a drug- and alcohol-free workplace for all members.

### 1011.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander 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).

#### 1011.3.1 USE OF MEDICATIONS

Members should not use any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

### 1011.4 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 Sheriff's Office premises or on Sheriff's Office time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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.

## *Drug- and Alcohol-Free Workplace*

---

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).

### **1011.5 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.

### **1011.6 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 Sheriff's Office.

### **1011.7 REQUESTING SCREENING TESTS**

A supervisor may require 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 (excluding training or authorized euthanizing of an animal).
- (c) The employee discharges a firearm issued by the Department while off-duty, resulting in injury, death, or substantial property damage.
- (d) The employee drives a motor vehicle in the performance of his/her duties and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

#### **1011.7.1 SUPERVISOR RESPONSIBILITY**

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Drug- and Alcohol-Free Workplace*

---

- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### 1011.7.2 DISCIPLINE

An employee may be subject to disciplinary action if he/she:

- (a) Fails or refuses to submit to a screening test.
- (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.

### 1011.8 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 Sheriff's Office will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### 1011.9 CONFIDENTIALITY

The Sheriff's Office recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

## Sick Leave

### 1013.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the County personnel manual or applicable collective bargaining agreement or any memorandum of understanding.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.).

### 1013.2 POLICY

It is the policy of the Weber County Sheriff's Office to provide eligible employees with a sick leave benefit.

#### 1013.2.1 NOTIFICATION

Employees are encouraged to notify the Watch Commander 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 Sheriff's Office with no less than 30-days notice of the intent to take leave.

### 1013.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during a member's non-working hours when it is reasonable to do so.

### 1013.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

## *Sick Leave*

---

### **1013.5 SUPERVISOR RESPONSIBILITIES**

The responsibilities of supervisors include, but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.
- (c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:
  - 1. Negatively affected the member's performance or ability to complete assigned duties.
  - 2. Negatively affected department operations.
- (d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible members to an available employee assistance program when appropriate.

# Communicable Diseases

## 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of sheriff's office members contracting and/or spreading communicable diseases.

### 1015.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Weber County Sheriff's Office. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1015.2 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (29 CFR 1910.1030; UAC R614-1-4):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
- (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Communicable Diseases*

---

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### **1015.3 SCREENING / TESTING**

##### **Initial Screening**

All new Weber County Sheriff's Office employees will be screened for tuberculosis within six months of their hire date.

This testing will be done through the Weber Morgan Health Department. The current recommended method for TB testing is the blood test. If an employee elects to have the skin test instead of a blood test, they will be required to have a follow up test administered by the Weber Morgan Health Department.

All new hires for a position considered to be "at risk" for bloodborne pathogens, such as deputy or direct medical care positions, shall be screened for the following within six months of their hire date.

- HIV
- Hepatitis B
- Hepatitis C

##### **Immunizations**

All employees at risk for "bloodborne pathogen" exposure are required to show proof of Hepatitis B vaccinations or serological immunity to Hepatitis B. This proof must be reviewed by the Weber Morgan Health Department. Hepatitis B vaccinations will be given to "at risk" employees at no charge to the employee, through the Weber Morgan Health Department. At risk employees include those that are at risk of being exposed to contaminated needles such as deputies and medical personnel. Office support staff are generally not considered to be at risk.

##### **Other Immunizations**

An employee may elect to receive additional immunizations such as influenza, Tdap, MMR, Hepatitis A and COVID -19 through the Weber Morgan Health Department. The employee is responsible for all costs associated with any elective immunizations beyond Hepatitis B.

##### **Costs**

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Communicable Diseases*

---

The WCSO office will cover the costs of tb testing for all new employees and the costs of testing for HIV, Hepatitis B and Hepatitis C for all new at risk employees. The WCSO will also cover the cost of the Hepatitis B vaccinations for all at risk employees.

The cost of any additional testing or follow up for any positive screenings (ie confirmatory testing, chest xrays or viral load testing) will be the responsibility of the employee.

#### **Waiver**

Employees who have a medical contraindication or a personal objection to the Hepatitis B vaccine will be required to sign an informed declination. This waiver will be stored in the employees personnel file under the medical tab.

#### **Records**

Records of employee testing and vaccinations will be maintained by the Weber Morgan Health Department.

[See attachment: Hepatitis B Vaccine Informed Declination.pdf](#)

#### **1015.4 POST EXPOSURE**

**Exposure Packet** – Members who experience an exposure or suspected exposures shall complete the steps outlined in the exposure packet, which can be found on the Weber County Human Resources webpage under workers compensation.

##### **1015.4.1 INITIAL POST-EXPOSURE STEPS**

Members who experience an exposure or suspected exposure shall (29 CFR 1910.1030; UAC R614-1-4):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.
- (c) Notify a supervisor as soon as practicable.

##### **1015.4.2 REPORTING REQUIREMENTS**

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (29 CFR 1910.1030; UAC R614-1-4):

- (a) Name of the member exposed
- (b) Date and time of the incident
- (c) Location of the incident

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Communicable Diseases*

---

- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury and Death Reporting Policy).

#### 1015.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Sheriff's office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (29 CFR 1910.1030; UAC R614-1-4).

The employee supervisor should request a written opinion/evaluation from the treating medical professional that contains only the following information:

- (a) Whether the member has been informed of the results of the evaluation.
- (b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the employee supervisor.

#### 1015.4.4 COUNSELING

The sheriff's office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (29 CFR 1910.1030; UAC R614-1-4).

#### 1015.4.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the employee supervisor. If the employee supervisor is unavailable to seek timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting testing through the local health department (Utah Code 26-6-4).
- (c) Seeking a court order or warrant pursuant to Utah Code 78B-8-402.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Communicable Diseases*

---

Since there is the potential for overlap between the different manners in which source testing may occur, the employee supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The employee supervisor should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

#### **1015.5 CONFIDENTIALITY OF REPORTS**

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law) (29 CFR 1910.1030; UAC R614-1-4; Utah Code 26-6-27). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

#### **1015.6 TRAINING**

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (29 CFR 1910.1030; UAC R614-1-4):

- (a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

#### **1015.7 POLICY**

The Weber County Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

# Smoking and Tobacco Use

## 1017.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Weber County Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

## 1017.2 POLICY

The Weber County Sheriff's Office recognizes that tobacco use is a health risk and can be offensive to others. Smoking and tobacco use also presents an unprofessional image for the sheriff's office and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all sheriff's office facilities, building and vehicles, and as is further outlined in this policy (Utah Code 26-38-3).

## 1017.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Weber County Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities, buildings and vehicles.

## 1017.4 ADDITIONAL PROHIBITIONS

No person shall smoke tobacco products within 25 feet of any entrance way, exit or operable window of any public building (including any department facility), all enclosed indoor places of public access, or in any buildings where restrictions on use of tobacco products are posted or provided by other means, whether the person is present for training, enforcement or any other purpose (UAC R392-510-9).

## 1017.5 ELECTRONIC CIGARETTES

The use of Electronic Cigarettes will be deemed the same as using other tobacco products for the purposes of the Sheriff's Office's policy. The use of E-cigarettes will have the same prohibitions and restrictions that are currently in place for use of regular cigarettes.

## Personnel Complaints

### 1019.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Weber County Sheriff's Office. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

### 1019.2 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of the Sheriff's Office 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, through the chain of command, 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.

### 1019.3 POLICY

The Weber County Sheriff's Office takes seriously all complaints regarding the service provided by the sheriff's office and the conduct of its members.

The sheriff's office will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreement.

It is also the policy of this sheriff's office to ensure that the community can report misconduct without concern for reprisal or retaliation.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personnel Complaints*

---

#### **1019.4 PERSONNEL COMPLAINTS**

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of sheriff's office policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate sheriff's office policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the sheriff's office.

##### **1019.4.1 COMPLAINT CLASSIFICATIONS**

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Watch Commander is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Internal Affairs Unit, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Internal Affairs Unit, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

##### **1019.4.2 SOURCES OF COMPLAINTS**

The following applies to the source of complaints:

- (a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
- (b) Any sheriff's office member becoming aware of alleged misconduct shall immediately notify a supervisor.
- (c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- (d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- (e) Tort claims and lawsuits may generate a personnel complaint.

#### **1019.5 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS**

##### **1019.5.1 COMPLAINT FORMS**

Personnel complaint forms will be maintained in a clearly visible location in the public area of the sheriff's facility and be accessible through the sheriff's office website. Forms may also be available at other County facilities.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personnel Complaints*

---

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

#### **1019.5.2 ACCEPTANCE**

All complaints will be courteously accepted by any sheriff's office member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

#### **1019.6 DOCUMENTATION**

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the sheriff's office should audit the log and send an audit report to the Sheriff or the authorized designee.

#### **1019.7 ADMINISTRATIVE INVESTIGATIONS**

Allegations of misconduct will be administratively investigated as follows.

##### **1019.7.1 SUPERVISOR RESPONSIBILITIES**

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Sheriff or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The Sheriff or any other supervisor who is made aware of an allegation against a certified peace officer or [dispatcher] employed by the Weber County Sheriff's Office shall conduct an administrative or internal investigation and report substantiated allegations to the Division of Peace Officer Standards and Training (POST) within 90 days (Utah Code 53-6-211; Utah Code 53-6-309; UAC R728-409-18).

If a deputy or [dispatcher] who is the subject of the investigation resigns, retires, or otherwise separates from the agency before the conclusion of the investigation, the Sheriff shall report the allegations and any investigation results to POST (Utah Code 53-6-211; Utah Code 53-6-309).



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personnel Complaints*

---

The Sheriff shall notify POST within 30 days of the termination of a deputy occurring during an open internal investigation for an alleged violation of Utah Code 53-6-211(1).

If the Weber County Sheriff's Office receives credible allegations and opens an internal investigation within two years of the termination of a deputy, the Sheriff shall provide notice of the investigation to POST and an estimated date of completion within 30 days. If the allegations involve violations of Utah Code 53-6-211(1), whether or not they result in an internal investigation, the Sheriff shall notify POST (Utah Code 53-6-209).

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - 1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Commander or the Sheriff, who will initiate appropriate action.
- (b) Responding to all complainants in a courteous and professional manner.
- (c) Resolving those personnel complaints that can be resolved immediately.
  - 1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
- (d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and Sheriff are notified via the chain of command as soon as practicable.
- (e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
- (f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
- (g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.
- (h) Investigating a complaint as follows:
  - 1. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
  - 2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### Personnel Complaints

---

- (i) Ensuring that the procedural rights of the accused member are followed.
- (j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

#### 1019.7.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Unit, the following applies to employees:

- (a) Interviews of an accused employee shall be conducted during reasonable hours and preferably when the employee is on-duty. If the employee is off-duty, he/she shall be compensated.
- (b) Unless waived by the employee, interviews of an accused employee shall be at the Weber County Sheriff's Office or other reasonable and appropriate place.
- (c) No more than two interviewers should ask questions of an accused employee.
- (d) Prior to any interview, an employee should be informed of the nature of the investigation.
- (e) All interviews should be for a reasonable period and the employee's personal needs should be accommodated.
- (f) No employee should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
- (g) Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
  - 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the employee has been given a *Garrity* advisement and after the investigator has consulted with the prosecuting agency. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
  - 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- (h) 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.
- (i) All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved employees shall not

## *Personnel Complaints*

---

consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

- (j) All employees shall provide complete and truthful responses to questions posed during interviews.
- (k) 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.

### 1019.7.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

### 1019.7.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve office members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

## *Personnel Complaints*

---

### **1019.7.5 COMPLETION OF INVESTIGATIONS**

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.

### **1019.7.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS**

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### **1019.8 ADMINISTRATIVE SEARCHES**

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

### **1019.9 ADMINISTRATIVE LEAVE**

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the sheriff's office, the Sheriff or the authorized designee with approval from the HR Director according to [HR policy 4-200](#) may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

- (a) May be required to relinquish any sheriff's office badge, identification, assigned weapons and any other sheriff's office equipment.
- (b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- (c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

### **1019.10 CRIMINAL INVESTIGATION**

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Sheriff shall be notified as soon as practicable when a member is accused of criminal conduct. The Sheriff may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

## *Personnel Complaints*

---

The Weber County Sheriff's Office may release information concerning the arrest or detention of any member, including a deputy, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### **1019.11 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES**

Upon completion of a formal investigation, an investigation report should be forwarded to the Sheriff through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Sheriff may accept or modify any classification or recommendation for disciplinary action.

#### **1019.11.1 BUREAU COMMANDER RESPONSIBILITIES**

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Sheriff, the Bureau Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Sheriff, the Bureau Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

#### **1019.11.2 SHERIFF RESPONSIBILITIES**

In accordance with Weber County HR Policy 3-600, any decision to suspend, demote, or terminate an employee will be first authorized by the Sheriff and the Director of Human Resources. In such cases a notice of disciplinary action will be prepared and reviewed by the Sheriff and the Director of Human Resources. The notice should contain the following information;

- (a) Name of Employee
- (b) Notification that the letter is a notice of disciplinary action
- (c) Date of Notice
- (d) Date, time, place and type of violations
- (e) Number and type of previous warnings
- (f) Effective date of disciplinary action

After the notice of disciplinary action is approved, the supervisor shall meet with the employee to deliver the notice and discuss its contents. At this time the employee should be informed of their grievance rights under [Weber County HR Policy 3-700 \(Grievance / Appeal Procedure\)](#).

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personnel Complaints*

---

#### 1019.11.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Sheriff or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.

#### 1019.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

In accordance with [Weber County HR Policy 3-600 \(Discipline\)](#), before any type of disciplinary action is taken against a merit employee, the Sheriff or designee will provide the employee the opportunity to participate in a pre-determination meeting. The pre-determination meeting is intended to provide the accused employee with an opportunity to present a written or oral response to the Sheriff after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- (a) The response is not intended to be an adversarial or formal hearing.
- (b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- (c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Sheriff to consider.
- (d) In the event that the Sheriff elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- (e) The employee may thereafter have the opportunity to further respond orally or in writing to the Sheriff on the limited issues of information raised in any subsequent materials.

#### 1019.13 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

#### 1019.14 POST-DISCIPLINE APPEAL RIGHTS

A merit employee who is suspended, disciplinarily transferred, demoted or terminated, or who claims discrimination shall have the right to file a grievance and appeal to the Career Service Council. Appeals shall be filed in writing using the employee grievance form no later than five (5) working days after the notice of disciplinary action is received by the employee. See [Weber County HR Policy 3-700 \(Grievance / Appeal Procedure\)](#).

#### 1019.15 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through

## *Personnel Complaints*

---

a liberty interest hearing, which shall be limited to a single appearance before the Sheriff or the authorized designee.

Any probationary period may be extended at the discretion of the Sheriff in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

### **1019.16 RETENTION OF PERSONNEL INVESTIGATION FILES**

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

### **1019.17 PROTECTED FILES**

Any complaints, reports, emails, interview notes, recordings, documents or other records that are collected, produced, or reviewed during an internal investigation shall be kept in a file that is separate and apart from the employee personnel file and shall be considered private pursuant to Utah Code 63G-2-302 (2) unless the charges upon which the internal investigation is based are sustained.

#### **GRAMMA RULE 63G-2-302**

(2) The Following records are private if properly classified by a government entity:

(a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b)

(d) other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of privacy

# Disciplinary Systems

## 1020.1 DISCIPLINARY SYSTEMS

To establish a disciplinary system to include procedures and criteria for using training as a function of discipline; procedures and criteria for counseling; and procedures and criteria for punitive actions in the interest of discipline.

## 1020.1 PROGRESSIVE DISCIPLINE

Please see [HR Policy 3-600 III](#) for procedures of Progressive Discipline

## 1020.2 RATIONALE

Discipline is a tool used for the channeling of individual effort into behavior and performance consistent with office objectives and accepted modes of conduct. It may include such activities as counseling, encouragement, reward, training, or the imposition of punishment. The use of punishment as a disciplinary measure is normally invoked only when other forms of discipline have not succeeded or when the gravity of the violation dictates its use for the good of the office. The policy of the Weber County Sheriff's Office will follow [HR Policy 3-600](#) to establish fair and consistent discipline.

## 1020.4 MOTOR VEHICLE ACCIDENTS

- A. Accident Review - Risk Management Committee: All accidents involving deputies or Sheriff's Office employees will be reported to the Claims Division of the County Attorney's Office and will be reviewed by the Risk Management Committee. The Committee will make a determination if the accident was preventable or non-preventable and shall recommend appropriate disciplinary or corrective action. The Committee will consist of the following County Officials or their designees: Sheriff, Clerk- Auditor, Health Department Director, Human Resources Director, Safety Officer, Fleet Director, Director of Operations, Chief Civil Deputy County Attorney, Claims Manager (non-voting member, staff for minutes and presentations). **Refer to the Weber County Risk Management Committee Policy and Procedure.**
- B. Appeal of Committee Actions: The Sheriff will make an appeal of a "preventable" accident decision by the Committee upon the request of the affected employee. An Appeal Hearing will be held and will be heard by a three member board appointed by the County Commission.
- C. Accident Classifications and Definitions:
  - 1. Preventable Accident: an accident in which an individual failed to act reasonably to prevent the accident.
  - 2. For the **sole purpose** of defining the severity parameters of an accident, the following should be considered a guideline:



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Disciplinary Systems*

---

- (a) Minor Accident: when damage to a County vehicle and damage to any other vehicle or property does not exceed \$3000 in the aggregate and no injury to any person results.
  - (b) Moderate Accident: when aforementioned damage is more than \$3000 but does not exceed \$6000 in the aggregate and/or when any injury to any person results, but does not require overnight hospitalization or exceed \$1000 in medical costs.
  - (c) Severe Accident: when aforementioned damage exceeds \$6000 in the aggregate, and/or when any person is injured and said injury requires hospitalization for one or more days or medical expenses exceeding \$1000.
- D. Disciplinary Action: In cases where an accident is **determined to be preventable** by the Risk Management Committee, disciplinary action by the Sheriff or designee shall be determined as follows and may include a corrective action plan which may include a defensive driving course:
  - 1. The Sheriff or his designee shall convene a board of review consisting of the Executive Command. The board shall consider all mitigating and aggravating circumstances involved in the accident. These may include but are not limited to the following criteria:
    - (a) Severity parameters. Special attention shall be given to the financial cost of an accident in order to be aware of external factors that determine this cost. (i.e. speed or actions of the other driver, repair costs of used or available materials, etc.)
    - (b) Time in service of the operator
    - (c) Duty Assignment
    - (d) Weather
    - (e) Time of Day
    - (f) Accident History (preventable only)
    - (g) Driver Status (response condition)
    - (h) Road Conditions/materials
    - (i) Reason for Vehicle Use
    - (j) Vehicle Maintenance Records or equipment failure or wear
    - (k) Internal Distractions (Radar, computer, radios, traffic, cell phones, etc)
    - (l) Any other items as specific to each accident
  - 2. Disciplinary Actions:
    - (a) Documented counseling with corrective action plan
    - (b) Letter of Reprimand, with corrective action plan

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Disciplinary Systems*

---

- (c) Days Off (To be determined by board with consideration to frequency and severity of accidents)
  - (d) Termination
  - (e) The above suggestions will be submitted to the Sheriff for the final determination.
- 3. Special Condition: Termination may result for an accident of any degree of severity wherein an employee is found to be guilty of driving under the influence of alcohol or drugs, or is convicted of alcohol/drug related reckless driving.
- 4. Accident Record Expungement: The Sheriff may consider written requests for expungement of accident records after three years, and a review by a board appointed by the Sheriff / Enforcement Chief Deputy.

### 1020.4.1 ACCIDENT REVIEW BOARD APPEALS

Appeals of Accident Review Board Disciplinary Actions: may be made using guidelines outlined in [HR policy 3-700](#)

## Seat Belts

### 1021.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles.

#### 1021.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (Utah Code 41-6a-1601).

### 1021.2 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 sheriff's office, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members of the sheriff's office, are properly restrained (Utah Code 41-6a-1803).

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the sheriff's office member or the public. Members must be prepared to justify any deviation from this requirement.

### 1021.3 TRANSPORTING CHILDREN

A child younger than 8 years of age shall be secured using a child restraint system in the manner prescribed by the manufacturer of the system unless an exemption exists due to the child's height (Utah Code 41-6a-1803).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

### 1021.4 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any sheriff's office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Seat Belts*

---

Prisoners in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

#### **1021.5 INOPERABLE SEAT BELTS**

Sheriff's office vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

sheriff's office vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Sheriff.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

#### **1021.6 POLICY**

It is the policy of the Weber County Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

#### **1021.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS**

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

#### **1021.8 VEHICLE AIRBAGS**

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

## Body Armor

### 1023.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

### 1023.2 POLICY

It is the policy of the Weber County Sheriff's Office 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.

### 1023.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all deputies when the deputy begins service at the Weber County Sheriff's Office and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

#### 1023.3.1 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 as a primary responder or taking part in Sheriff's Office firearms 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.

For use of soft body armor for Corrections, see [WCSO Custody Manual: 228.3 ISSUANCE OF BODY ARMOR](#)

#### 1023.3.2 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

## *Body Armor*

---

armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

### 1023.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

### 1023.3.4 WCSO CLASS B EXTERNAL CARRIERS

Approved external carriers are the Safariland Bothell style carrier, which will be army tan in color.

The external carrier is to be worn as part of regular patrol duties.

The back of the carrier should consist of an ID insignia of Sheriff. All lettering shall be in black.

The following items may be placed on the external vest:

- (a) Badge (cloth or brass)
- (b) Nameplate (cloth or brass)
- (c) Handgun magazines (3). If using a firearm other than WCSO issued, more magazines may be allowed if approved by the Watch Commander.
- (d) Radio pouch (1)
- (e) Handcuff pouch or double carrier (1)
- (f) Flashlight pouch (1)
- (g) Body camera
- (h) Tourniquet
- (i) Radio mic

Firearms and any less lethal weapons are not to be worn on the external carrier.

No additional patches or memorabilia are to be worn on the external carrier.

## *Body Armor*

---

The external carrier shall present a professional appearance and shall not be overloaded with pouches. Deputies shall maintain the external carrier in a clean condition and good repair.

External carriers are subject to inspection by any supervisor.

### **1023.4 RANGEMASTER RESPONSIBILITIES**

The Enforcement Division Chief Deputy and Firearms training personnel should:

- (a) Monitor technological advances in the body armor industry for any appropriate changes to Sheriff's Office approved body armor.
- (b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.
- (c) Provide training that educates deputies about the safety benefits of wearing body armor.

## Personnel Records

### 1025.1 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 Sheriff's Office to maintain the confidentiality of peace officer personnel records pursuant to Utah Code 63G-2-302 and 63G-2-304.

### 1025.2 OFFICE FILE

The office file shall be maintained as a record of a person's employment/appointment with this office. The office file should contain, at a minimum:

- (a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.
- (b) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.
- (c) Original performance evaluations. These should be permanently maintained.
- (d) Discipline records, including copies of sustained personnel complaints.
- (e) Adverse comments such as supervisor notes or memos may be retained in the office file after the member has had the opportunity to read and initial the comment.
  - (a) Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment.
  - (b) Any member response shall be attached to and retained with the original adverse comment.
  - (c) If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file.
- (f) Commendations and awards.
- (g) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1025.3 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.



## *Personnel Records*

---

### **1025.4 TRAINING FILE**

An individual training file shall be maintained by the Training Officer for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

- (a) The involved member is responsible for providing the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.
- (b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the member's training file.

### **1025.5 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS**

Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Sheriff through the chain of command. The office shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Office shall be retained with the contested item in the member's corresponding personnel record.

Members may be restricted from accessing files containing any of the following information:

- (a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.
- (b) Confidential portions of internal affairs files that have not been sustained against the member.
- (c) Criminal investigations involving the member.
- (d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.
- (e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.
- (f) Materials used by the Office for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for office planning purposes.
- (g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.
- (h) Records relevant to any other pending claim between the Office and the member that may be discovered in a judicial proceeding.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personnel Records*

---

#### **1025.6 RETENTION AND PURGING**

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

- (a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.
- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Sheriff.
- (c) If, in the opinion of the Sheriff, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

#### **1025.7 POLICY**

It is the policy of this office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Utah (Utah Code 63G-2-302 et seq.).

#### **1025.8 INTERNAL AFFAIRS FILE**

Internal affairs files 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 Internal Affairs Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition. Investigations of complaints that result in the following findings shall not be placed in the member's office file but will be maintained in the internal affairs file:

- (a) Not sustained
- (b) Unfounded
- (c) Exonerated

#### **1025.9 MEDICAL FILE**

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personnel Records*

---

- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
- (d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.
- (e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

#### **1025.10 SECURITY**

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the County Commissioner, County Attorney or other attorneys or representatives of the County in connection with official business.

##### **1025.10.1 REQUESTS FOR DISCLOSURE**

Any member receiving a request for a personnel record shall promptly notify the Records Officer or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

##### **1025.10.2 RELEASE OF PERSONNEL INFORMATION**

Information such as the member's medical information, or the home address, telephone number and Social Security number of the member or of the member's family, that is contained in a personnel record is confidential and may not be released (Utah Code 63G-2-302; Utah Code 63G-2-303; Utah Code 63G-2-304).

The Office may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

# Request for Change of Assignment

## **1027.1 PURPOSE AND SCOPE**

It is the policy of the Sheriff's Office that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

## **1027.2 REQUEST FOR CHANGE OF ASSIGNMENT**

Personnel wishing a change of assignment must complete a "written request" for the change. This request should then be forwarded through the chain of command to the Bureau Commander.

### **1027.2.1 PURPOSE OF WRITTEN REQUEST**

The written request is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing the Request.

All assignments an employee is interested in should be listed.

## **1027.3 SUPERVISOR'S COMMENTARY**

The deputy's immediate supervisor may make appropriate comments on the Written Request before forwarding it to the Bureau Commander of the employee involved.

## Commendations and Awards

### 1029.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Weber County Sheriff's Office and individuals from the community.

### 1029.2 POLICY

It is the policy of the Weber County Sheriff's Office to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1029.3 COMMENDATIONS

Commendations for members of the Office or for individuals from the community may be initiated by any office member or by any person from the community.

### 1029.4 CRITERIA

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

#### 1029.4.1 OFFICE MEMBER DOCUMENTATION

Members of the office should document meritorious or commendable acts. The documentation should contain:

- (a) Identifying information:
  - 1. For members of the office - name, bureau and assignment at the date and time of the meritorious or commendable act
  - 2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the member submitting the documentation.

#### 1029.4.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Office members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

- (a) Identifying information:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Commendations and Awards*

---

1. For members of the office - name, bureau and assignment at the date and time of the meritorious or commendable act
  2. For individuals from the community - name, address, telephone number
- (b) A brief account of the meritorious or commendable act with report numbers, as appropriate.
- (c) The signature of the person submitting the documentation.

#### 1029.4.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Office should be forwarded to the appropriate Bureau Commander for his/her review. The Bureau Commander should sign and forward the documentation to the Sheriff for his/her review.

The Sheriff or the authorized designee will present the commendation to the office member for his/her signature. The documentation will then be returned to the Administration secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Administration Bureau Commander. The documentation will be signed by the Bureau Commander and forwarded to the Sheriff for his/her review. An appropriate venue or ceremony to acknowledge the individual's actions may be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

## **Fitness for Duty**

### **1031.1 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 Sheriff's Office remain fit for duty and able to perform required job functions.

### **1031.2 EMPLOYEE RESPONSIBILITIES**

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

### **1031.3 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 Watch Commander or employee's available Bureau 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).
- (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

## *Fitness for Duty*

---

to Utah Peace Officer Standards and Training (POST) within 90 days if the allegation is found to be true (UAC R728-409-18). This applies even in those instances where an employee resigns or is terminated (Utah Code 53-6-211).

- (g) The Sheriff shall be promptly notified in the event that any employee is relieved from duty.

### **1031.4 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 time in order to obtain medical treatment or other care.

### **1031.5 WORK-RELATED CONDITIONS**

Any employee suffering from a work-related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well being of the employee and until such time as the following may be completed:

- (a) A preliminary determination that the employee's conduct appears to be in compliance with related policies.
- (b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### **1031.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS**

- (a)

Whenever circumstances reasonably indicate that the employee may be unfit for duty, the Chief Deputy or the authorized designee may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with the Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

- (b) The examining physician or therapist will provide the Office with a report indicating whether the employee is fit for duty. If the employee is not fit for duty, the report should list any functional limitations that restrict his/her ability to perform the job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any information that is relevant to such proceedings.
- (c) In order to facilitate the examination of any employee, the Office will provide all appropriate documents and available information to assist in the evaluation and/or treatment.



# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Fitness for Duty*

---

- (d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.
- (e) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist, including signing of releases, may be deemed insubordination and shall be subject to discipline, up to and including termination.
- (f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

#### **1031.7 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.

#### **1031.8 LIMITATION ON HOURS WORKED**

During a pay period that starts on a Saturday and ends on a Friday, absent emergency operations, members should not work more than:

- 16 hours straight a day (except in emergency circumstances)
  - You should have at least an 8-hour break in between shifts (except in emergency circumstances)
  - 70 hours in any 7 day (168-hour) period (except in emergency circumstances and approved from your chain of command) - during a week in a pay period that starts on a Saturday and ends on a Friday
1. For all sworn staff, overtime pay will start after 80 hours have been worked during a two week pay period that starts on a Saturday and ends, 14 days later on a Friday. This is pursuant to Fair Labor Standards Act. Please see <https://www.dol.gov/agencies/whd/fact-sheets/8-flsa-police-firefighters>
  2. For all civilian staff, overtime pay will start after 40 hours have been worked in a 7 day work week that starts on a Saturday and ends on the following Friday. Overtime pay will be paid for hours worked and will not be paid on vacation, sick leave, holidays, or any other paid administrative leave.
  3. Supervisors shall consider reasonable rest periods and are authorized to deny overtime, or relief to off-duty status any employee who has exceeded the above guidelines. Supervisors shall also consider the mental, emotional and/or physical fatigue to help employees avoid being ineffective both on duty and off duty.
  4. 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.
  5. Any exception to this policy must be approved by an immediate supervisor.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Fitness for Duty*

---

### **1031.9 APPEALS**

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty exam shall be entitled to an administrative appeal as outlined in the Personnel Complaints Policy.

# Physical Fitness Standard

## 1032.1 PURPOSE AND SCOPE

The purpose of the Weber County Sheriff's Office physical fitness standard and policy to assist full time sworn deputies of the Weber County Sheriff's Office maintain a level of fitness to safely and effectively perform their job functions and benefit them during and after their career.

## 1032.2 PROGRAM SUPERVISION

The physical fitness program will be supervised by the professional standards and training bureau. The professional standards and training bureau will schedule fitness assessments and record and maintain the performance of each employee.

## 1032.3 ASSESSMENT PROGRAM

All sworn employees are required to participate in the fitness assessment testing on a semiannual basis. Each employee will be required to participate in a fitness assessment twice in a calendar year with the tests being 5 to 7 months apart. To accommodate time for PFP evaluations to be processed, no assessments will be offered later than December 15<sup>th</sup>. Fitness Assessment Testing will be conducted by physical fitness coordinators selected by the professional standards and training bureau. Employees will not be given the opportunity to retake an assessment.

## 1032.4 MEDICAL SCREENING

The department encourages each employee to have a medical screening or physical prior to participating in the physical fitness testing. The purpose of this screening is to identify those employees who should seek medical clearance before being tested or beginning an exercise program and allow for a physician / patient relationship to be developed specific to the individual.

## 1032.5 COMPENSATION

Time spent participating in the physical fitness test will be compensated as duty time. A minimum of two hours of pay will be earned for participation in the physical fitness test.

## 1032.6 INFORMED CONSENT

Prior to participating in a physical fitness assessment, each employee must sign an informed consent form indicating that to the best of their knowledge they have no medical conditions that would prevent them from participating in the physical fitness testing process.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Physical Fitness Standard*

---

### **1032.7 PHYSICAL FITNESS STANDARD**

- (a) 1.5-mile run - Minimum Standard is 16:00
- (b) Push Up - Minimum Standard is 20 with no time limit.
- (c) Plank - Minimum Standard 1:00 minute.
- (d) Vertical Jump – Minimum Standard is 16 inches.

### **1032.8 MEDICAL EXEMPTIONS**

A medical exemption allows an employee to miss the testing process without adverse effect on his / her evaluation.

If an employee can not participate in the physical fitness test because of a medical condition, the department will require a doctor's note and the employee may be placed on light duty. The employee will be required to have medical clearance before returning to full duty

### **1032.9 EVALUATIONS**

Starting in 2022, every sworn employee will have a physical fitness standard section on their performance evaluation that will be weighted at 10%.

- To achieve a score of 3 on the physical fitness section of the evaluation the employee must participate in all portions of the assessment twice in a calendar year with 5 to 7 months between the two assessments.
- To achieve a score of 4 on their evaluation, an employee must participate in the assessment twice in a calendar year with 5 to 7 months between the two assessments and pass the assessment at the minimum standard at least once during the year.
- To achieve a score of 4.5 on their evaluation, an employee must participate in the assessment twice in a calendar year with 5 to 7 months between the two assessments and reach a score of 190 (superior) at least once during the year.
- To achieve a score of 5 on their evaluation, an employee must participate in the assessment twice in a calendar year with 5 to 7 months between the two assessments and achieve a score of 225 (elite) at least once during the year.

[See attachment: P.T. Standard informed consent](#)

### **1032.10 INCENTIVES**

Employees passing at the superior or elite level will be awarded a merit bar for their achievement.

Each employee that performs the test at the elite standard for each bi-annual test will receive 8 hours of vacation. So, if an employee achieves elite standard for both bi-annual tests of the year, they will earn 16 hours of vacation for the year.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Physical Fitness Standard*

---

Each employee that performs the test at the superior standard for each bi-annual test will receive 4 hours of vacation. So, if an employee achieves the superior standard for both bi-annual tests of the year, they will earn 8 hours of vacation for the year.

### **1032.11 IMPLMENTATION**

The PT Standard as outlined above will be implemented starting January 2022.

## Meal Periods and Breaks

### 1033.1 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 Commissioner.

#### 1033.1.1 MEAL PERIODS

Sworn employees shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol deputies shall notify dispatch when they will be out of their vehicle for a meal break. 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.

#### 1033.1.2 BREAKS

Each employee is entitled to a 15-minute break, near the mid-point, for each four-hour work period (UAC R477-8-3). Only one 15-minute break shall be taken during each 4-hours of duty. 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 Dispatch.

## Lactation Breaks

### 1034.1 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.

### 1034.2 POLICY

It is the policy of this office to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her infant nursing child for up to one year after the child's birth (29 USC § 207).

### 1034.3 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 Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if it would seriously disrupt Sheriff's Office operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

#### 1034.3.1 PRESENCE OF CHILDREN

The Sheriff's Office is not required to allow the child of the employee to be present at the office for purposes of accommodating breastfeeding (Utah Code 34A-5-106).

### 1034.4 PRIVATE LOCATION

The Sheriff's Office will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Lactation Breaks*

---

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

### **1034.5 STORAGE OF EXPRESSED MILK**

Any employee storing expressed milk in any authorized refrigerated area within the Sheriff's Office shall clearly label it as such and shall remove it when the employee ends her shift.



# Payroll Records

## 1035.1 PURPOSE AND SCOPE

Payroll records are submitted to the payroll clerk on a bi-weekly basis for the payment of wages using the online payroll system.

### 1035.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the timely submission of payroll records for the payment of wages.

### 1035.1.2 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 as requested by the payroll clerk.

### 1035.1.3 SHIFT DIFFERENTIAL

Shift differential pay will be added to non FLSA-exempt employees whose scheduled, primary duty shift is during the evening or night shift, as outlined below. A primary duty shift is defined as the shift an employee is regularly scheduled to work, as designated on the current shift schedule posted for each bureau. Employees' eligibility for shift differential pay may change as a result of the regularly scheduled shift change cycle or due to individual changes to a specific employee's primary duty shift. Shift differential pay will be paid for hours worked and will not be paid on vacation, sick leave, holidays, or any other paid administrative leave. Overtime pay for those employees eligible for shift differential will be computed according to Federal regulations.

- No shift differential will be paid to employees whose primary duty shift begins between the hours of 0500 and 1159.
- A shift differential of 2% of the employee's hourly rate will be paid to employees whose primary duty shift begins between the hours of 1200 and 1659 hours (evening shift).

A shift differential of 4% of the employee's hourly rate will be paid to employees whose primary duty shift begins between the hours of 1700 hours and 0459 hours (night shift).

## Overtime Compensation Requests

### 1037.1 PURPOSE AND SCOPE

It is the policy of the Sheriff's Office to compensate non-exempt salaried employees who work authorized overtime either by payment of wages or by the allowance of accrual of compensatory time off pursuant to Utah Administrative Code R477-8-5.

#### 1037.1.1 GUIDELINE

Because of the nature of police work and the specific needs of the Sheriff's Office, a degree of policy flexibility concerning overtime must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Sheriff's Office. 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 60 hours of compensatory time.

### 1037.2 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, payroll policy 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.

#### 1037.2.1 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

#### 1037.2.2 COMP TIME AND OVERTIME PAYMENT

If an employee desires to participate in comp time they will have to fill out form, Compensatory Time Program Participation Request, with Weber County

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Overtime Compensation Requests*

---

Human Resources (<https://www.webercountyutah.gov/HR/documents/7%20-%20Compensatory%20Time%20Program%20Participation.pdf>).

Overtime or comp time will be paid out under the following circumstances.

- (a) Comp time / or Overtime will start after 80hours for public safety
- (b) Comp Time or overtime will start after 40 hours for civilian staff
- (c) Shift differential would not be added to the comp hours earned

In the event the employee's Comp Time bank reaches 60 hours the employee will be paid in overtime wages.

### 1037.2.3 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 Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

## Special Event Shift Coverage

### 1038.1 PURPOSE AND SCOPE

The Sheriff's Office covers many law enforcement shifts throughout the year for special events. These special event shifts are not planned into any Deputy's regular schedule. These events include security and traffic responsibilities at venues throughout the County such as the Weber County Fairgrounds and the Ogden Eccles Conference Center. Other events include marathons, bike races, movie sets and forest service shifts. The deputy fees for these events are billed using the County fee schedule or an existing contract between the Weber County Sheriff's Office and another government agency such as the United States Forest Service.

### 1038.2 COMPENSATION FOR NON-EXEMPT EMPLOYEES

Non-exempt employees will be compensated for these shifts in accordance with Weber County Human Resources 5-100 IV(A)(4).

### 1038.3 COMPENSATION FOR EXEMPT EMPLOYEES

Any exempt employee (Lieutenants, Captains, Chief, Sheriff) that works a special event shift will be compensated at a rate of \$35.00 / hour. Exempt employees will only be compensated for the hours the shift is scheduled. If the shift is from 0600 – 1200 an exempt employee will be compensated at a rate of \$35.00 / hour for 6 hours. Compensation of the exempt employee wages is only applicable for special events and is not be applicable for coverage of regular shift vacancies.

### 1038.4 LIMITATIONS TO HOURS WORKED

In accordance with WCSO Policy 1031.8 employees should not work more than;

- 16 hours straight a day (except in emergency circumstances)
- 70 hours in any 7 days (168-hour) period (except in emergency circumstances and approved from your chain of command).

Exempt deputies should limit the number of hours worked on special event shifts to less than or equal to 30 hours in a 7-day period.

### 1038.5 PROCEDURE

These shifts are posted on a first come first serve basis. If an exempt employee signs up for a shift a non-exempt employee may bump that employee up to 24 hours prior to the shift. The non-exempt employee shall notify the exempt employee that they were removed from the shift within a reasonable amount of time prior to and at least 12 hours prior to the beginning of the shift.

### 1038.6 RECORDING TIME

When a Deputy works a special event shift the code "special event" should be marked on their timesheet.

# Outside Employment

## 1039.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for Sheriff's Office employees engaging in outside employment, all employees shall obtain written approval from the Sheriff prior to engaging in any outside employment which would conflict with the standards required to perform the duties of a Weber County Sheriff's Office employee, or any work for a private security company or other law enforcement agency. Work for a private security company or other law enforcement agency would also require a letter of indemnification and release of liability to be provided by the employee. Approval of outside employment shall be at the discretion of the Sheriff in accordance with the provisions of this policy.

### 1039.1.1 DEFINITIONS

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

**Outside Overtime** - Any employee of the Sheriff's Office 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 the Sheriff's Office so that the Sheriff's Office may be reimbursed for the cost of wages and benefits. Employment for an outside organization, company, or individual shall be arranged by contract.

## 1039.2 OBTAINING APPROVAL

No employee of this office 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 and have a Hold Harmless Certification, which shall be submitted to the employee's immediate supervisor. [See attachment: PartTimeEmployment](#) , [See attachment: HOLD HARMLESS CERTIFICATION.pdf](#) 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.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Outside Employment*

---

#### 1039.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the office, 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.

#### 1039.2.2 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 office 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 office 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.

#### 1039.3 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

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

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

- (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 shall wear the Sheriff's Office uniform/identification.
  - 2. The deputy shall be subject to the rules and regulations of the Office

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Outside Employment*

---

3. No deputy may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services 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.

### **1039.4 PROHIBITED OUTSIDE EMPLOYMENT**

Consistent with the provisions of UAC R477-9-2, the sheriff's office expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

- (a) Interferes with an employee's efficiency performance.
- (b) Conflicts with the interests of the sheriff's office or the State of Utah.
- (c) Gives reason for criticism or suspicion of conflicting interests or duties.

#### **1039.4.1 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 Sheriff's Office policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

#### **1039.4.2 SPECIAL RESTRICTIONS**

Except for emergency situations or with prior authorization from the Bureau 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.

### **1039.5 OFFICE RESOURCES**

Employees are prohibited from using any office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of the office or other agencies through the use of the employee's position with this sheriff's office.

#### **1039.5.1 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 sheriff's office 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

## *Outside Employment*

---

result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the sheriff's office becomes concerned that a conflict of interest exists based on a financial reason, the sheriff's office may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Status subsection of this policy.

### **1039.6 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.

### **1039.7 OUTSIDE EMPLOYMENT WHILE ON DISABILITY**

Office 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 Weber County Sheriff's Office, a request (in writing) may be made to the Sheriff to restore the permit.



# Occupational Disease and Work-Related Injury and Death Reporting

## 1041.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases and work-related injuries and deaths.

### 1041.1.1 DEFINITIONS

Definitions related to this policy include:

**Work-related injury or occupational disease** - An accidental injury or occupational disease that arises out of and in the course of employment with the Weber County Sheriff's Office. The disease must be medically caused or aggravated by that employment. An occupational disease may include a physical, mental or emotional disease related to mental stress that arises out of and in the course of employment (Utah Code 34A-3-103; Utah Code 34A-3-106; UAC R612-100-2).

## 1041.2 POLICY

The Weber County Sheriff's Office will address occupational diseases and work-related injuries and deaths appropriately, and will comply with applicable state workers' compensation requirements (Utah Code 34A-2-407; UAC R612-200-1).

## 1041.3 RESPONSIBILITIES

### 1041.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate.

### 1041.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Countywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

### 1041.3.3 BUREAU COMMANDER RESPONSIBILITIES

The Bureau Commander who receives a report of an occupational disease or a work-related injury or death should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Sheriff, the County's risk management entity, and the Administration Bureau Commander to ensure any required Utah Occupational Safety and

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Occupational Disease and Work-Related Injury and Death Reporting*

---

Health Administration (OSHA) reporting is made as required in the injury and illness prevention plan identified in the Illness and Injury Prevention Policy.

### **1041.3.4 SHERIFF RESPONSIBILITIES**

The Sheriff shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the sheriff's office shall be filed in the member's confidential medical file.

### **1041.4 SETTLEMENT OFFERS**

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### **1041.4.1 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 occupational disease or work-related injury, the member shall provide the Sheriff with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Sheriff. The purpose 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 to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the County's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

## Personal Appearance Standards

### 1043.1 PURPOSE AND SCOPE

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

### 1043.2 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.

#### 1043.2.1 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.

#### 1043.2.2 FACIAL HAIR

A short and neatly trimmed mustache may be worn. Mustaches may extend down below the corners of the mouth a half inch.

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

A neatly trimmed and maintained Vandyke may be worn.

The following procedure shall be followed for staff members that would like to grow/maintain a beard.

- (a) Beards may be grown year round, for a donation of \$20 per month for each month that a staff member elects to maintain a beard. Or an annual donation of \$120/year paid at once, in advance.
  - (a) Donation will be paid to the Sheriff's Foundation through the Finance Manager or designee. Monthly donation must be paid by the 15<sup>th</sup> of each month for the following month.
  - (b) The Finance Manager or designee will maintain a list of those who have paid the donation.
  - (c) No refunds, for any reason, will be issued for paid donations.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Personal Appearance Standards*

---

- (d) Staff members are allowed to sponsor other staff members in the payment of the donation.
- (e) Receipts will be issued upon payment of donation. Staff members are encouraged to keep their receipt of payment readily available at all times.
- (f) All monies collected as part of this fundraiser will be used as determined by Sheriff's Office Executive Staff.
- (b) Beards must be short, clean, neatly maintained and professional in appearance at all times. Beards must remain a natural hair color.
  - 1. Patchy or spotty clumps of facial hair are not considered beards and therefore are not permissible.
  - 2. The neck area must be clean shaven and maintained at all times.
- (c) Staff members that are not in compliance with the standards set forth in policy will be subject to shave immediately at the discretion of a supervisor.
- (d) Depending on assignment, some staff members may be ineligible to participate, at the discretion of their supervisor

#### **1043.2.3 FINGERNAILS - SWORN STAFF MEMBERS**

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.

#### **1043.2.4 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: Female deputies are allowed to wear stud type pierced style earrings only. Only one pair of ear rings may be worn and shall be confined to the earlobe.
- Hand Jewelry: Only one ring may be worn on each hand of the employee while on-duty.
- Non-sworn staff members are exempted from this policy unless deemed necessary by a supervisor.
- Staff members requiring medically necessary piercings may be exempted from this policy. An employee requesting exemption shall furnish medical documentation to their supervisor to be added to their personnel file.

#### **1043.3 TATTOOS**

At no time while on-duty or representing the Sheriff's Office in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be

## *Personal Appearance Standards*

---

limited to, those which depict racial, sexual, discriminatory, gang-related or obscene language). The Sheriff shall reserve the final determination on offensive body art or tattoos.

### **1043.4 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

## 1045.1 PURPOSE AND SCOPE

The uniform policy of the Weber County Sheriff's Office is established to ensure that uniformed deputies will be readily identifiable to the public through the proper use and wearing of sheriff's office uniforms. Employees should also refer to the following associated policies:

- Sheriff's Office-Owned and Personal Property
- Body Armor
- 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 Weber County Sheriff's Office 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.

## 1045.2 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 sheriff's office shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.
- (c) Personnel shall wear only the uniform specified for their rank and assignment.
- (d) The uniform is to be worn in compliance with the specifications set forth in the sheriff's office'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 sheriff's office functions or events.
- (h) If the uniform is worn while in transit, an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Uniform Regulations*

---

- (i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the sheriff's office uniform including the uniform pants.
- (j) Mirrored sunglasses will not be worn with any sheriff's office 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.
  - 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.
- (l) Sworn employees that are not currently weapon certified shall cover/remove their uniform shirt anytime they are outside of the Sheriff's Office.

### **1045.2.1 INITIAL UNIFORM ISSUANCE FOR NEW HIRE EMPLOYEES**

New and probationary employees will receive uniforms from Sheriff's Office current inventory. After the employee's probationary period, uniform vouchers will be issued by the Quartermaster for any uniform items on an as needed basis.

### **1045.2.2 SHERIFF'S OFFICE-ISSUED IDENTIFICATION**

The Sheriff's Office issues each employee an official Sheriff's Office identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Sheriff's Office-issued identification card at all times while on-duty or when carrying a concealed weapon.

- (a) Whenever on-duty or acting in an official capacity representing the Sheriff's Office, employees shall display their Sheriff's Office-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 Bureau Commander.

## **1045.3 UNIFORM CLASSES**

### **1045.3.1 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.

### **1045.3.2 CLASS B UNIFORM**

All deputies will possess and maintain a serviceable Class B uniform at all times.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Uniform Regulations*

---

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 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) Sheriff's Office head wear includes approved ball caps, cowboy hats and beanies. The only authorized head wear inside the correctional facility is the approved ball cap. Beanies may be worn outdoors during cold or inclement weather.

### 1045.3.3 CLASS C UNIFORM

The Class C/summer uniform can be worn in the summer between Memorial Day and Labor Day. This uniform is approved for the Patrol Division or any deputy when working an enforcement related shift such as the fair, forest service shifts or any city event.

The Class C uniform will consist of the following:

- (a) The traditional short sleeve tan or Armorskin polo shirt.
- (b) Load bearing external vest carrier or tan Armorskin outer carrier can be worn over the tan short sleeve uniform shirt or Armorskin polo shirt. If deputy does not have an external vest of Amorskin vest carrier, the traditional button up tan shirt will be worn with the vest worn underneath.
- (c) Black six pocket 5.11 Tac-Lite Pro Cargo shorts or similar style shorts are authorized. while standing shorts shall not be more than an inch above or below the knee cap.
- (d) Black low cut (ankle) socks must be worn with the uniform.
- (e) An all black style tennis shoes will be worn. If deputies are wearing shorts, boots shall not be worn with this uniform.
- (f) If deputy chooses to wear a hat, a baseball cap is authorized to be worn. Cowboy hats are not permitted with the Class C uniform.

### 1045.3.4 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.

### 1045.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Uniform Regulations*

---

### **1045.4 INSIGNIA AND PATCHES**

- (a) Shoulder Patches - The authorized shoulder patch supplied by the sheriff's office 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 initial and last name or just the employee's last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.
- (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 sheriff's office-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.

#### **1045.4.1 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 Sheriff's Office - 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.

### **1045.5 CIVILIAN ATTIRE**

There are assignments within the Sheriff's Office that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Uniform Regulations*

---

- (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. (flip flops)
  - 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 Weber County Sheriff's Office or the morale of the employees.

### **1045.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS**

Unless specifically authorized by the Sheriff, Weber County Sheriff's Office employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a sheriff's office 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 Weber County Sheriff's Office 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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Uniform Regulations*

---

### **1045.7 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 sheriff's office for the cost of providing the sheriff's office-issued item.
- (b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
- (c) Replacement of items listed in this order as optional shall be done as follows:
  - 1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
  - 2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property outlined in the sheriff's office-Owned and Personal Property Policy.

### **1045.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES**

Weber County Sheriff's Office 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.

Weber County Sheriff's Office 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

## 1049.1 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 Sheriff's Office. 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.

This policy will comply with Weber County Human Resources [3-500 Nepotism](#) and Weber County Human Resources [Policy 3-1000 Personal Relationships](#).

In order to avoid favoritism and the appearance of impropriety, Weber County shall restrict the hiring of relatives of current county employees, appointees, and elected officials.

See also: [WCSO Custody Manual: 112](#) - Nepotism and Conflicting Relationships

### 1049.1.1 POLICY

This policy establishes the parameters under which the hiring of relatives may be restricted.

### 1049.1.2 PROCEDURE

#### A. Definitions and Guidelines

1. In this section, "relative" means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, or household member.
2. No county officer or employee shall employ, appoint or attempt to influence the appointment or hiring of a relative to any county position or employment paid out of county funds.
3. An offer of employment may not be extended to a candidate who will occupy a position in the same division as a relative.
4. Prior to an employment offer, human resources will verify via the candidate's employment application or through the immediate supervisor that the candidate for employment is not a relative as defined above.
5. No county officer or employee shall directly or indirectly supervise a relative in any county position or employment paid out of county funds.
6. No officer or employee may be involved in any way in an evaluation of a relative for purposes of pay, benefits, promotion, or discipline.
7. In situations where a merit employee's relative is in a direct or indirect supervisory position over the employee because of job appointments that occurred before the effective date of this policy, steps shall be taken as soon as possible to reassign either the employee or the relative to another position, in

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Nepotism and Conflicting Relationships*

---

order to eliminate the supervision and to remove anything that may indicate or appear to indicate nepotistic behavior.

8. The hiring supervisor is responsible for ensuring policy compliance. Division directors are responsible for monitoring changes in employee reporting after the initial hire to ensure compliance with this policy.

#### **B. Exceptions**

1. An exception to this policy requires the prior written approval of the HR Director and the County Commission. An exception may be granted only in cases where one or more of the following criteria is met:
  - (a) The relative will be employed for four weeks or less.
  - (b) The relative is the only person qualified or eligible for the position.
  - (c) The relative is a volunteer as defined by the employing entity
2. When a county officer or employee supervises a relative as a result of one or more of the exceptions listed in section B.1:
  - (a) The individual who supervises a relative shall make a complete written disclosure of the relationship through a sworn statement filed with the Board of County Commissioners. The statement must be filed when the supervisory relationship begins, and again during January of each year thereafter during which the supervisory relationship continues; and
  - (b) The individual who exercises authority over a relative may not evaluate the relative's job performance or recommend salary increases for the relative.

#### **1049.1.3 DIVISION DECLARATION**

The Weber County Sheriff's Office is a department of Weber County. The Sheriff's Office manages and supervises various divisions. All employees and divisions that are managed or supervised by the Sheriff's Office fall under the Weber County Sheriff's Office as a department.

The divisions of the Sheriff's Office are as follows:

1. Weber County Enforcement;
2. Weber Metro CSI;
3. Weber County Corrections Operations and Admissions & Release;
4. Weber County Corrections Inmate Services and Kiesel Facility;
5. Weber County Courts;
6. Support Services;
7. Weber County Animal Shelter and Animal Control;
8. Emergency Management.

Employees may not work in the same division that a relative is currently assigned to. As written, this policy does not apply to contract workers. However, potential nepotism situations between contracted employees and employees will be handled on a case by case basis.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Nepotism and Conflicting Relationships*

---

#### **1049.2 RESTRICTED DUTIES AND ASSIGNMENTS**

Employees hired before the implementation of the [Weber County HR Policy 3-500](#) are exempt from this policy.

In this policy, *Business Relationships* between co-workers are those relationships consensually entered into for personal or financial gain.

This policy applies to all employees in reference to business relationships; 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 unless the supervision occurs within one of the listed exceptions.
  - 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.
  - 2. There is an exception if The Sheriff determines that the Supervisor is the only individual available or best qualified to perform supervisory functions for the employee.
- 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, FTO's (Field Training Officers) and other trainers will not be assigned to train relatives. FTO's 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 Sheriff's Office shall refrain from developing or maintaining personal or business 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 relatives, employees shall not develop business 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 (equivalent to a Class A misdemeanor or higher). If the employee already has an existing relationship with an individual who is under criminal investigation, are convicted felons, parolees, fugitives, or registered sex offenders the employee shall notify the Sheriff's Office administration.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Nepotism and Conflicting Relationships*

---

#### 1049.2.1 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 uninvolvement, 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 uninvolvement, immediate supervisor. In the event that no uninvolvement supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolvement employee or another jurisdiction respond. In the event the employee with a conflict cannot be relieved the involved employee can minimally remain present to witness the action.

#### 1049.2.2 SUPERVISOR 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.

#### 1049.2.3 MISCELLANEOUS

1. The provisions of this policy apply regardless of the sex, or the sexual orientation, of the employees involved.
2. The procedures listed in this policy are intended as guidelines, but they do not create any enforceable rights for employees who are in violation of the substantive provisions of the policy. Notwithstanding any of the other provisions of this policy, Weber County reserves the right to take whatever action may be necessary, at any time, to prevent problems caused by a violation of this policy.
3. This policy supplements, and is supplemented by, other county policies.

## Sheriff's Office Badges

### 1051.1 PURPOSE AND SCOPE

The Weber County Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the Weber County Sheriff's Office are property of the Sheriff's Office and their use shall be restricted as set forth in this policy and the Sheriff's Office Uniform Manual.

### 1051.2 STANDARD

The uniform badge shall be issued to Sheriff's Office members as a symbol of authority. The use and display of Sheriff's Office badges shall be in strict compliance with this policy. Only authorized badges issued by the Sheriff's Office shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

#### 1051.2.1 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 Weber County Sheriff's Office 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 the sheriff's office-Owned and Personal Property Policy.
- (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 civilian personnel.

#### 1051.2.2 CIVILIAN NONSWORN PERSONNEL

Badges and sheriff's office identification cards issued to civilian personnel shall be clearly marked to reflect the position of the employee (e.g. Parking Control, Dispatcher).

- (a) Civilian personnel shall not display any sheriff's office badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.
- (b) Civilian personnel shall not display any sheriff's office 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.

#### 1051.2.3 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.



## *Sheriff's Office Badges*

---

### **1051.3 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.

Sheriff's Office badges are issued to all sworn employees and civilian uniformed employees for official use only. The Sheriff's Office badge, shoulder patch or the likeness thereof, or the Sheriff's Office name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications such as electronic mail, or Web sites and Web pages.

The use of the badge, uniform patch and Sheriff's Office name for all material (printed matter, products or other items) developed for Sheriff's Office use shall be subject to approval by the Sheriff.

Employees shall not loan his/her Sheriff's Office badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### **1051.4 PERMITTED USE BY EMPLOYEE GROUPS**

The likeness of the sheriff's office 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 sheriff's office badge for merchandise and official association business provided they are used in a clear representation of the association and not the Weber County Sheriff's Office. 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 sheriff's office badge for endorsement of political candidates shall not be used without the expressed approval of the Sheriff.

# Temporary Modified-Duty Assignments

## 1053.1 PURPOSE AND SCOPE

This policy creates a balance between returning employees to work at the earliest date following an injury or illness and the disruption caused by employees returning to work in a limited capacity.

## 1053.2 POLICY

Employees recovering from a work-related injury or illness who are unable to return to work and fully perform the essential functions of their jobs, with or without reasonable accommodation, may still be able to undertake an alternative, temporary, transitional position with the county until recovery is complete.

## 1053.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the Utah Anti discrimination Act (Utah Code 34A-5-101 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Weber County Sheriff's Office shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Sheriff's Office. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Sheriff or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

## 1053.4 PROCEDURE

1. An injured/ill employee may request to return to work on light or restricted duty for up to 90 calendar days.
  - a. County has no obligation to create a light or restricted duty position and may deny the request.
2. Prior to or upon returning to work, the employee must submit a medical release signed by their medical provider which includes:
  - a. Medical release to return to work on light or restricted duty
  - b. A list of physical or mental work limitations; and

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Temporary Modified-Duty Assignments*

---

c. Expected date of return to work full recovery

### 3. Approval to Return to Work and Work Options

a. If a request for light or restricted duty is approved, the employee's supervisor or Risk Manager will provide the employee with written notification outlining the employee's work-related activities consistent with the employee's medical release.

b. It is the employee's responsibility to work within the physical limitations specified by the health care provider and to perform only the duties assigned as outlined in the approval letter.

c. The employee needs to communicate to both the supervisor and Risk Manager of any changes on the medical condition, concerns about light/restricted duty, and other concerns related to the work place injury/illness.

d. An employee released for full duty will return to the same or a comparable position.

4. An employee who is unable to return to full duty at the end of the 90 calendar day (light or restricted duty) may take leave until they are released for full duty. The employee may consult with the Director of Human Resource to discuss other options available.

5. An employee who refuses to return to work either in current position or on light/restricted duty after being released by a health care provider may be terminated unless the employee is entitled to another type of qualifying leave such as FMLA, ADA or sick leave.

## **1053.5**

### 1053.5.1

### 1053.5.2

## **1053.6 MEDICAL EXAMINATIONS**

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Sheriff's Office may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

## **1053.7 PREGNANCY**

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Temporary Modified-Duty Assignments*

---

#### **1053.7.1 NOTIFICATION**

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the County's personnel rules and regulations regarding family and medical care leave.

#### **1053.8 PROBATIONARY EMPLOYEES**

Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

#### **1053.9 MAINTENANCE OF CERTIFICATION AND TRAINING**

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

# Pay For Performance Guidelines

## 1054.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Weber County Sheriff's Office in completing Pay for Performance evaluations.

## 1054.2 PERFORMANCE MANAGEMENT

All Weber County Sheriff's Office employees are required to participate in the County Performance appraisal system in accordance with Weber County Policy 6-200. [See attachment: 6-200 Performance Management 2021.pdf](#)

## 1054.3 NEW HIRE EVALUATIONS

Weber County Sheriff's Office new hire employees will be subject to probationary status practices as defined in Weber County Human Resources Policy 2-100: Employment Status. Individuals hired into applicable law enforcement and corrections positions without prior experience and successful completion of a consecutive 12-month probationary period with their separating agency shall serve a probationary period of 12 consecutive months. The probationary period for a Sheriff's Office sworn employee is extendable as necessary for an officer who has not yet satisfactorily completed an approved peace officer training program to include the Weber County Sheriff's Office Field Training Officer Program.

Per Weber County Human Resources Policy 2-100(H)(6), performance evaluations are required for all new hired employees. During new hire orientation, the FTO coordinator will review the probationary goals with the employee, upload the goals into MUNIS under performance evaluations, and provide the new hire employee with a copy. This will be a standardized evaluation form, used for probationary period only.

During the probationary period, a supervisor shall meet with the employee within 30 days of starting field training (does not include time in the academy) and at least every other month after that. The information discussed in these bimonthly meetings should be documented and shared with the employee.

At least two weeks prior to the completion of the probationary period, the supervisor shall complete a closing probationary evaluation, upload the file into MUNIS under performance evaluations, in addition an email shall be sent up the chain of command to include a recommendation for appropriate action. Any of the following actions may be recommended by the supervisor:

- (a) Recommend based on satisfactory performance by the employee that the employee be removed from probation and given merit status.
- (b) Recommend that the employee be dismissed.
- (c) Recommend that the employee be put on extended probation. Length and terms of probation shall be included in the recommendation.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Pay For Performance Guidelines*

---

The end of probation evaluation requires a final score for the probationary period with justification notes on the FINAL line. Upon completion of the end of probation evaluation, a new pay for performance evaluation shall be started to cover the remainder of the year.

The standardized performance evaluation forms for all new hire employees are on the employee section of the Weber County Sheriff's Website. From the employee section, open FORMS, and then PERSONNEL. Download the form and then open it with a PDF viewer. Assigned supervisors may also access these forms through the Employee Evaluations area in MUNIS. Employees on probation as a new hire are not required to receive quarterly evaluations.

### **1054.4 PROMOTION EVALUATIONS**

All employees promoted to a new position will serve a 6-month probationary period in the new position. Upon promotion the former supervisor should complete a scored evaluation for the period of time that they supervised the employee. The new supervisor will provide the newly promoted employee with probationary goals and will meet with the employee within 30 days of promotion and at least every other month after that to review their performance. The information discussed in these bimonthly meetings should be documented and shared with the employee. At least two weeks prior to the completion of the probationary period, the supervisor shall complete a closing probationary evaluation, upload the file into MUNIS under performance evaluations, in addition an email shall be sent up the chain of command to include a recommendation for appropriate action. Any of the following actions may be recommended by the supervisor:

- (a) Recommend based on satisfactory performance by the employee, that the employee be removed from probationary status.
- (b) Recommend that the employee be put on extended probation. Length and terms of probation shall be included in the recommendation.
- (c) Recommend that the employee be demoted.

### **1054.5 END OF PROBATION INCREASES**

No increases will be given for completing end of probation.

### **1054.6 QUARTER 4 INCREASE**

In compliance with Weber County Policy 6-200, an employee who receives an increase in the 4<sup>th</sup> quarter is not eligible for merit adjustment.

### **1054.7 POLICY ACKNOWLEDGEMENT , DTB'S , AND POLICE ONE TRAINING**

All employees of the Sheriff's Office will be required to have the following goal added to their pay for performance goal. This goal will be weighted at 15%.

Sheriff's Office Policy Acknowledgement.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Pay For Performance Guidelines*

---

To achieve a passing score of 3 for this goal, an employee must have acknowledged 100% of their primary policy. (Sheriff's Office Policy for Enforcement), (Corrections policy for corrections employees), and all required Police One training.

To achieve a score of 4 the employee must have no incomplete Policy Acknowledgements. and have an additional 30 hours of training. To achieve a 5 the employee must have an additional 40 hours training. The training hours can come from Police One training, and DTB's ( 10 minutes credit per DTB). Approved training class through the chain of command can be substituted for DTB's and non required Police One classes. At the end of each quarter, the training division will compile and distribute a policy acknowledgment, and DTB compliance list, and Police One reports that supervisors can use for performance reviews.

New Hires while on their six or twelve month probation are required to complete the monthly DTB's as part of their probation evaluation.

### **1054.8 ADJUSTMENTS FOR INEQUITIES**

Any inequities in pay should be addressed following the [Weber County HR Policy 5-200 \(Pay Practices\)](#).

### **1054.9 ANNUAL MERIT ADJUSTMENTS**

In accordance with Weber County Policy 6-200 (F) the County Commission may approve funding for an Annual Merit Adjustment. If funding is provided, merit employees are eligible for an annual merit increase based on the overall score of their annual performance appraisal, subject to the discretion of the elected official or department head. Merit employees who have reached the top of their paygrade may receive a lump sum payment in lieu of a merit adjustment.

New employees serving their initial probationary period during the merit process are not eligible for a merit adjustment until the end of the probationary period. The increase must be pro-rated based on their months of service during the year for which the merit increase is given.

Newly promoted employees are also not eligible for a merit adjustment until the end of the probationary period. Their increase will be prorated based on the evaluation given by the previous supervisor at the time of promotion and the end of probation evaluation for the months of service during the year for which the merit increase is given.

## Performance History Audits

### 1055.1 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.

### 1055.2 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.

### 1055.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

### 1055.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Sheriff of Weber County Sheriff's Office 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.



## *Performance History Audits*

---

- (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.
- (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.

### **1055.5 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.

### **1055.6 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.

### **1055.7 DATA ANALYSIS AND ACTION**

Upon receipt, the Bureau Commander will review each Performance History Audit Report and determine whether it should be provided to 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 Bureau Commander of such recommendation. If the Bureau Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Performance History Audits*

---

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 Personnel Complaints Policy.

### **1055.8 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.

### **1055.9 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 Sheriff's Office one year from the date generated. The County Attorney however, shall retain a copy of Performance History Audit Reports for an additional one year period as attorney work product.

---

# Employee Speech, Expression and Social Networking

## 1057.1 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 Sheriff's Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, 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.

### 1057.1.1 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.

## 1057.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Sheriff's Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of the Sheriff's Office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Weber County Sheriff's Office will carefully balance the individual employee's rights against Sheriff's Office needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1057.3 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 Weber County Sheriff's Office 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.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Employee Speech, Expression and Social Networking*

---

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.

### **1057.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT**

To meet the sheriff's office 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 Weber County Sheriff's Office or its employees.
- (b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Weber County Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Weber County Sheriff's Office or its employees. Examples may include:
  - 1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
  - 2. Expression that demonstrates support for criminal activity.
  - 3. 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 sheriff's office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen 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 Weber County Sheriff's Office.
- (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 sheriff's

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Employee Speech, Expression and Social Networking*

---

office 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 sheriff's office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Weber County Sheriff's Office 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 sheriff's office-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.

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).

#### 1057.4.1 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 Weber County Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Weber County Sheriff's Office in order to do any of the following, unless specifically authorized by the Sheriff (Utah Code 20A-11-1206):

- (a) Endorse, support, oppose or contradict any political campaign or initiative.
- (b) Endorse, support, oppose or contradict any social issue, cause or religion.
- (c) Endorse, support or oppose any product, service, company or other commercial entity.
- (d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.
- (e) Use the email of Weber County Sheriff's Office for any political purpose (Utah Code 20A-11-1205).

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Weber County Sheriff's Office.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Employee Speech, Expression and Social Networking*

---

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).

### **1057.5 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 office technology system.

The Sheriff's Office reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Sheriff's Office, including the office e-mail system, computer network or any information placed into storage on any office system or device. This includes records of all key strokes or web-browsing history made at any office computer or over any office network. The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through office computers or networks.

### **1057.6 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:

- (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 Sheriff's Office or the efficiency or morale of its members.
- (c) Whether the speech or conduct would reflect unfavorably upon the Sheriff's Office.
- (d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the Sheriff's Office.

### **1057.7 TRAINING**

Subject to available resources, the Sheriff's Office should provide training regarding employee speech and the use of social networking to all members of the Sheriff's Office.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Employee Speech, Expression and Social Networking*

---

# Illness and Injury Prevention

## 1058.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Weber County Sheriff's Office, in accordance with the requirements of the Utah Occupational Safety and Health Act (Utah OSHA) (Utah Code 34A-6-201).

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related Countywide safety efforts.

## 1058.2 POLICY

The Weber County Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The sheriff's office will establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the sheriff's office to comply with all laws and regulations related to occupational safety.

## 1058.3 ILLNESS AND INJURY PREVENTION PLAN

The Administration Bureau Commander is responsible for developing an illness and injury prevention plan that shall include:

- (a) Workplace safety and health training programs.
- (b) Regularly scheduled safety meetings.
- (c) Posted or distributed safety information.
- (d) A system for members to anonymously inform management about workplace hazards.
- (e) Establishment of a safety and health committee that will:
  - 1. Meet regularly.
  - 2. Prepare a written record of safety and health committee meetings.
  - 3. Review the results of periodic scheduled inspections.
  - 4. Review investigations of accidents and exposures.
  - 5. Make suggestions to command staff for the prevention of future incidents.
  - 6. Review investigations of alleged hazardous conditions.
  - 7. Submit recommendations to assist in the evaluation of member safety suggestions.
  - 8. Assess the effectiveness of efforts made by the Department to meet relevant standards.



## *Illness and Injury Prevention*

---

- (f) Establishment of a process to ensure illnesses and injuries are reported as required under UAC R614-1-5.

### **1058.4 ADMINISTRATION BUREAU COMMANDER RESPONSIBILITIES**

The responsibilities of the Administration Bureau Commander include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of member illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members. This system shall include:
  - 1. New member orientation that includes a discussion of safety and health policies and procedures.
  - 2. Regular member review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.
- (d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
  - (a) Informing members of the illness and injury prevention guidelines.
  - (b) Recognizing members who perform safe work practices.
  - (c) Ensuring that the member evaluation process includes member safety performance.
  - (d) Ensuring office compliance to meet standards regarding the following:
    - (a) Communicable diseases (Utah Code 34A-6-102; UAC R614-1-4)
    - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy) (29 CFR 1910.132; Utah Code 34A-6-102; UAC R614-1-2; UAC R614-1-4)
    - (c) General safety requirements (UAC R614-1-5)
    - (d) Investigations of work-related injuries and occupational diseases and any sudden or unusual occurrence or change of conditions that pose a risk to members (UAC R614-1-5)
    - (e) Emergency Action Plan (29 CFR 1910.38; UAC R614-1-4)
    - (f) Walking-Working Surfaces (29 CFR 1910.21 et seq.; UAC R614-1-4)
    - (g) Personal Fall Protection Systems (29 CFR 1910.140; UAC R614-1-4)
- (e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Illness and Injury Prevention*

---

- (g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.
- (h) Conducting and documenting a regular review of the illness and injury plan.

#### **1058.5 SUPERVISOR RESPONSIBILITIES**

Supervisor responsibilities include but are not limited to:

- (a) Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
- (c) Establishing and maintaining communication with members on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Notifying the Administration Bureau Commander when:
  - (a) New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
  - (b) New, previously unidentified hazards are recognized.
  - (c) Occupational illnesses and injuries occur.
  - (d) New and/or permanent or intermittent members are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
  - (e) Workplace conditions warrant an inspection.

#### **1058.6 HAZARDS**

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the Administration Bureau Commander via the chain of command.

## *Illness and Injury Prevention*

---

The Administration Bureau Commander will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

### **1058.7 INSPECTIONS**

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment (UAC R614-1-5).

The Administration Bureau Commander shall ensure that the appropriate documentation is completed for each inspection.

#### **1058.7.1 EQUIPMENT**

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall complete the appropriate form if an unsafe condition cannot be immediately corrected. Members should forward this form to their supervisors.

### **1058.8 INVESTIGATIONS**

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured member and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

### **1058.9 TRAINING**

The Administration Bureau Commander should work with the Training Officer to provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Illness and Injury Prevention*

---

- (a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.
- (b) To all members with respect to hazards specific to each member's job assignment.
- (c) To all members given new job assignments for which training has not previously been provided.
- (d) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the sheriff's office is made aware of a new or previously unrecognized hazard.

#### **1058.9.1 TRAINING TOPICS**

The Training Officer shall ensure that training includes:

- (a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

#### **1058.10 RECORDS**

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

# Line-of-Duty Deaths

## 1059.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Weber County Sheriff's Office in the event of the death of a member occurring in the line of duty and to direct the sheriff's office in providing proper support for the member's survivors.

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

### 1059.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 1059.2 POLICY

It is the policy of the Weber County Sheriff's Office to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this sheriff's office to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1059.3 INITIAL ACTIONS BY COMMAND STAFF

- (a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Dispatch.
  - 1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).
- (b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.
- (c) If the member has been transported to the hospital, the Watch Commander or the designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.
- (d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the

## *Line-of-Duty Deaths*

---

temporary Hospital Liaison) and the Sheriff's Office Liaison as soon as practicable (see the Notifying Survivors section and the Sheriff's Office Liaison and Hospital Liaison subsections in this policy).

### **1059.4 NOTIFYING SURVIVORS**

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

The Sheriff or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Sheriff, Watch Commander or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the sheriff's office Chaplain.

Notifying members should:

- (a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.
- (b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity and current location (e.g., small children at home, children in school).
- (c) Plan for concerns such as known health concerns of survivors or language barriers.
- (d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in sheriff's office vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital and should remain at the hospital while the survivors are present.
- (e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.
- (f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.
- (g) Offer to call other survivors, friends or clergy to support the survivors and to avoid leaving survivors alone after notification.
- (h) Assist the survivors with meeting childcare or other immediate needs.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.
- (j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the sheriff's office Liaison.
- (k) Provide their contact information to the survivors before departing.
- (l) Document the survivor's names and contact information, as well as the time and location of notification. This information should be forwarded to the sheriff's office Liaison.
- (m) Inform the Sheriff or the authorized designee once survivor notifications have been made so that other Weber County Sheriff's Office members may be apprised that survivor notifications are complete.

#### **1059.4.1 OUT-OF-AREA NOTIFICATIONS**

The sheriff's office Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

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

#### **1059.5 NOTIFYING SHERIFF'S OFFICE MEMBERS**

Supervisors or members designated by the Sheriff are responsible for notifying sheriff's office members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shift. Members reporting for duty from their residence should be instructed to contact their supervisor as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

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

Supervisors should direct members not to disclose any information outside the sheriff's office regarding the deceased member or the incident.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Line-of-Duty Deaths*

---

#### **1059.6 LIAISONS AND COORDINATORS**

The Sheriff or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including, but not limited to:

- (a) sheriff's office Liaison.
- (b) Hospital Liaison.
- (c) Survivor Support Liaison.
- (d) Critical Incident Stress Management (CISM) coordinator.
- (e) Funeral Liaison.
- (f) Mutual aid coordinator.
- (g) Benefits Liaison.
- (h) Finance coordinator.

Liaisons and coordinators will be directed by the sheriff's office Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available sheriff's office resources. The sheriff's office Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed.

##### **1059.6.1 SHERIFF'S OFFICE LIAISON**

The sheriff's office Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate sheriff's office resources, and should serve as a facilitator between the deceased member's survivors and the sheriff's office. The sheriff's office Liaison reports directly to the Sheriff. The sheriff's office Liaison's responsibilities include, but are not limited to:

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



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Line-of-Duty Deaths*

---

- (i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

### 1059.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

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

Other responsibilities of the Hospital Liaison include, but are not limited to:

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

### 1059.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the sheriff's office Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term sheriff's office contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Line-of-Duty Deaths*

---

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- If the survivors have no preference, the selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include, but are not limited to:

- (a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes and other locations, as appropriate.
- (b) Communicating with the sheriff's office Liaison regarding appropriate security measures for the family residence, as needed.
- (c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.
- (d) Providing assistance with travel and lodging arrangements for out-of-town survivors.
- (e) Returning the deceased member's personal effects from the sheriff's office and the hospital to the survivors. The following should be considered when returning the personal effects:
  - 1. Items should not be delivered to the survivors until they are ready to receive the items.
  - 2. Items not retained as evidence should be delivered in a clean, unmarked box.
  - 3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
  - 4. The return of some personal effects may be delayed due to ongoing investigations.
- (f) Assisting with the return of sheriff's office-issued equipment that may be at the deceased member's residence.
  - 1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.
- (g) Working with the CISM coordinator to ensure that survivors have access to available counseling services.
- (h) Coordinating with the sheriff's office's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).
- (i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Line-of-Duty Deaths*

---

- (j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.
- (k) Introducing survivors to prosecutors, victim's assistance personnel and other involved personnel as appropriate.
- (l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).
- (m) Inviting survivors to sheriff's office activities, memorial services or other functions as appropriate.

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

The sheriff's office recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the sheriff's office to facilitate communications necessary to the assignment. The sheriff's office-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

#### 1059.6.4 CRITICAL INCIDENT STRESS MANAGEMENT COORDINATOR

The CISM coordinator should work with the Sheriff or the authorized designee, liaisons, coordinators, and other resources to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator include but are not limited to:

- (a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for CISM and counseling services, including:
  - 1. Members involved in the incident.
  - 2. Members who witnessed the incident.
  - 3. Members who worked closely with the deceased member but were not involved in the incident.
- (b) Ensuring that members who were involved in or witnessed the incident are relieved of office responsibilities until they can receive CISM support as appropriate and possible.
- (c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.
- (d) Coordinating with the Survivor Support Liaison to ensure survivors are aware of available CISM and counseling services and assisting with arrangements as needed.
- (e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional CISM or counseling services are needed.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Line-of-Duty Deaths*

---

- (f) Coordinating with the Training Officer to have peer support team members complete a peer support training program approved by POST (Utah Code 78B-5-903).

### 1059.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Sheriff's office Liaison, Survivor Support Liaison and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include, but are not limited to:

- (a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.
- (b) Completing funeral notification to other law enforcement agencies.
- (c) Coordinating the funeral activities of the Sheriff's office, including, but not limited to the following:
  - 1. Honor Guard
    - (a) Casket watch
    - (b) Color guard
    - (c) Pallbearers
    - (d) Bell/rifle salute
  - 2. Bagpipers/bugler
  - 3. Uniform for burial
  - 4. Flag presentation
  - 5. Last radio call
- (d) Briefing the Sheriff and command staff concerning funeral arrangements.
- (e) Assigning a deputy to remain at the family home during the viewing and funeral.
- (f) Arranging for transportation of the survivors to and from the funeral home and interment site using Sheriff's office vehicles and drivers.

### 1059.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Sheriff's Office Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

- (a) Traffic control during the deceased member's funeral.
- (b) Area coverage so that as many Weber County Sheriff's Office members can attend funeral services as possible.

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

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Line-of-Duty Deaths*

---

### 1059.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and assist them in applying for benefits. Responsibilities of the Benefits Liaison include, but are not limited to:

- (a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury and Death Reporting Policy).
- (b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:
  - 1. Public Safety Officers' Benefits (PSOB) Programs.
  - 2. Public Safety Officers' Educational Assistance (PSOEA) Program.
  - 3. Social Security Administration.
  - 4. Department of Veterans Affairs.
- (c) Researching and assisting survivors with application for state and local government survivor benefits.
  - 1. Death benefits available under Title 49, Utah State Retirement and Insurance Benefit Act
  - 2. Health coverage benefits (Utah Code 53-17-201)
  - 3. Death benefit assistance (Utah Code 53-17-501)
  - 4. Educational benefits (Utah Code 53B-8c-103)
- (d) Researching and assisting survivors with application for other survivor benefits such as:
  - 1. Private foundation survivor benefits programs.
  - 2. Survivor scholarship programs.
- (e) Researching and informing survivors of support programs sponsored by sheriff's associations and other organizations.
- (f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.
  - 1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.
- (g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.
- (h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

## *Line-of-Duty Deaths*

---

### **1059.6.8 FINANCE COORDINATOR**

The finance coordinator should work with the Sheriff and the Sheriff's Office Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

- (a) Establishing methods for purchasing and monitoring costs related to the incident.
- (b) Providing information on finance-related issues, such as:
  - 1. Paying survivors' travel costs if authorized.
  - 2. Transportation costs for the deceased.
  - 3. Funeral and memorial costs.
  - 4. Related funding or accounting questions and issues.
- (c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.
- (d) Providing accounting and cost information as needed.

### **1059.7 PUBLIC INFORMATION OFFICER**

In the event of a line-of-duty death, the office's PIO should be the office's contact point for the media. As such, the PIO should coordinate with the Office Liaison to:

- (a) Collect and maintain the most current incident information and determine what information should be released.
- (b) Ensure that members are instructed to direct any media inquiries to the PIO.
- (c) Prepare necessary press releases.
  - (a) Ensure coordination with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
  - (b) Ensure that important public information is disseminated, such as information on how the public can show support for the Office and deceased member's survivors.
- (d) Arrange for community and media briefings by the Sheriff or the authorized designee as appropriate.
- (e) Respond, or coordinate the response, to media inquiries.
- (f) If requested, assist the member's survivors with media inquiries.
  - 1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.
- (g) Release information regarding memorial services and funeral arrangements to department members, other agencies and the media as appropriate.
- (h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

## *Line-of-Duty Deaths*

---

The identity of deceased members should be withheld until the member's survivors have been notified. If the media has obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should ensure that media are notified when survivor notifications have been made.

### **1059.8 SHERIFF'S OFFICE CHAPLAIN**

The Sheriff's office chaplain may serve a significant role in line-of-duty deaths. His/her duties may include, but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting Sheriff's office members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

### **1059.9 INVESTIGATION OF THE INCIDENT**

The Sheriff shall ensure that line-of-duty deaths are investigated thoroughly and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved office members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### **1059.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL**

The Sheriff may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### **1059.11 NON-LINE-OF-DUTY DEATH**

The Sheriff may authorize certain support services for the death of a member not occurring in the line of duty.

## **Chapter 11 - Crime Scene Investigations**



# Introduction

## **1100.1 PURPOSE AND SCOPE**

The guidelines outlined in this manual are designed to provide general standard operating procedures (SOP's) for CSI employees tasked with processing crime scenes. These SOP's ensure that the CSI crime scene processing services meet recognized forensic standards and methods and are most widely utilized by Crime Scene Investigators assigned to the Weber Metro CSI Unit (CSI) house out of the Weber County Sheriff's Office (WCSO).

The CSI unit recognizes that each crime scene presents a variety of unique circumstances. The methods and procedures are described at times in a general sense and do not reflect all the variations and combinations of services which are provided by the Crime Scene Unit.

All Crime Scene Investigators shall follow Department and Division procedures relevant to casework, documentation, evidence marking, and proper security/preservation of the evidence. CSI personnel are expected to have the experience and knowledge required for them to select the appropriate approach. The CSI must be flexible and have the ability to apply procedures appropriately. There may be occasions when procedures will be modified to suit the needs of the particular situation. The particulars of the situation causing the modification and deviating from standard operating procedures should be documented.

This document is not intended to define every step that must be completed in every crime scene investigation. Additionally, it is not intended to substitute for the training required from processing crime scenes and developing the knowledge and flexibility required to investigate the many variations in crime scenes. Throughout the investigation of the scene, the CSI should be flexible in applying their knowledge, skills, and abilities as needed.

Regardless of the circumstances present at the scene, all work conducted by CSI members tasked with processing crime scenes will be performed in accordance with applicable ISO/IEC 17020 standards as well as any applicable supplemental standards established by the CSI's accrediting body.

# Administrative Duties and vehicles

## 1101.1 EVIDENCE REVIEWS

Evidence reviews after a major scene should be scheduled with the lead CSI and the lead Investigator. These reviews are designed to facilitate discussion on the status of the case, and to determine what, if any, evidence needs to be sent to the Utah State Crime Laboratory (USCL) for further analysis.

Defense attorneys who wish to view evidence should schedule through the County Attorney's Office. The lead investigator and the prosecutor should be notified prior to scheduling, as to afford them the opportunity to attend.

If copies of any notes, sketches, and/or photographs made during the course of the investigation are desired by the defense, they shall be made available through the prosecutor assigned to the case.

## 1101.2 EQUIPMENT AND SUPPLIES

The Sheriff's Office shall maintain specially equipped vehicles for use by the Crime Scene Investigators for processing all types of crime scenes in an effective and timely manner. Equipment and supplies are for:

- Photography
- Crime Scene Reconstruction
- Collection and Preservation of Physical Evidence
- Recovery of Latent Fingerprints

Each Crime Scene Investigator is responsible to ensure that the vehicle driven during the shift is equipped with adequate supplies and equipment at all times.

Vehicle inspections are to be conducted on an annual basis, using the . Personnel who are assigned a vehicle will conduct the inspection of their vehicle. Shared line vehicles will be inspected by personnel as assigned by the CSI or their designee. Inspection forms shall be submitted to the CSI Supervisor by the assigned due date.

Unless exigent circumstances exist, CSI personnel should remove the ignition key and lock all vehicle doors before leaving the immediate vicinity of the vehicle, unless it is attended by other law enforcement personnel or secured in a law enforcement facility.

## 1101.3 CARE AND MAINTENANCE

All vehicles should be kept clean and presentable inside and out, and shared vehicles should be re-fueled before the vehicle will be driven by another user.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Administrative Duties and vehicles*

---

Each CSI member who has an assigned vehicle shall keep it in proper working order and see that all routine maintenance is performed as scheduled and/or required by WCSO maintenance policies.

If a vehicle driver encounters a situation where the possibility exists of contamination of the interior of the vehicle with biological substances, the interior contaminated areas will be cleaned with a germicidal cleaner before the vehicle is used again or by the end of the working shift. If the vehicle cannot be cleaned immediately, it will be marked "CONTAMINATED". The CSI Supervisor shall be notified of any biological contamination too significant to be cleaned with germicidal cleaner, so that professional cleaning arrangements can be made.

CSI members should take reasonable measures to prevent excessive wear and/or damage to CSI vehicles. Employees who become aware of any vehicle that has become damaged should report the damage to the CSI Supervisor as soon as practical.

Employees discovering a flat tire, on any CSI vehicle, or any other condition that makes the vehicle inoperable, should contact the CSI Supervisor and/or WCSO Shops. The department's contract tow service should be contacted during the hours that the WCSO Shop is closed.

#### **1101.4 EVIDENCE TRANSPORTATION**

Crime Scene Investigators are responsible for the collection of evidence from scenes to which they have responded. Each CSI is responsible for the safe and proper transport of evidence/property. Items collected by a CSI shall not remain in the vehicle beyond the reasonable time necessary to perform their duties and return to the CSI lab or the Property and Evidence room to secure the items.

Evidence/Property will not be kept in any CSI vehicle beyond the end of the CSI's shift.

## Response to Calls for Service

### 1102.1 PURPOSE AND SCOPE

A Crime Scene Investigator may be called to locations to process evidence in accordance with acceptable forensic procedures. This processing may include, but is not limited to: photography, processing for latent fingerprints, evidence collection, and reconstruction. During normal work hours, response to calls for service will be as prompt as possible based on the availability of on-duty personnel.

### 1102.2 PRIORITY

Crime Scene Investigators may be dispatched to calls for service via WCSO Dispatch or a supervisor. On-duty CSI's should respond to calls based on priority first, then in the order in which the call was received. Responses may be re-directed as needed by supervisory personnel.

Requests for service by other agencies should follow the same general guidelines.

### 1102.3 RESPONSE

All on-duty Crime Scene Investigators are responsible for ensuring that their radio and cell phones are in working order and charged at all times.

WCSO Dispatch will request CSI response by radio and/or cell phone when there is a call for service.

### 1102.4 SCENE RESPONSIBILITY

Upon arrival at a scene, the CSI should make their presence known to the lead investigator and/or, uniformed officer. The CSI should obtain enough information from the officer or victim, if available, to have an understanding of the situation and be able to sufficiently process the scene.

The CSI will process the crime scene when it is safe to enter and with proper consent or a signed search warrant. The law enforcement officer responsible for the scene will advise the CSI when these criteria are met, and when appropriate, ensure that a crime scene entry log has been established.

Once entry has been made into the scene, the CSI should assess the need for and request any additional resources.

The CSI should not hesitate to make requests of officers, citizens, or victims that would enable them to properly or better preserve, protect, or process a scene. This could include asking officers to stop traffic, turn lights on or off to facilitate photography or processing, or halting scene cleanup.

CSI's have knowledge, skills, and abilities of crime scene processing that may not be known to the law enforcement officer investigating the scene. The CSI has the responsibility to thoroughly assess the scene and perform any and all forensic work required to sufficiently process the crime scene, which may be above and beyond the initial request of the investigating officer.

## *Response to Calls for Service*

---

### **1102.5 SAFETY**

Crime Scene Investigators (CSI) should not begin scene processing until security has been provided and should not continue processing the scene if reasonable security is not maintained. When possible, there should be no immediate threat to CSI personnel in or around the scene of the crime they are processing. This is especially true if a suspect has not been apprehended.

Law enforcement officer(s) will remain on scene and with the CSI personnel until processing is completed.

If at the onset or during the processing the scene becomes unsecured the CSI(s) will vacate the scene to a place of safety until the scene is secured and maintained by at least one law enforcement officer.

At any time CSI personnel feels they are in danger they are to contact dispatch for back-up or for emergency help.

CSI's must exercise due care and caution when performing their duties, to prevent injury, illness, or exposure to potentially hazardous materials/conditions. The safety protocols outlined in the should be followed at all times.

CSI's should use appropriate Personal Protective Equipment (PPE) when necessary to prevent/limit exposure to potentially hazardous materials (chemical and/or biological). PPE should be changed as necessary to prevent evidence contamination.

CSI's should wear an appropriate traffic vest when exposed to traffic hazards.

### **1102.6 PREVENTING EVIDENCE CONTAMINATION**

Employees must exercise due care and caution when performing their duties to prevent the possible contamination of evidence. When processing a crime scene, the following recommended practices should be implemented to limit/prevent the possibility of evidence contamination:

- Limit access to the crime scene.
- Use appropriate PPE when in close proximity to potential evidence.
- Use designated entrance/exit points.
- Do not touch your face or other unprotected body areas before handling potential evidence.
- Do not sneeze, cough, or talk excessively when in close proximity to potential evidence.
- Do not smoke, eat or drink when in close proximity to potential evidence.
- Avoid excessive handling of potential evidence, and when possible, handle evidence in a way that is not consistent with normal handling.
- Utilize clean or single use collection tools and equipment.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Response to Calls for Service*

---

- Place potential evidence collected at the crime scene into a secure package or container as soon as practical.

### **1102.7 SCENE SECURITY**

CSI's should assess the security and integrity of the scene to determine if the perimeter is adequate (if warranted) and if the scene itself is secure from unauthorized personnel and/or traffic. If not, the CSI should enlist the assistance of an officer or patrol supervisor. Any resistance to this request should be escalated through the proper chain of command.

### **1102.8 DEMOBILIZATION**

Before clearing the scene, the CSI should check in with the officer or detective and do a final walk-through if needed. CSI's should ensure that all trash and other work product debris is collected, including adhesive evidence markers, and that no equipment has been left behind.

## Equipment

### 1103.1 INDIVIDUAL EQUIPMENT

CSI members responsible for crime scene response are issued an individual camera kit containing camera(s) and related equipment. CSI members are responsible for maintenance, custody and control of their issued camera kit.

CSI members responsible for crime scene response are provided with a container in which to keep fingerprint supplies for crime scene processing. This kit should be kept stocked and the supplies kept in bags or similar containers to minimize contamination from fingerprint powders.

CSI members may be assigned specialized equipment (portable radio, flashlights, ballistic vest, ice spikes, etc.) to assist them in the performance of their duties.

CSI members should take reasonable measures to prevent excessive wear and/or damage to all equipment and are responsible for the care and custody of all items assigned to them. Any lost, stolen, or damaged equipment must be reported to the CSI Supervisor or Manager as soon as practical.

### 1103.2 PERFORMANCE CHECKS

Annual performance checks of critical equipment used by CSI's, such as cameras, ALS, etc. shall be coordinated by the Technical Manager.

### 1103.3 ELECTROSTATIC DUST PRINT LIFTER

The Electrostatic Dust Print Lifter (EDPL) is a device that creates a static charge on a lifting film (Mylar) causing a dust impression to transfer from the substrate it is deposited on to the film. The result is a transfer of the impression to the lifting film that may be collected. The device will work on both porous and non-porous substrates, but works best on dry dust impressions on relatively clean surfaces. The technique is not successful with wet transfers or with dry transfers that became wet or damp prior to lifting.

- Take comparison quality photographs prior to any lifting attempt
- Place a clean lifting film over the impression. The film has two sides; a metallic silver side and a black side. The black side should be facing the impression (face down) and the silver side away from the impression (face up). The lifting film must be larger than the impression to ensure a full transfer. It is prudent to use a larger piece than expected, especially with latent or partial prints, as more detail may be present that is not apparent to the unaided eye.
- Mark the orientation of the film, if necessary.
- Place the flat metal grounding plate next to the film
- Place the two metal electrodes on the grounding plate, and the one electrode on the metal film.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Equipment*

---

- Turn the power, starting with low voltage and increase as necessary. The film should visibly adhere to the surface. If any air bubbles develop as the film adheres to the substrate, they may be rolled out with a clean fingerprint roller.
- Turn off the power, remove the device, and wait about 5 seconds to let the static charge dissipate.
- Remove the film, turn over, and evaluate the lift. If nothing is visible, the film must be examined in a darkened room with oblique light to evaluate the success of the lift.
- Subsequent lifts may be performed if the first was unsuccessful, typically due to a large quantity of transferred material (unsuccessful lifts due to an overall lack of transfer will not be successful in subsequent lift attempts). Second or third lifts may yield a “cleaner” impression as interfering background material may have been reduced during the first lift.
- A successful lift must be retained by securing it inside of a dust-free container to prevent movement or destruction of the lift. Examination quality photographs are suggested. Unsuccessful lifts do not need to be photographed or maintained.
- The lifting film should not be reused, even after unsuccessful lifts, as “ghost” images may still remain after cleaning.

#### EDPL Cautions

- Not all dry impressions can be successfully lifted using EDPL.
- Attempts to lift dust prints on dirty backgrounds will cause both the dust print and dirty background to lift together. Subsequent lifts should be attempted as they may be more successful.
- Never slide the lifting film on the surface with the impression.
- If using a fingerprint roller to eliminate air bubbles in the lifting film, do so gently to avoid shifting or excessive pressure that could damage the impression.
- As a precaution the electrostatic dust print lifter should not be operated by persons with pacemakers.

#### Documentation

- Mark the lifting film before removing it from the surface to allow for the orientation of the impression to be recreated. This may be impossible to do if the film was removed from the surface without orientation marks, clear photographs, and/or a supporting diagram.
- Label the back (top surface) of the lift with identifying information.
- Subsequent lifts from the same impression must be numbered or otherwise labeled to distinguish which was first, second, etc.
- Case notes should have some statement(s) addressing the quantity and description of impressions located. This may be supplemented by photographs documenting the necessary information.



## *Equipment*

---

### **1103.4 ALTERNATE LIGHT SOURCE (ALS)**

CSI have at their disposal an alternate light source kit containing a 355nm light, a 455nm light, diffuser, and orange goggles. The CSI laboratory is equipped with a kit containing six different nm wavelength hand-held lights, diffuser, goggles, and corresponding camera filters.

These light sources can be used to search for bodily fluids or view cyanoacrylate developed latent prints enhanced with dye stains.

Each hand-held device operates at a specific wavelength, consult manufacturer's literature to determine which wavelength is best suited for the item being sought (i.e. semen, urine, bodily fluids, etc.). It is recommended that more than one wavelength be used when searching and/or viewing, to ensure the optimal visualization is obtained.

Any suspect stain or sample identified should be photographed and collected (swab or cutting) and submitted as evidence.

### **1103.5 METAL DETECTOR**

The metal detector is used to aid the crime scene investigator in the detection and location of metal objects that may have evidentiary value. These items may include, but are not limited to projectiles, cartridge casings, jewelry, or weapons.

The metal detector can be used on any surface, but it is most useful when the evidence item is buried or in an obscured level such as in sandy, grassy, wooded, or overgrown areas. The metal detector operates using audible tones to alert the user to the possible presence of a metallic object within the area under the loop or coil.

Follow the manufacturer's instruction manual for the physical operation and set-up of the instrument.

Scan the antenna at a rate of approximately three to five feet per second. Keep the loop or coil approximately one to two inches from the ground or search area.

Detection of a metal object will be indicated by an audible signal, which will increase in volume as the antenna nears the metal object.

Once located, the object should be marked with a flag or placard, to be included in any sketches, measurements, etc.

A performance check, utilizing the following instructions, shall be done before using the metal detector.

#### Object to be Used:

Empty Cartridge Casing (in plastic bag attached to handle of metal detector)

#### Procedure:

- (a) Assemble unit per manufacture instructions.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Equipment*

---

- (b) Check for batteries within the control housing.
- (c) Press power to turn unit on.
- (d) Select "All Metal" mode.
- (e) Complete performance check.

### Performance check

- 1. Place attached cartridge at edge of search area.
- 2. Lower the search coil to the ground over the cartridge.
  - (a) Swing search coil in a sweeping motion over cartridge

### Results:

- 1. When target is detected it will be audibly and visually indicated by the detector.

### **1103.6 CYANOACRYLATE FUMING CHAMBERS**

CSI is equipped with a heat cyanoacrylate processing chamber. Refer to the for information on the operation of this fuming chamber.

# Evidence Handling Procedures

## 1104.1 PURPOSE AND SCOPE

Evidence collected by Crime Scene Investigators will be properly marked for identification, stored under proper seal, and protected from loss, cross-transfer, contamination and/or deleterious change. Crime Scene Investigators should work with the lead investigator to determine what items need to be collected. Whenever possible, and when legal authority exists, known standards should also be collected from sources for future comparison with physical evidence collected (such as DNA, hairs, fibers, etc.).

## 1104.2 EVIDENCE COLLECTING AND PACKAGING

All physical evidence located at a crime scene should be documented appropriately with sketches, notes, and/or photographs prior to collection.

Containers or collection instruments used to collect evidence shall be clean in order to prevent contamination.

Evidence collected at a crime scene must be packaged in a manner that prevents loss, cross-transfer, contamination and/or deleterious change. If the evidence is placed in a temporary container for transport, the temporary container must be marked for identification and sealed in a manner that prevents the evidence from escaping from the container.

If evidence from more than one crime scene is placed in the same vehicle for transport, each package containing evidence must bear a unique identifier that designates to which case the evidence belongs.

Evidence should be removed from the vehicle upon return to CSI from a scene or scenes. Evidence shall not be transported in privately owned vehicles.

All evidence will be marked for identification in such a manner that one item of evidence cannot be confused with another item of evidence.

Each CSI member will maintain a chain of custody record that provides a comprehensive, documented history of each evidence transfer over which the laboratory has control. Items received from, or transferred to non-CSI personnel will be documented on an evidence sheet and supplemental report.

Evidence that may be subject to further examination, such as tool marks, stippling, ballistics or any specifically identifying features should be packaged in such a manner to prevent the creation of additional marks due to the packaging.

Physical evidence should be handled as little as possible, and held in such a way that is not common and minimizes the chances of interfering with potential DNA collection, latent fingerprints and/or any other forensic analysis.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Evidence Handling Procedures*

---

Any evidence collected that contains the possibility or presence of blood, body fluids, or any other biological hazard will be marked with the appropriate biohazard warning in such a manner that is easily identifiable.

Items that contain moisture (blood, bodily fluids, etc.) should be thoroughly dried, then packaged in paper or other packaging that is otherwise permeable by air to prevent/reduce the growth of bacteria.

Any evidence collected that presents a possibility of physical danger shall be packaged in the appropriate rigid container and clearly marked with such a designation (guns, knives, needles, etc.).

No firearms will be packaged in a loaded condition. If a firearm is in such a condition that prevents it from being made safe, the CSI shall contact the firearms examiner or department armorer for assistance.

Evidence shall be stored in an approved short-term evidence storage location whenever items are not being actively processed.

Laboratory personnel will accurately and thoroughly document evidence under their control. Descriptions of evidence may include:

- Type of Item
- Unusual Markings
- Unusual stains
- Damage Noticeable to the Item
- Manufacturer's Markings or Serial Number
- Size of Item

If need be, and appropriate, further processing to preserve, document, or render the evidence safe will be accomplished prior to final packaging. The item(s) collected from the crime scene must be properly identified, packaged, and submitted into the Property and Evidence control system as soon as practical.

Final packaging will be done in the appropriate container and properly sealed. A container is properly sealed only if its contents cannot readily escape and only if entering the container results in obvious damage/alteration to the container or its seal. The seal on the evidence package must bear the following pieces of information, written over the container and the seal:

- Submitter's Name or Initials
- Date

#### **1104.3 AUTHORIZED TEMPORARY STORAGE**

Storage lockers, the evidence drying cabinet, and the Evidence Room are the authorized temporary storage locations for evidence. Items will be secured in these locations for processing

## *Evidence Handling Procedures*

---

when direct submission of evidence to the Property/Evidence Unit is not feasible. All evidence shall be secured in an authorized temporary storage location at the end of the

employee's work shift. If evidence is too large or contaminated to be stored in a temporary storage locker, evidence may be left on a processing table, but must have the evidence number and CSI Members name written on a placard or processing paper to readily identify the evidence and investigator. The door to the processing room must also be closed and locked to protect the evidence from accidental contamination or handling.

Spillman reports and/or evidence sheets will be used to document the chain of custody of the temporarily stored item(s), as well as a chain of custody form located in each storage locker.

Supplements will be made at the time of the transaction of evidence.

### **1104.4 EVIDENCE SUBMISSION TO THE UTAH STATE CRIME LAB**

Storage lockers, the evidence drying cabinet, and the Evidence Room are the authorized temporary storage locations for evidence. Items will be secured in these locations for processing when direct submission of evidence to the Property/Evidence Unit is not feasible. All evidence shall be secured in an authorized temporary storage location at the end of the

employee's work shift. If evidence is too large or contaminated to be stored in a temporary storage locker, evidence may be left on a processing table, but must have the evidence number and CSI Members name written on a placard or processing paper to readily identify the evidence and investigator. The door to the processing room must also be closed and locked to protect the evidence from accidental contamination or handling.

Spillman reports and/or evidence sheets will be used to document the chain of custody of the temporarily stored item(s), as well as a chain of custody form located in each storage locker.

Supplements will be made at the time of the transaction of evidence.

### **1104.5 ACCIDENTAL LOSS OR DESTRUCTION**

If evidence items or portions of evidence items, are inadvertently lost or destroyed while in the custody of an examiner, whether prior to, in the course of, or following examination, the following shall be adhered to:

- The employee's immediate supervisor shall be notified.
- The occurrence shall be documented in the CSI's incident report.
- Details surrounding the occurrence shall be documented in the notes.
- In the event that any results were obtained prior to the loss or destruction, these results should be reported along with the statement reflecting the loss or destruction.
- Damage to outer containers or items not requiring examination need only be documented in notes.
- The lead officer, investigator, or prosecutor shall be notified.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Evidence Handling Procedures*

---

- A copy of the report and notes documenting the details surrounding the occurrence will be sent to the Supervisor.

## Documentation

### 1105.1 PURPOSE AND SCOPE

Each crime scene investigation is unique, and as such, the recording of scene information and processing techniques utilized at crime scenes are essential functions performed by Crime Scene Investigators.

Crime scene documentation provides a detailed record of observations, which aids in report writing, testimony and allows for an independent review by other experts. Crime scene notes should provide a thorough and comprehensive written account of actions, procedures, and analyses performed at the scene. Note-taking should be maintained throughout the scene investigation.

### 1105.2 SCENE EXAMINATIONS AND NOTES

CSI's will utilize only approved forms for the:

- Recording of case information obtained at a crime scene
- Documentation of the condition of evidence/property collected
- Documentation of evidence collection techniques or processes utilized
- Documentation of scene activity
- Recording of crime scene observations

Graph paper or plain white paper can be used for the documentation of crime scene sketches.

At minimum, the crime scene notes should document the following crime scene information:

- Case Number
- Name of Documenting Investigator
- Type of Case
- Victims Name (If applicable and available)
- Exact Location(s) of the Crime Scene(s)
- Information Obtained from the Victim and/or Officer About the Scene

Documentation will be sufficiently detailed such that in the absence of the examiner, another competent examiner could evaluate what was done and interpret the data. Everything in a report must be supported by case documentation. There may not be any information in a report that is not documented in the notes, in the photographs, property and evidence room, on the latent lift cards, or on other documentation in the case file.

Examination notes and crime scene notes may not be re-written. Observations may not be made on scrap or other unapproved papers and then transferred to the examination or crime scene notes.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Documentation*

---

Notes shall be written in a clear and legible fashion and in such a manner that anyone would be able to review the notes and understand what was done at the scene.

All observations or data obtained in the course of examinations shall be recorded in a timely manner to prevent loss of relevant information.

As each crime scene is unique, the requirements or needs for documenting conditions at a scene are at times extensive. The following are recommendations that could be noted at a crime scene; however this list does not cover all crime scene investigations:

- Appearance of suspect(s) and/or victim(s) – clothing (including stains or defects), injuries, etc.
- Environmental conditions (weather, high winds, temperature, etc.)
- Lighting (indoor/outdoor, on/off, day/night)
- Potential entrance/exit points
- Furnishings and appliances (moved, missing, on/off, etc.)
- Personal items (moved, missing, etc.)
- Unusual odors
- Wall surfaces, carpet areas, furniture or flooring exhibit recent cleaning
- Signs of passive activities (dishes in sink, meal preparation, etc.)
- Signs of aggressive activities (items broken, knocked over, out of place, etc.)
- Indications of time (mail, caller ID, phone messages, stopped clocks, relative temperature of items, etc.)
- Firearms (loaded/unloaded, hammer position, etc.)
- Description, location and condition of transient evidence (melting snow/ice, drying liquid, etc.)
- Circumstances that require departure from normal scene processing procedures (scene safety, environmental factors, traffic, etc.)
- Description and results of any control tests performed.

### **1105.3 CONSENT FORMS**

In the absence of a search warrant, the CSI shall obtain verbal or written consent for forensic procedures. Verbal consent, either to a CSI or officer is sufficient for scenes such as burglaries, or to obtain elimination points. Written consent on the should be used for other forensic procedures upon a person, such as obtaining buccal swabs, hairs, etc. If time- sensitive or other exigent circumstances exist which preclude the ability for consent to be obtained, this information shall be thoroughly documented in the notes.



## *Documentation*

---

If the CSI has any doubt as to the legal authority of their procedures, a supervisor should be contacted before any processing begins.

### **1105.4 OTHER FORMS**

An array of approved forms may be used to assist the CSI with note-taking on scenes and in the laboratory. These forms may be found on the laboratory network Z drive.

### **1105.5 LATENT PRINT CARDS**

Before clearing the scene, the following information shall be written on every latent print card:

- Case Number
- Type of Call
- Date of collected
- Location of collection
- Processors name and/or ID number
- Sketch and description of the item/location which the print was lifted

The latent life cards will be kept in a case file to prevent loss, damage or change to the latent print cards.

### **1105.6 DOCUMENTATION OF CHAIN OF CUSTODY**

Crime Scene Investigators have the unique assignment of processing crime scenes and taking custody of evidence. This collection process establishes the chain of custody. This chain of custody requires that from the moment the evidence is collected, every transfer of the evidence to be documented and provable that no unauthorized individual could have accessed that evidence.

These transactions, and every succeeding transaction between the collection of the evidence and its appearance in court, should be completely documented.

The chain of custody is established through a process that includes the use of:

- Taking notes, including documenting collection location, time and date collected or received and description of the item
- Documenting the storage locations
- Packaging of the evidence
- Sealing of the evidence
- Disposition of the evidence

The Spillman Evidence Program is to be used for the transfer of evidence from or to a CSI member to document the transfer.

All evidence that is transferred to the CSI for temporary storage or to the WCSO Property and Evidence room shall be documented on the Spillman Evidence Program.

## Documentation

---

### 1105.7 REPORT WRITING

Case reports will be prepared for all casework completed. Reports should be completed in a timely manner, and submitted within CSI established deadlines. However, internal deadlines do not supersede the Court's need for CSI documents. If a CSI is advised by any prosecutor's office or Court that their documentation is needed prior to the established internal deadline, the CSI shall make this case a priority and complete the report and notes as soon as possible.

Proper documentation of work performed at crime scenes and in the laboratory is essential for accreditation requirements and for an examiner's own future recollection of events. Courtroom testimony frequently requires the CSI to refer to his/her report. Reports will be written in a clear concise manner that is easy to read and understand. A logical (usually chronological) order will be followed and efforts should be made to avoid repeating the same information in the report. Any conclusions stated in the report must be supported by the facts and/or evidence represented in the notes. Reports should be kept free of unidentified hearsay or conclusions unsupported by documentation. Any conclusions will be made in clearly understood language avoiding when possible, esoteric terms not understood by the investigator or attorney.

The report shall contain a narrative on all duties performed during the case investigation. The beginning of the report should contain a brief synopsis, followed by the following, when applicable:

- A. Scene description, including pertinent locations, vehicles and/or objects. A description of the focus of the investigation, such as damage, items taken, condition of victims, witnesses, etc.
- B. Photographs
- C. If a search for latent prints was performed, the author shall indicate the surfaces searched, the processes used, and whether or not latent prints were recovered. If latent prints were recovered, indicate how many lift cards and from what surface they were lifted.
- D. If items or substances were recovered as part of the investigation, the report should contain information listing the date and location from where any evidence was recovered, and the assigned item number.
- E. If any items are processed for physical evidence, the narrative should state the date and location, and type of processing completed. If any evidence was recovered during the processing, the narrative should state a description of the recovered item and the assigned item number.
- F. If presumptive tests for blood are performed, this shall be described in the report. The information shall include the date of the test, description of item tested and the results.
- G. If a gunshot residue kit is utilized on a subject, the report shall contain the name of the person or item from which the sample was taken, the date, and the location(s)
- H. **Reconstruction analysis**

Reports do not need to be written for calls for service where the CSI was canceled prior to arriving on scene, or no CSI services were provided.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Documentation*

---

Reports do not need to be written for administrative functions, such as preparing a CD or DVD, or copying a case file. Requests from either WCSO employee's or other agencies should be noted as a supplement within the case's original report.

A case file (either hard copies or electronic) shall contain the following (applicable to the type of scene processed):

- All crime scene notes
- All rough sketches or diagrams
- All laboratory notes
- Forms or paperwork used to support or document casework performed or requested
- Any significant case related conversations communicated by phone, e-mail or fax
- Documentation of storage
- Chain of custody forms

A case file must also fulfill the following:

- All paperwork contained in the case file will be completed as fully as possible.
- All documentation will be written in blue or black ink, with the exception of rough sketches and diagrams, which may be drawn using a pencil.
- All documentation will be prepared in a legible manner.

### **1105.8 CASE REVIEWS**

All casework will be administratively reviewed. A portion of casework, determined by the CSI supervisor, will be technically reviewed. All casework done by trainees will also be technically reviewed. Casework should not be submitted for review until all notes and forms are complete. The CSI should review case documentation, evidence packaging, etc., for content and accuracy before it is submitted. Although the following list is not all-inclusive, it provides general direction as to the type of information that should be reviewed:

#### **Case Notes:**

- Is the header information complete and legible?
- Are the pages numbered and initialed?
- Were sufficient case notes taken to support observations and conclusions?
- Are the case notes legible?
- Are all strikeouts initialed?
- If applicable, were control and/or performance checks conducted and properly documented?
- Are the start and end dates of the examination noted?

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Documentation*

---

#### **General:**

- Is complete chain of custody documented?
- Are all pages of the case file numbered and initialed?
- Are all components present in the case file, such as temporary storage, laboratory examination, notes, etc.?

#### **Report Review:**

- Is the report header information correct and does it match the notes?
- Are all items collected properly documented with item numbers?
- Are spelling and grammar correct throughout the report?
- Does the report accurately reflect information contained in the notes, photographs, sketches, etc.?

Administrative reviews are most often conducted by the employee's direct supervisor, but can also be done by any CSI member, as deemed appropriate by the Laboratory Manager.

Reports will be considered to have been administratively reviewed when the supervisor electronically approves the report.

An individual having expertise gained through training and experience in the discipline being reviewed will conduct the technical review. An individual conducting the technical review need not be an active examiner or currently being proficiency tested. Case files which are administratively and technically reviewed will contain the , which will be signed and dated by the reviewer, and made part of the case file.

The reviews must be completed before any documentation can be saved into the Report Management System for storage.

# Crime Scene Diagrams and Measurements

## 1106.1 PURPOSE AND SCOPE

The crime scene sketch/diagram is a record of the size and distance relationships of the crime scene and physical evidence.

## 1106.2 SKETCHES

A rough sketch may be made at the crime scene prior to evidence recovery. This sketch shows the evidence to be recovered, major structures present in the crime scene, and other relevant structures or items in or near the crime scene.

A crime scene sketch is drawn from a "birds-eye view" perspective. If the crime scene presents evidence at various heights, a side-view or elevation sketch can be made. The elevation sketch is used for supplementing the side-view appearance of the still photography.

For interior scenes, indications should be made for openings in walls, doorways, windows, etc., as well as any point of entry/exit.

## 1106.3 MEASURING TECHNIQUES

There are several techniques for taking measurements or locating the evidence at a crime scene. For the vast majority of scenes encountered by the CSI, rectangular coordinates or the triangulation method can be used. All are based upon the determination of fixed or known starting points. The fixed points should be permanent if possible; this will allow the crime scene to be reconstructed at a later time if needed.

- Rectangular coordinates

This method uses two adjacent walls/items as fixed points from which distances are measured at right angles. This does not "fix" items in the scene, as measurements are to center of mass of the item.

- This method is best used for indoor scenes and smaller outdoor scenes that have a well-defined area.
- Two measurements are taken from fixed points to the individual items of evidence.
- The reference points must be fixed and documented in the diagram.
- The two measurements are recorded as coordinates for each item of evidence measured.
- All relevant items in the scene must be measure and recorded in the diagram.
- Triangulation

This method uses straight-line measurements form two fixed objects/points to the evidence to create a triangle. Multiple measurements can be taken to different points on the item to "fix" the item in the scene.

## *Crime Scene Diagrams and Measurements*

---

- This method is better suited to larger outdoor scenes.
- Two fixed reference points are identified and documented in the diagram.
- The distances between the two reference points, as well as the distance from each reference point to the individual items of evidence are recorded.
- All relevant items in the scene are measured and recorded in the diagram.

The rough sketch should contain the following information:

- Case Number
- North Indicator
- Drawn By: Name and Employee Number
- "Not to Scale" Indicator
- Scene Location or Address
- Date of the Incident

The measurements may be placed on the sketch itself, or on a separate sheet of paper. Location of pertinent items of evidence should be included in the rough sketch.

### **1106.4 FINISHED DIAGRAM**

Although the finished diagram is not to scale, the diagram should represent as proportionately as possible the space relationship between items in the diagram.

The final diagram may be computer generated or hand drawn. When drawn by hand, the entire diagram must be completed in ink. Pertinent items should be included in the diagram, along with a legend to reference the marked items.

The finished diagram must include the following:

- Case Number
- Date the Diagram was Completed
- Type of Incident
- Address/Location of Scene
- Name of the Person Completing the Diagram
- Page Numbers if More than One Page is Used
- A Statement Indicating that the Drawing is "NOT TO SCALE"
- A Statement Indicating that "MEASUREMENTS ARE APPROXIMATE", if measurements are included in the diagram
- Directional Arrow (North, Up, Etc.) to Help Orientate the Diagram

# Forensic Photography and Videography

## 1107.1 PURPOSE AND SCOPE

Crime scene photography is one of the most important duties that the Crime Scene Investigator performs. No matter how well a CSI can verbally describe a crime scene; visual communications are substantiated and verified by concise and accurate photographs of both the scene and the evidence as it was found. Photographs are not to be considered a replacement, but rather a supplement to handwritten notes of observations made in the laboratory or on a scene.

## 1107.2 GENERAL INFORMATION

Crime Scene Investigators will photograph all aspects of a crime scene, or other incidents pursuant to the collection and preservation of evidence. This will be accomplished by the use of WCSO issued equipment only. All employees will ensure that their camera equipment is maintained and in proper working order, and that they maintain access to that equipment at all times while on duty. The CSI Supervisor shall be notified of malfunctioning or damaged equipment as soon as is practical.

Digital cameras provided to Crime scene Investigators are equipped with a viewing screen. Personnel should utilize this screen to ensure the image taken is properly exposed, in focus, and depicts what the photographer intended. Images not meeting these criteria should be re-taken until the desired image is achieved.

All general crime scene images should be taken in the.jpg format with the minimum resolution settings at: Image Quality Size – Medium. **Comparative quality photographs (fingerprints, shoe and/or tire impressions) must be taken in RAW format.**

Digital case images may not be deleted at any time.

## 1107.3 CASE IDENTIFICATION

Crime scene photographs, when taken in accordance with prescribed standards, can provide a visual record of the conditions of the scene, location of document evidence, and record certain types of evidence for later examination.

A photo-board shall be taken as the first photograph for the case, and again whenever a significant location change is made. At minimum, the following information will be included on the photo board:

- Case Number
- Date the Photographs were taken
- Location that the Photographs were taken
- Type of Incident
- Photographer's name

## *Forensic Photography and Videography*

---

If photographs from more than one case are put onto the same memory card or CD, the photographs from subsequent cases must be separated from the previous case photographs by a photograph of the photo board for the additional case.

### **1107.4 IMAGE COMPOSITION**

Photography of the scene and of evidence is one of the first duties performed at a scene. This form of documentation generally occurs after the note taking process has begun. Photography is utilized by the CSI to record the crime scene as first observed by the CSI.

Crime scene photographs and video recording should depict a true and accurate representation of what was observed and processed. When documenting a crime scene through digital images or video recording, the camera operator should consider the following:

- Progression

A logical progression of images allows the viewer to understand the location and relationship of area/items within the crime scene.

- Composition

The image should be properly framed to ensure that the intended result is achieved and extraneous equipment and/or personnel are not captured in the scene.

- Exposure

The image should be properly exposed to ensure that the clarity and detail of the image are adequate.

### **1107.5 PROGRESSION OF PHOTOGRAPHS**

When portions of the scene are photographed, the photographs will be taken in such a manner that the area will be identified and oriented with other areas in the overall scene. Items of evidence will be photographed in such a manner as to identify the item and oriented within the crime scene.

Generally, the first sets of photographs are overall photographs. These approach views should be sufficient to establish the location of the crime scene. Important images to capture include the exterior and the front of the structure, including the address or other identifiers.

Intermediate or medium range views should be selected to document the relative location between items of interest within the scene and provide a representation of the item with greater detail than that documented in the overall/long range views. In some situations, a scaling device and/or other evidence marker is also represented in these types of photographs.

Photographs of the crime scene should include documentation of the following:

- The location of the crime scene (this can be accomplished by recording street signs, address numbers, or other geographical information)
- The exterior of the crime scene
- The interior of the crime scene



## *Forensic Photography and Videography*

---

- The point of entry and/or point of exit
- The areas of disturbance within the crime scene
- Any potential evidence located within the crime scene

Crime scene photographs should be taken from various vantage points (compass directions, point of entry, witness/suspect/victim perspectives, etc.). The photographs should overlap slightly so as to orient the viewer to their location within the crime scene and the relationship to other photographs.

Items within the crime scene should not be moved prior to being photographed. If an item of evidence has been moved from its original position or removed from the scene to be photographed, it should not be placed back into the scene. Photograph the item in its current location.

Specific information on photographing persons can be found in [of this manual](#).

Specific information on photographing vehicles can be found in [of this manual](#).

### **1107.6 LONG EXPOSURE PHOTOGRAPHY**

Long exposure photography can be used for taking photographs at night, or in very low light situations, such as when using an ALS or photographing Blue Star<sup>®</sup> reactions. These are single exposure images captured by using ambient or available light. The settings for the exposure can be set manually or the internal light meter on the camera can be used for assistance in gauging the exposure.

Extended exposures can be used to capture detail at dark scenes or to document sources of light that were on or off at a crime scene.

Long exposure requires the use of a tripod or copy stand, to avoid camera shake.

For outdoor scenes or Blue Star<sup>®</sup> reactions, the preferred settings are either Manual mode or Aperture Priority mode. The F-stop should be set at either F-8 or F-11 to get a good depth of field. In Aperture Priority mode, the camera will select the shutter speed. In Manual mode, the user needs to set both. A good starting point for a fairly dark area is 8 seconds.

For exposures that will require a time longer than the pre-programed setting (usually 30 seconds), the setting will need to be used.

The user should also use either the timer or a remote control to trip the shutter to avoid camera shake.

A pop of the flash or soft, sweeping strokes with the flashlight will help illuminate the scene, or highlight extremely shadowed areas, such as under a car. The photographer should stay behind the camera to avoid being captured in the image.

## *Forensic Photography and Videography*

---

### **1107.7 ALS PHOTOGRAPHY**

When using the camera on a copy stand to photograph latent prints with the ALS, the F-stop should be set at F-8 or F-11. The user may utilize Manual mode and select the shutter speed, or Aperture Priority mode to have the camera select the shutter speed. The timer or remote should be used to avoid camera shake. Utilizing a diffuser will help eliminate any hot spot and evenly disperse the light across the area of interest. When photographing a stain on an item, ensure part of the object is visible in the photographs.

### **1107.8 PAINTING WITH LIGHT**

Painting with Light technique can effectively illuminate a large area on one exposure. The use of two people will facilitate this procedure, but it can also be employed with one operator, using remote and timed camera functions. In the two-person set-up, one person is designated the flash operator and the other is the camera operator.

- (a) The camera is secured on a tripod and the camera is properly set and focused. Both flash and camera operator look through the viewfinder to determine the area covered by the camera lens and establish the plan for discharging the flashes during the exposure.
- (b) The flash operator alerts the camera operator that they are “ready”.
- (c) The camera operator places something dark in front of the lens and locks the shutter open with a cable release cord or shutter button release.
- (d) The flash operator points the flash to illuminate the first area of the photograph, taking care not to get between the flash and camera. Upon receiving a “go” command from the camera operator (who has removed the dark object from in front of the lens) the flash is fired.
- (e) The camera operator immediately recovers the lens with the dark object until the flash operator moves into position for the next flash. Steps 4 and 5 are repeated until the appropriate number of flashes has properly lit the area.
- (f) The camera operator releases the cable/shutter release closing the shutter.

### **1107.9 UPLOADING IMAGES**

All images will be uploaded to the digital image storage system (DIMS), in accordance with Unit procedures. Images should be uploaded by the end of the employee's work day.

### **1107.10 VIDEOGRAPHY**

All homicide investigations, officer-involved shooting (of a person) scenes, and any other scene as requested by an investigator, will be video recorded by Crime Scene Investigators, using approved equipment. Video recording should be conducted in a manner similar to still photography and should be used to supplement scene documentation. Still photography of the scene is still necessary to fully document the scene. Videotaping of scenes is performed in such a way as to capture all aspects of the scene that are normally captured in still photography. General video images should be captured without sound, unless specific narration is requested. Care should be

## *Forensic Photography and Videography*

---

given to avoid personal commentary or the capturing of unintended sounds. General crime scene videography should include the scene and surrounding areas, the victim, and relevant physical evidence. All video recordings shall start with the photo board.

### **1107.11 DISC FINALIZATION**

Once all recording has concluded, the user will ensure that the disc is finalized to prevent any loss of data and to allow playback on other devices. All video recordings shall be uploaded to the digital image storage system (DIMS).

### **1107.12 SURVEILLANCE VIDEOS**

Surveillance video which has been recorded by a business or private surveillance system should be collected whenever possible. CSI's may utilize a jump drive or a CD/DVD to record the information. If the video can be viewed, but cannot be transferred to portable media, then the CSI may use the video camera to record the images playing on the monitor.

All surveillance videos will be uploaded to the digital image storage system located on the DIMS.

# Comparative Evidence

## 1108.1 PURPOSE AND SCOPE

Footwear and tire marks can be either impression or imprint evidence. Impressions are viewed as three dimensional, such as shoeprints in dirt or mud. Imprints are viewed as two dimensional, such as prints in dust or transferred in another medium (blood, grease, etc.). Because of the unique nature of impression and imprint evidence (such as footwear and tire marks), a variety of documentation and collection methods exist. The Crime Scene Investigator will determine the most appropriate means of documenting and collecting this type of evidence.

Prior to casting any impression evidence, the impression should be photographed using proper scale photography methods with the intention of creating examination quality prints. This applies to footwear, tire tracks, fingerprints, tool marks, and to any mark, impression, or evidence in which later comparative analysis may be required. See of this manual for instructions on photography and collection of fingerprints.

If the item that contains the impression or tool mark can be wholly collected or collected in part, collection of the item following casting should be considered.

## 1108.2 FOOTWEAR

Proper crime scene investigation techniques include a cautious approach to searching for footwear evidence. A CSI must think of how the suspect may have entered and exited the scene. Always keep in mind the numerous surfaces the suspect may have walked on. The following are some areas to search for footwear evidence:

- Impression in soil or dirt – may be present with visible light or may have to be enhanced using oblique lighting techniques.
- Impressions from the water or rain – these would need to be photographed quickly before evaporation begins.
- Impression in snow – may need to be photographed quickly before snow starts to melt.
- Impressions on freshly waxed floors or furniture.
- Impressions on certain types of vegetation, such as wide leaves.
- Tiled, carpeted, wood or linoleum floors.
- Impressions in blood or other materials.
- Counter areas under windows where entry may have been gained.
- Miscellaneous items laying on the floor or countertops – papers, cardboard, etc.

Take photographs of the footwear impressions to show relation to the scene and to other items of evidence before altering with photo markers or attempting to collect the evidence. Overall photographs should be taken again after the placement of markers to show the relation of the impressions to the scene, and/or depict a trail.

## *Comparative Evidence*

---

- After the completion of overall photographs, a tripod or similar camera stabilization device shall be used for all close-up images.
- All comparative quality images shall be digitally captured using the RAW setting on the camera.
- Depth of field should be set at F-11 or greater.
- Utilize a bureau scale (L-shaped) to outline the impression to be photographed.
- Ensure that a direction indicator (compass or hand written) is visible in the image to allow proper orientation of the image within the scene.
- The following information must be visible in each image captured:
  - The case number
  - The date the image was taken
  - Photographer's name or initials
  - Photo marker (placard or other identifier)
- Ensure that the camera is positioned so that the entire image, scale and essential information are fully visible within the image frame.
- Ensure that the image plane of the camera is parallel to the plane of the impression. An angle finder can be utilized. Obtain the angle of the impression as well as the angle of the image plane.
- The impression should be evenly shaded; avoid patches of sun and shade or full sun.
- A flashlight can be used to determine the correct angle and height for the flash.
- Take a minimum of three (3) photos, with the flash at a low angle (no more than 3-4 feet away at 45 degrees) from different sides of the impression.
- The deeper the impression, the greater (higher) the angle of the flash. The shallower the impression, the lower the angle of the flash.
- Two-dimensional imprints are photographed the same as three-dimensional impressions, however the flash is held at an extremely low angle, or with the flash pointing straight down. Utilize the viewing screen to determine the best lighting for two-dimensional impressions.

### **1108.3 TIRE MARKS**

When photographing tire marks (impression or imprint), the same procedure is used as that of footwear. Unlike a footwear impression, tire marks are considerably longer and must be captured in multiple images. The average 14-inch auto tire has a circumference of about 8 feet. If the tracks from both sides of the vehicle are present at the scene, take the track width measurement. This is the distance between the center of each tire.

If the entire tire mark is less than eight feet, photograph the entire mark. If the mark is greater than 8 feet, photograph the best eight-foot section of the mark.

## *Comparative Evidence*

---

- For larger tires (trucks, busses, etc.) increase the minimum length photographed.
- For smaller tires (scooters, trailers, tools, etc.) decrease the minimum length.

Always use both a bureau scale (L-shaped) and a tape measure when photographing tire marks. The “L” scale is placed across the tire mark to measure width; the tape measure is used to measure the overall length.

Place the tape measure alongside the full impression. Place the bureau scale alongside the tape measure making sure that you DO NOT place any portion of the scale on or over the impression before it has been photographed. The bureau scale and tape measure should be fully visible in the image to be photographed.

Photograph the tire mark in 16-inch sections until the entire mark is captured.

- Take at least 3 images from various flash angels for each section
- When taking the next image, overlap the end of the first 16-inch segment by about 3-4 inches (For Example: the first segment of shots is 0-16 inches. The second segment is 12-28. The third segment is 24-40 and so on).
- Do not move the tape measure to ensure that the entire tire mark is photographed.

### **1108.4 TOOL MARKS**

Tool marks on small portable objects should be protected against damage and the entire object should be collected as evidence. Permanent and larger items should be photographed and processed at the scene.

- Traces of other substances adhering to the article should not be disturbed.
- Tool marks should be photographed before transport or casting.
- Different objects bearing tool marks and/or tolls should be wrapped separately.
- Flexible casting material, such as ‘Mikrosil’ or ‘Accutrans’ should be used for casting.

### **1108.5 CASTING MATERIALS**

All three-dimensional impressions should be cast if there is clarity in the impression and the surface is conducive to casting. Casts are beneficial, as they provide a lifelike molding of the original impression. They can reproduce microscopic characteristics, and in deep impressions, they can reproduce characteristics on the side of the outsole and mid-sole of the footwear. Casts can also back up photographs with a tangible three-dimensional piece of physical evidence.

If the impression is located in softer, finer or loose dirt, the impression may be firmed up by spraying hair spray gently and evenly over the impression.

- Follow the manufacturer’s instructions to prepare the casting compound.
- A frame may be used to help position and retain the casting compound.

## *Comparative Evidence*

---

- When casting on hard surfaces, place an item under the cast material and to the side of the impression, such as a wooden spatula, piece of cardboard, or tape, to assist in lifting the cast after its dry.
- Target an area near the impression to begin pouring; do not pour directly onto the impression to avoid disturbing the fine detail.
- Continue pouring onto the target area until the mixture covers the entire impression area. Pour the casting compound in a smooth continual motion. Do not stop and re-start pouring as this can cause imperfections in the cast.
- Do not touch or move the cast until it is fully dry. Consult the manufacturer's instructions for estimated drying times. When the cast is almost dry, record the required case information onto the back of the casting by etching into the casting material. If the casting has fully dried, a permanent marker can be used instead of etching.
- The following information should be recorded for each casting:
  - Case Number
  - Date of Casting
  - Castor's Identity (Name or Initials)
  - Impression Number (if more than one cast is made)
- DO NOT attempt to clean dirt or debris from the impression side of the cast.
- Package the impression in such a way so that it is protected from damage.

### **1108.6 UNDERWATER IMPRESSIONS**

Impressions that are within pooled water, puddles, or under any form of standing water may still be cast. Do not attempt to drain away any of the water as it is unnecessary and may disturb the impression.

- Place a metal casting form around the impression taking care not to distort or disturb it. The top of the metal form should be above the water line, if possible.
- Lightly sprinkle unmixed dental stone over the underwater impression until covered by about an inch of the casting material. The casting material should settle at the bottom of the water-filled impression.
- Allow to set for at least 60 minutes.

Impressions that are shallow may be cast using the standard casting procedure except with a mixture that is slightly thicker; the thicker mixture will displace the thin layer of water.

### **1108.7 FLEXIBLE CASTING MATERIAL**

Mikrosil and AccuTrans are silicone rubber based casting materials used by WCSO CSI that are useful in the collection and preservation of three-dimensional tool mark evidence from a crime scene. Additionally, silicone casting material can be used to lift latent prints developed on irregular surfaces, or a bite mark in a substance such as cheese.

## *Comparative Evidence*

---

Brown casting material is recommended for the reproduction of tool mark impressions. White or clear casting material is recommended for lifting latent print impressions that have been developed with black powder.

Silicone based casting material may be used to cast mummified or otherwise damaged skin for the collection of known fingerprints.

A Mikrosil rolled tube package contains one large tube of silicone rubber casting material and a second smaller tube of silicone hardener (catalyst).

An AccuTrans silicone gun dispenser kit includes a dispenser gun, a tube of silicone material/hardener, a mixing tip, and spreader tips. The gun is re-useable and replacement silicone cartridges by be purchased for this kit. The silicone material is available in brown, white, and clear.

AccuTrans and Mikrosil are proper product names and other brands of silicone casting material will work in comparable fashion. Follow the manufacturer's instructions for use.

It is advised that the CSI prepare a label for the cast since it is nearly impossible to write on the hardened silicone rubber. Another option is to leave the wooden depressor "stuck" in with the cast, and then to label the depressor. Remove any debris that may be in the impression prior to casting. Scale photography should occur before and after any debris is removed.

### **1108.8 GEL LIFTS**

The use of gel-lifts in place of the Electrostatic Dustprint Lifter (EDPL) is an accepted first-attempt method of collection of impression evidence consisting of loose material on flat, smooth surfaces (example: footwear, tire tracks, etc.).

Gel-lifts may also be used to lift fingerprints from irregular surfaces such as door knobs, textured surfaces, or other materials similar in composition as described above.

- Gel-lifts should be used at room temperature. They may be stored in the crime scene response vehicles but when used in cold temperatures, they should be warmed prior to applying to the surface.
- The protective cover over a gel-lifter should be removed and the lifter applied to the surface.
- Gel-lifts may be rolled with a fingerprint roller to smooth the lifter, but should be done with great caution.
- Gel-lifts should be marked with proper identifiers and a directional indicator.
- When removed from the surface, the gel-lifter should have the original plastic cover reapplied.
- It may not be evident that the material has lifted from the surface. Gel-lifts may be photographed with oblique lighting and/or UV photography to reveal latent detail.



## *Comparative Evidence*

---

### **1108.9 SNOW PRINT WAX**

Impressions that are in snow should be sprayed with several layers of snow wax prior to casting, as this will preserve the detail. If stored in a crime scene response vehicle, snow wax should be warmed to above freezing temperatures prior to use, but it is recommended to store at a temperature of at least 60 degrees. Otherwise, the snow wax may dispense in clumps or not at all and this may result in distortion to the detail in the cast impression.

Allow the snow wax to set for approximately 10 minutes. The wax shell can then be cast with a slightly thicker dental stone mixture that has been cooled.

- Scale photography should occur before and after application of the snow wax.
- Be careful not to hold the can so close that the aerosol damages detail in the impression.
- Be sure that the entire impression is sealed with the snow wax to prevent dental stone from seeping through and causing damage.
- Use cold water or some snow to help offset the exothermic reaction of mixing dental stone with water.

### **1108.10 ELECTROSTATIC DUST PRINT LIFTER**

The Electrostatic Dust Print Lifter (EDPL) is a device that creates a static charge on a lifting film (Mylar) causing a dust impression to transfer from the substrate it is deposited on to the film. The result is a transfer of the impression to the lifting film that may be collected. The device will work on both porous and non-porous substrates, but works best on dry dust impressions on relatively clean surfaces. The technique is not successful with wet transfers or dry transfers that became wet or damp prior to lifting.

Refer to of this manual for detailed instructions on the use of the EDPL.

### **1108.11 FOOTWEAR STANDARDS (ELIMINATION PRINTS)**

Some scenes where footwear evidence has been collected will require the collection of elimination shoe prints from victims, suspects, witnesses and other individuals associated with the scene. Collection of the pair of shoes is preferred, but not always reasonable, especially with witnesses or emergency responders.

There are several methods used to collect elimination footwear impressions. Whatever method is used to collect footwear eliminations, the footwear should always be photographed with a scale to assist the footwear examiner in discerning the evidence from the eliminations.

Coat the outsole of the shoe with ink, black fingerprint powder or petroleum jelly to make two-dimensional standards. Once coated the image of the shoe is then transferred to a surface of contrasting color such as paper, chart board or transparent lifters by applying the tread pattern with an even firm application. Verify visually that the entire tread design has been transferred to the medium.

## *Comparative Evidence*

---

Mark the standard transfer with the case information to include: the case number, the date of the creation, the name or initials of the person creating the transfer, and the name of the person who owns/wore the shoes provided.

### **1108.12 TIRE ELIMINATION STANDARDS**

Document the basic tread pattern of the tire photographically with the camera image plane parallel to the tread design. Include a scale and information card to include the following: the case number, the position of the tire, date of the documentation, name or initials of the examiner or person taking the photographs.

Taking standards of tires mounted on vehicles requires the tires tread design to be wiped with a rag after a contaminant has been applied to the rag (such as, WD-40, clear shoe polish, petroleum jelly, etc.). In addition the tire may be coated with printer's ink. Care should be taken with the application of any material to prevent over application which could lead to pooling or dripping that would adversely affect the quality of the collected standard. Prior to the application of any material the tire should be wiped clean of all debris and contaminants.

Prior to placement of the chart board or paper, the floor should be swept to remove any dirt or material that could negatively affect the standard.

Heavy white chart board or heavy butcher paper is placed under the tire and the vehicle is moved across the surface, leaving the contaminant. Where the ink was not used, the contaminant is processed with magnetic fingerprint powder and can be sprayed with a silicon spray for preservation. In the event that an entire revolution of the tire cannot be documented on one piece of paper then the tire should be marked with chalk and divided into segments. The segments are recorded on the chart board or other medium as the vehicle is moving across the surface. The created standards should be marked with the following information: position of the tire on the vehicle, indicate the inside and outside of the tread design, direction of travel, and manufacturer's information on the side of the tire (DOT numbers), and date that the standards were created as well as the initials of the CSI and the case number.

# Latent Print Processing

## 1109.1 PURPOSE AND SCOPE

The technical basis for fingerprint identification is based on the following two premises:

- Friction ridge skin is formed on the palmar surfaces of the hands and the plantar surfaces of the feet during fetal development and will remain permanent throughout the life of the individual, except through damage by scarring or certain diseases.
- No area of friction skin on the hands or feet of any person is the same on the hand or feet of any other person.

When the friction skin area of the palmar or plantar regions of the body is touched to a receiving surface, a reproduction of the ridges of the friction skin area may be left behind on that surface.

## 1109.2 CATEGORIES OF LATENT IMPRESSIONS

Friction ridge impressions (fingerprints, palm prints, foot prints) can be divided into three categories:

- Latent – invisible prints made by the transfer of perspiration and other secretions from the skin to a surface. Latent prints require development by physical or chemical methods. Use of the ALS, or oblique or side lighting the target area with white light is often used to locate prints that may otherwise remain undetected.
- Plastic – visible prints made by a friction ridge impression in soft, pliable surfaces such as putty, modeling clay, etc.
- Patent – visible prints made by the transfer of foreign material (blood, paint, ink, etc.) on the skin to a surface.

In certain circumstances, it may be appropriate to photograph potential friction ridge impression evidence before it is collected to identify its overall location within the crime scene, or to permanently record the impression if physical recovery is not possible or may damage the impression.

## 1109.3 POWDER PROCESSING

Hard, smooth, non-porous surfaces may be dusted with fingerprint powders, and any prints found may be lifted with tape and placed on appropriate cards or paper. Powders are usually used alone when processing crime scenes, but are often used after cyanoacrylate fuming in the laboratory.

Powders are not recommended for use on porous materials, but certain powders manufactured for this purpose may be used in certain circumstances when collection of the item(s) is not practical. Dusting and lifting is not recommended as the initial processing technique for surfaces contaminated with blood, oil, grease, or similar materials.

Powders adhere to the traces of moisture and oils that are left on an object when it is touched by friction skin. Powders work best on non-porous surfaces, since the moisture and oils remain on the surface and adhere better to prints that are recently deposited and/or have a greater amount

## *Latent Print Processing*

---

of residue. Powders also adhere to deposits on items processed with cyanoacrylate vapors, and are useful in making prints visible after cyanoacrylate fuming.

There are two categories of fingerprint powders: conventional powders are applied with some type of brush, while magnetic powders have fine iron filings mixed with the powder and are applied with a magnetic wand. Both types of powder are made in a variety of colors, with black, silver, and gray, being used most often. Other colors are available, including fluorescent powders for use with alternate light sources.

- Select the appropriate powder for the surface. Consideration should be given to the color and type of surface to ensure good powder adherence and contrast. Powders should be checked periodically for clumping, which is usually due to excess moisture and contamination. Unsuitable powder should be discarded.
- Select the appropriate brush (feather, fiberglass or magnetic). Each brush should be used for only one type and color of powder. Contaminated or dirty brushes do not work well and should be cleaned, if possible, or replaced.

Safety Note: Powder application presents little known hazards when properly performed. Personnel should wear gloves and avoid eye contamination, ingestion, or inhalation of the powder. Processing procedures should be performed in a suitable, contained, designated area (processing hood) when possible. A mask may be worn to prevent inhalation in situations where processing in a hood is impractical.

The key to successful “conventional” powder application is the use of a small amount of powder with a delicate touch:

- Work from a portion of powder in a work container or shallow dish. Touch only the ends of the brush bristles to the powder. The excess powder should be shaken or tapped off.
- When using a fiberglass brush, use a smooth twirling motion to apply powder. A smooth brushing motion, (like a paintbrush) may also be used.
- Excess powder should be removed from the evidence prior to lifting to prevent “fish-eye” artifacts in the latent print. This can be accomplished by lightly brushing the powder off, or using a puff of air.
- Proper use of the magnetic brush (wand) and magnetic powders is similar to the dusting procedure for conventional powders.
- When the magnetic wand is inserted into the magnetic powder, the powder will be picked up with the tip of the wand; the powder forms a bristle-less brush.
- Only the powder should touch the surface being processed and not the wand itself. A light, smooth stroking motion is used in guiding the magnetic wand over the area to be processed. Effort should be made not to leave large gaps between the brush strokes (often creating a “zig-zag” effect).
- The powder is released from the tip of the brush by pulling up on the end of the rod. Remove excess powder from the work area by passing the wand over the area without

## *Latent Print Processing*

---

actually touching the surface. A fiberglass or feather brush may also be used to clean excess powder from the print.

Adherence of powder to a latent print can be enhanced by humidifying the print. This is easily accomplished by gently blowing or huffing on the surface directly prior to processing. Caution must be exercised not to over humidify as this can cause the powder to stick to the entire surface. This technique should not be used if subsequent touch DNA collection is being considered.

Various lighting techniques should be employed to ensure that all prints are visualized. This may include the use of oblique lighting, direct lighting, turning off overhead lights, etc. Often a certain angle of the light will show a print not previously visible.

### **1109.4 LIFTING TECHNIQUES**

Latent prints developed with powders are usually recovered using adhesive lift tape, "Griplifters" or other similar product. Other mediums, such as "Diff-Lift", poly (stretchable) tape, or gel lifters may also be utilized, depending on the powder used and the surface.

The following procedures should be used when recovering latent prints with adhesive lifts:

- Expose the adhesive layer of the lift. Do this just prior to use to avoid contamination.
- Place the edge of the tape/lifter adjacent to the target area. Using light pressure and a smooth, deliberate movement, apply the lift or tape to the target area. Care should be exercised to minimize the development of air bubbles. A piece of cork may also be used to smooth the tape or lift over the surface.
- Multiple prints in close proximity to each other may be collected on the same lift.
- Remove the lift from the target area and place it onto a latent lift card. When using light color powders, a black lift card may be more suitable.
- When using gel lifters, use black for fluorescent powders. After removing the gel lift, replace the adhesive cover back over the gel lift.

In some instances, multiple lifts of the same print may be needed to achieve the best detail and clarity. If multiple lifts of the same area are taken, the lifts should be labeled "Duplicate Lifts 1 of 2", "Duplicate Lift 2 of 2", etc.

### **1109.5 PLASTIC AND PATENT PRINTS**

Plastic and patent prints shall be photographed, using comparative photography techniques, before any recovery attempts are initiated.

If possible, recover the entire item or portion of the item containing the print and transport it to the laboratory for examination and possible comparison by the Latent Print Section.

Flexible casts or white gel lifts can also be utilized to attempt a recovery.

## *Latent Print Processing*

---

### **1109.6 CHEMICAL PROCESSING**

Chemical processing of potential friction ridge impression evidence is generally not conducted at crime scenes. Items requiring this type of processing are usually collected and transported to the laboratory for processing. However, if special circumstances exist, chemical processing methods may be employed. In these situations, chemical processing should be conducted by properly trained laboratory employees.

If chemical processing methods are employed at a crime scene, appropriate PPE must be utilized to minimize exposure to potentially hazardous substances.

Refer to the for additional information.

### **1109.7 PHOTOGRAPHY**

If applicable, photograph the overall scene with markers for the fingerprints in place, to orient the prints to the item on which they are located, or to the scene itself (such as on a wall, or doorframe).

- A tripod or similar stabilization device should be used.
- All comparative quality images shall be digitally captured using the RAW setting on the camera.
- Aperture should be set at F-8 or F-11.
- If practical, use a macro lens to photograph friction ridge detail.
- The following information should be included in each comparative image:
  - The case number
  - Date image was taken
  - Photographer's name or initials
  - A scale to aid in 1:1 reproduction of the image
  - Where applicable, a North or "up" indicator
- Ensure that the camera is positioned so that the entire image, scale and essential information are fully visible within the image frame.
- Ensure that the image plane of the camera is parallel to the plane of the impression. An angle finder can be utilized. Obtain the angle of the impression as well as the angle of the image plane.

Different angles of flash, or no flash at all, may be necessary to properly expose the image. CSI should utilize the viewing screen to ensure the image is in focus and properly exposed.

All images will be uploaded to the Digital Imaging System in accordance with lab procedures.

# Biological Evidence

## 1110.1 PURPOSE AND SCOPE

DNA is found in all of the nucleated cells of the body. This includes cells found in blood, saliva, semen, vaginal secretions, skin, perspiration, tears, nasal secretions, bone, and hair. Many of these sources are not visible to the naked eye, and detection methods, such as chemical methods or use of a variable wavelength light source, are limited.

Often times, a DNA profile can be obtained from less than one nanogram of a DNA sample. That is equivalent to fewer than 150 cells, which could be found in a bloodstain the size of a head of a pin. This means that DNA profiles can be obtained from a variety of types of evidence, and that the potential presence of DNA should be evaluated based upon the normal use of an item, even if there is no visible stain. An example of this is a drinking glass, where DNA may be recovered from the rim that comes into contact with the mouth or a cap where DNA may be recovered from the interior band that comes into contact with the wearer's head. This incredible sensitivity means that there is great potential for DNA contamination (defined as DNA that was not originally associated with a particular item and was introduced during collection or examination). See the Safety and Contamination Precautions below regarding safeguards to prevent contamination.

## 1110.2 SAFETY AND CONTAMINATION PRECAUTIONS

Always assume the presence of blood and other biological evidence when handling evidence.

See [for further information on "Communicable Diseases and Bloodborne Pathogens Exposure."](#)

Notify a supervisor immediately if you suspect you have been exposed to blood or bodily fluids.

See [for post-exposure procedures.](#)

Do not eat, drink, or smoke within the confines of a crime scene.

Treat all human blood and body fluids as if known to be infectious for Hepatitis B virus (HBV) and/or Human Immunodeficiency Virus (HIV).

Use a biohazard bag for biological trash. Trash bags should be returned to CSI and placed in the biohazard disposal canister.

Because of the extreme sensitivity of Polymerase Chain Reaction (PCR), care and caution should be used to prevent carryover and cross contamination. Precautions include:

- Clean latex or nitrile gloves should be worn when collecting or handling biological evidence.
- CSI's are strongly encouraged to wear a suitable mask when working near DNA bearing evidence, i.e., evidence with known/suspected biological material that may be subjected to DNA testing. The wearing of a mask is particularly important when sampling for trace DNA on items. DNA contamination can occur from just talking over an item of interest or touching an item without wearing gloves. Therefore, gloves must be worn when collecting evidence and the gloves must be changed frequently. Gloves

## *Biological Evidence*

---

also must be changed after the wearer may have introduced their own DNA to them (coughing, sneezing, touching face or hair). DNA on gloves could be the most common source of contamination. Additionally, all CSI personnel present at a crime scene should not participate in discussions near DNA bearing evidence or whenever such material is being collected. Furthermore, CSI should encourage all personnel present at a crime scene to wear surgical style masks when appropriate and not participate in discussions near DNA bearing evidence.

- Whenever possible, the collection of DNA/biological evidence should be completed at the onset of the evidence collection portion of the examination to prevent unnecessary contamination.
- Sterile, clean, or disposable collection and packaging instruments shall be used for each item of DNA/biological evidence collected.
- Change gloves and scalpel blades, when necessary, between samples to prevent cross- contamination.
- When collecting and processing evidence known to have come from or been associated with a suspect, do so separately from evidence associated with the victim.
- Package evidence to avoid direct contact between specimens, or the diffusion of liquids or aerosols.
- In a highly contaminated (extremely bloody) crime scene, shoe covering may be necessary.
- Wet items should be hung on clothes hangers and placed in the drying cabinets.

### **1110.3 SEARCHING FOR BIOLOGICAL FLUID**

Bloodstains at a recently committed crime scene will usually be obvious and easy to see, such as pools of blood, a trail of blood drops, smeared blood, and cast-off spatter on walls. Sometimes there may be areas to search where the presence of blood is not so obvious, such as sink traps in the kitchen and bathroom, or underneath furniture and carpets.

It may be difficult to see bloodstains if the surface is a dark color, such as maroon and black car upholstery or patterned carpets. When examining a dark colored object for blood, one of the most useful techniques is searching using oblique lighting. Holding a flashlight at an oblique angle while examining the object from different directions will usually detect bloodstains if they are present.

Another means of searching for blood and other biological fluids is using the alternate light source (ALS). Refer to of this manual for detailed instructions on using the ALS.

The ALS is especially useful when examining items for semen, saliva, and urine stains. These items show various degrees of fluorescence with different wavelengths of light depending on the substrate (background). Semen stains typically are more fluorescent than urine and saliva stains, and will be smaller and more concentrated. Urine and saliva stains generally are larger and will have faint fluorescence with slightly more fluorescent edges. Blood does not fluoresce and will typically appear as black stains.



## *Biological Evidence*

---

The ALS uses barrier filters to isolate the visible wavelengths of light. Sometimes the substrate (background) of the item prevents semen stains from being visualized with the ALS. If semen stains are not observed, then the item should be carefully examined using visual and tactile techniques. Semen stains will be crusty and somewhat stiff, and sometimes normal room lighting is more useful to visualize the stains than the ALS. Refer to Section 12 "Presumptive Tests" of this manual for information regarding presumptive tests for blood and semen.

### **1110.4 CHEMICAL ENHANCEMENT**

Chemical enhancement may be used at crime scenes to search for blood. CSI uses the following enhancers at crime scenes: Blue Star, Amido Black and Leuco Crystal Violet.

Note: Blood marks must be carefully evaluated and coordinated with other examiners and/or the lead investigator to preclude destruction of potentially valuable evidence. Occasionally, it will be necessary to decide which of two (or more) procedures may produce the more valuable findings, i.e., the possibility of enhancing unidentifiable ridge detail to positively identify a suspect versus the potential value of serological findings.

### **1110.5 BLUE STAR FORENSICS**

Blue Star<sup>®</sup> is not a confirmatory test and should be used in conjunction with a presumptive blood test, such as Hemastix. Blue Star<sup>®</sup> works well on fresh blood, as well as on very old or altered bloodstains, pure or diluted. Blue Star<sup>®</sup> does not alter DNA. However, care should be taken not to overly saturate the blood, as significant dilution can hinder DNA analysis.

Reactions to this chemical application should be photographed, using procedures from long exposure photography, found in of this manual.

For more information on this reagent mixing and application, refer to section 6 of the *Chemical Processing manual*.

### **1110.6 LEUCO CRYSTAL VIOLET (LCV)**

Leuco Crystal Violet (LCV) is the reduced or colorless form of crystal violet. LCV is typically used to enhance the visibility of latent prints deposited in blood. It should be used in conjunction with another presumptive blood test, such as Hemastix.

LCV is a colorless solution. This technique is particularly useful for spray applications to large floor surfaces, where faint or latent bloody impressions need to be enhanced or developed. LCV enhances visual prints and develops latent prints deposited in blood. The blood does not have to be completely dry before processing. LCV chemiluminesces and can be photographed and viewed under various wavelengths of UV and Infrared light. LCV treatment can be followed with Amido Black, should additional contrast be needed.

For more information on this reagent mixing and application, refer to section 6 of the *Chemical Processing Manual*.

## *Biological Evidence*

---

### **1110.7 AMIDO BLACK**

Amido Black is a dye that stains protein present in blood to give a blue-black product and is, therefore, used for enhancing latent impressions produced by blood contamination. Amido Black is suggested for those situations where there is blood contamination of the underlying or surrounding area of the slightly visible ridge characteristics/pattern, or where the impression is

caused by a “lifting away” (negative image) of the contaminated (blood) surface coating.

For mor information on this reagent mixing and application, refer to section 6 of the *Chemical Processing Manual*.

### **1110.8 COLLECTION**

Advances in DNA technology have made testing very sensitive; thus, evidence collection techniques need to be performed in such a manner as to prevent contamination of the evidence prior to laboratory analysis.

The following methods of collection of biological evidence should be considered:

- Collect the entire item on which the evidence is located.
- Collect a cutting of the stain/material. This is a reasonable course of action when dealing with large furniture, vehicle upholstery, area rugs, carpeting, etc. If processing under a search warrant, destruction of property in the course of collection of these items is covered by the course order. If no search warrant is needed in the case, consent to search should be obtained from the owner of the property and should include notification of the potential damage due to the evidence collection.
- Collect a swab(s) of the stain/evidence. If quantity permits, collect at least two (2) swabs of the stain, one wet and one dry. Moisten a sterile cotton swab using only enough sterile water to collect the sample. Rub the moistened tip of the swab through the sample until it appears saturated or until the entire sample has been transferred to the swab. Try to concentrate the sample on the tip of the swab. Swabs from the same sample should be packaged together. Use a cardboard swab box, and then place into a paper envelope.

Special considerations for biological evidence collection:

- Wet biological evidence or wet articles shall be dried prior to being placed into final packaging.
- It may be necessary to place wet biological evidence into plastic packaging for transportation purposes; however it should not be sealed completely and should be removed from the plastic as soon as possible and placed in a drying cabinet.
- Visible trace evidence should be collected from these items before they are bagged and transported.
- Items saturated with decomposition fluid will be allowed to dry for as long as practical, secured in packaging, and frozen. Items should be examined for any trace evidence, if needed, before packaging.

## *Biological Evidence*

---

Biological evidence, with the exception of liquid biological samples (blood tube, urine cup, etc.), must be thoroughly dried before packaging.

All dried samples should be packaged in paper with a biohazard label affixed to the package.

### **1110.9 KNOWN DNA SAMPLES (BUCCAL SWABS)**

Known DNA samples should be collected from any person who may have been the contributing source of any potential DNA evidence recovered at a crime scene. CSI employees should use the following procedures when obtaining known DNA samples:

- Buccal swabs will be collected at the discretion of the case agent.
- Consent or a search warrant must be obtained.
- Document the donor's name and date of birth in the notes and written report. Report case number, date and time of collection should be documented on the packaging.
- Use appropriate PPE when handling and/or collecting known DNA samples.
- Use two sterile, cotton swabs, and rub the inside of the subject's cheek with the swabs for approximately 30 seconds.
- Place the swabs in a cardboard swab box or evidence bag is using Capsure Swabs, label, and package appropriately.

### **1110.10 UNKNOWN DNA SAMPLES**

Unknown DNA can be defined as areas that are suspected to contain DNA, but have no visible staining. These could be suspected touch DNA on handled items, such as a steering wheel, or grip of a gun, or suspected saliva/mouth associated items, such as drinking glass rims, bottle mouths, etc.

- Moisten a sterile swab with small amount of water (usually one drop).
- Rub the moistened tip of the swab on the item, being cautious of areas that may be processed for latent fingerprints.
- Package the swab in a cardboard swab box, label, and package appropriately.

Fabric and/or items of clothing, such as hat, gloves, etc., may also contain DNA. These items should not be swabbed; rather the entire item should be submitted for analysis.

Collect as few swabs as possible on an item or in a particular area of a vehicle. For example, use one wet and one dry swab to swab the steering wheel, gearshift, driver's door handle, etc.

## Presumptive Test

### 1111.1 PURPOSE AND SCOPE

Presumptive tests are used to determine the presence of a suspected substance. The Crime Scene Investigator will use their discretion when determining the need for presumptive tests and select the appropriate test based on their training and experience. Refer to

of this manual when working with suspected bodily fluids.

### 1111.2 PRESUMPTIVE TESTS FOR THE PRESENCE OF BLOOD

Hemastix is a commercially prepared plastic strip that contains a reagent test area at one end. The reagent test area is yellow in color and contains the chemical tetramethylbenzidine.

Tetramethylbenzidine is used in a chemical reaction as a presumptive test for hemoglobin, a component of red blood cells.

The test is extremely sensitive, detecting as few as five red blood cells and can also be effective in detecting very old stains. In the presence of blood, a chemical reaction produces a color change on the reagent pad ranging from green to dark blue depending on the quantity of hemoglobin present.

This test should only be administered when sufficient sample exists for testing and collection. If the stain to be tested appears dilute, altered, or otherwise affected in a manner that may affect the outcome of the test, the CSI should collect the item or a sample for further laboratory testing.

CSI should follow these procedures when using Hemastix® Test Strips:

- Record the Hemastix® Test Strips lot number in case notes.
- Conduct a control test on the Hemastix® Test Strips before use:
  - Positive Control: reference sample (bloodstain) Hemastix® Test Strip – Dark Green.
  - Negative Control: Saline or water Hemastix® Test Strip – Yellow
  - At a minimum, performance checks should be conducted:
    - The day of Use
    - When environmental conditions change significantly
    - When a new lot number is used
    - When water used to moisten swabs is replaced
- Record the results of the control tests in case notes.
- Collect a test sample from item or area containing suspected blood:
  - Moisten a sterile cotton swab with water
  - Rub the swab in the area of suspected blood
  - Touch the swab onto the Hemastix® Test Strips reagent strip

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Presumptive Test*

---

- Interpretation:
  - Positive Result: The Hemastix® Test Strip should turn dark green within a few seconds.
  - Inconclusive Result: The Hemastix® Test Strip slowly turns light green.
  - Negative result: The Hemastix® Test Strip fails to change color and remains yellow.
- Notes:
  - Hemastix® Test Strips are a presumptive test and substances other than human blood may yield a positive reaction. These include most animal blood, some metal ions, bleach, some dyes and other compounds.
  - Do not touch the Hemastix® Test Strip to the stain
  - Do not collect or reuse the swab used to obtain the test sample
  - Store the Hemastix® Test Strips at room temperature in tightly capped bottle.
  - Replace the cap immediately and tightly after removing reagent strip.
  - Do not remove desiccant from the bottle.
  - Do not store the Hemastix® Test Strips in direct sunlight.
  - No conclusions shall be made as to the donor of the blood.
  - Blood is not always a red or reddish-brown in color stain. Due to the environment, it may be a different color (such as yellow, black or green) and should be taken into consideration.
  - This is only a presumptive test. Confirmation requires further testing.

# Trace Evidence

## 1112.1 TRACE EVIDENCE

Trace evidence transcends a variety of evidence genres and can include, but is not limited to:

- Hairs
- Fibers
- Soil
- Dust
- Glass
- Paint and Polymers
- Biological Material
- Lubricants
- Building Materials
- Tapes and Adhesives
- Plant Material
- Geological Material
- Fire Debris
- Unknown Substances

While the name “trace” implies a small amount, trace evidence may range in size from easily visible to microscopic.

## 1112.2 GENERAL COLLECTION GUIDELINES

Although there is no absolute procedure to follow when collecting trace evidence, there are several basic principles, which should be adhered to regardless of which methodology is used:

- Appropriate PPE should be utilized when collecting trace evidence to minimize the potential for contamination.
- Always keep knowns/standards separated from samples and/or the materials to be searched.
- Items of evidence that are to be examined for trace evidence should be packaged separately and appropriately to protect the trace evidence.
- If additional handling of the evidence is required, ensure a clean work surface (ex. Butcher paper) is used to help prevent contamination.
- After handling, the evidence should be repackaged and the work surface collected to preserve any evidence that may have fallen off.

## *Trace Evidence*

---

A visual examination of the article should be conducted prior to moving the article or obtaining any collection from the article. The visual examination can be followed by collection using a number of methods, depending on the need.

It is not the intent or possibility to collect every particle of trace evidence (i.e. debris, hair, fiber, etc.) adhering to an object, but rather to collect a representative sample of the trace evidence. Every attempt should be made to collect any particles, hairs, etc., which are visible to the naked eye. However, when a significant sample exists and it is not reasonable to collect every particle, a sufficient representative sample will suffice.

### **1112.3 TRACE COLLECTION TECHNIQUES**

A variety of methods may be used to collect potential trace evidence. The selection of a particular collection method will depend upon variables such as the evidence type and collection surface.

### **1112.4 PARTICLE PICK**

Particle picking is the use of gloved fingers, or equipment such as tweezers, forceps, or similar collection tools to pick small particles off an object for collection.

Particle picking is the collection of specific particles found either with the naked eye or using low power magnification. This technique is generally used for the collection of loose hairs, fibers, paint, glass, vegetation, etc.

### **1112.5 ADHESIVE TAPE LIFTS**

Adhesive tape lifting is useful when collecting trace evidence that is not readily visible and is the recommended technique for recovering potential trace evidence from surfaces such as upholstery, clothing, and carpet. This method of collection is not recommended for surfaces that will strongly adhere to the tape lift adhesive (e.g. paper products, cardboard, etc.).

Clear fingerprint tape can be used for the collection of hairs and fibers. After the evidence is collected onto the tape, the tape should be placed into a clean plastic bag with the sticky sides of the tape against the plastic. The tape should not be wadded up, or folded with the sticky sides together.

### **1112.6 SCRAPING**

Scraping utilizes a spatula, wooden dowel rod, or other scraping tool to scrape an article in an attempt to loosen the particulate debris and catch it as it falls onto clean paper. This method is useful to collect soils and debris. Scrapings should be stored in folded paper, or clean vials, if the soil is dry.

### **1112.7 HAIR AND FIBER REFERENCE (KNOWN) SAMPLES**

Reference (known) samples are necessary to perform comparisons to potential trace evidence samples collected at crime scenes. When obtaining reference samples, a sufficient amount of material should be collected.

## *Trace Evidence*

---

A description of the reference sample (source, collection location, color, condition, etc.) should be recorded in the case notes.

### **Head Hair Samples**

- Collect approximately 50 hairs from five (5) different areas of the scalp: center, front, back, and both sides.
- Hairs must be pulled, by firmly grasping the hair near the root and pulling it quickly. Hairs that are cut are not appropriate standards.
- Loose or shedding hair may be collected by combing the entire head, and conducted over a clean piece of paper or envelope to collect dislodged hairs.
- Hairs should be securely packaged to prevent loss or contamination.

### **Pubic Hair samples**

- Collect approximately 50 hairs from different areas of the pubic region.
- Hairs must be pulled, by firmly grasping the hair near the root and pulling it quickly. Hairs that are cut are not appropriate standards.
- Loose or shedding hair may be collected by combing through the pubic hair of the subject, and conducted over a clean piece of paper or envelope to collect dislodged hairs.
- Hairs should be securely packaged to prevent loss or contamination.

### **1112.8 FIBER STANDARDS**

Fiber comparisons can be performed on both natural and synthetic fibers. A potential fiber source may have one or more different kinds and colors of fibers present, and the differences may only be apparent using microscopic or instrumental techniques. Therefore, it is important to obtain a fiber standard that adequately represents all of the fiber types present in the potential source. When possible, collect the entire item.

- If the entire item cannot be recovered (e.g. vehicle or furniture upholstery, carpeting, etc.), use the following method to collect a known fiber sample:
  - Cut a representative sample from various areas of the object. Collect samples that are visually different (e.g. different colored areas, faded areas due to sunlight, worn sections, etc.). Be sure that the cut is deep enough so that the backing material is also recovered.

### **1112.9 PAINT STANDARDS**

Paint comparisons are performed on a variety of paint types including, but not limited to, automotive paints, architectural paints, spray paints, tool paints, etc. A potential paint source may have one or more different kinds and colors of paint that are present (e.g., vehicles), and the differences may only be apparent using microscopic or instrumental techniques; therefore, it is important to obtain paint standards that adequately represent all of the paint types present on a potential source.



## *Trace Evidence*

---

Substantial variations in paint thickness and layer sequences on an object can occur. This is particularly true for vehicle paint where curves, corners, and edges may have been subject to previous damage, sanding, or over-painting. If appropriate, known paint samples should be collected from these areas.

When contact between two painted surfaces is indicated, the possibility of cross-transfers must be considered. Collect both objects or paint standards from both surfaces.

The CSI should consider the possibility of a physical match of paint chips to the source when determining how to collect paint standards. A physical match comparison should not be attempted in the field due to the lack of a controlled environment and the lack of available comparison techniques.

If possible, collect the entire item. If this is not possible, the following methods can be used:

- Locate the area(s) of damage or the area(s) with the paint evidence.
- If the paint transfer is located on another painted surface (i.e. vehicle body), collect a paint standard from an area as close to, but not within, the area of damage.
- If a physical match, examination will be completed, collect all of the damaged vehicle body components with paint transfer rather than attempting to remove paint samples and standards.
- To collect a sample or standard, use a clean razor blade, scalpel, or knife to gently pry, carve or chip the paint from the surface down to the foundation or substrate
  - If possible, do not remove the paint by scraping as all paint layers may not be represented and/or the layer structure may be destroyed.
  - If necessary, if may be possible to loosen paint from sheet metal surfaces by placing the tip of a flathead screwdriver or similar tool on the opposite side of the painted surface and striking the screwdriver with a hammer.
- Collect a sample approximately 1" X 1" from a particular damaged area, when possible.
- Collect paint standard near each damaged area in the same manner.

Paint evidence can be very small. Be aware of all openings in packaging, including seams, corners and air holes and package appropriately given these openings.

A description of the paint standard or sample must be recorded in the case notes. At a minimum, the description will include what the standard is and from where it was collected (documented by notes, sketches measurements and/or photographs).

### **1112.10 GLASS**

Glass comparisons can be performed on window glass, vehicle glass, and other glass types. A critical factor in comparing glass evidence to a known glass source is whether the characteristics of the evidence sample fall within the range of variation present in the source; therefore, it is important to obtain a sufficient number of known glass samples to adequately represent the range of all characteristics present.

## *Trace Evidence*

---

A physical match of evidentiary glass samples to the known source may be possible. Evidentiary samples and the known source should be collected. A physical match comparison should not be attempted in the field.

Whenever possible, the CSI should note the interior and exterior sides of any glass encountered.

- Physical match comparison:
  - Collect as much of the glass from the known source as possible.
- Direction of force determination:
  - Collect a glass piece from the known source near the area of impact that has a radial fracture along at least one (1) edge.
    - Mark which edge is the radial crack
    - Indicate the orientation of the sample (interior vs. exterior)
- Small Glass Objects (e.g., bottle, vehicle headlights)
  - Collect as much of the glass from the known source as possible.
- Window/Door Glass:
  - Collect known glass samples that are still adhering to the frame and are located as close as possible to the area of impact. Collect several samples of glass from different parts of the same pane of glass (12, 3, 6, and 9 o'clock positions around the edge of the break) Glass samples that are not recovered unless no other appropriate reference sample can be obtained.
  - Collect several samples from dual paned windows such as thermal (architectural) windows or vehicle windshields that consist of two panes of glass laminated together. Label clearly which standard is from the inside pane and which is from the outside pane.
  - A sample size of approximately 1" X 1" is usually adequate.

Place each known sample separately in a rigid container (do not use glass containers). If possible, wrap the samples in clean paper to reduce the likelihood of further breakage or damage to the fractured edges. Small glass particles may be packaged in an envelope. The samples should then be packaged in a paper bag or envelope, labeled, and sealed.

### **1112.11 SOIL AND POLLEN**

Soil can assist the investigator in associating certain persons or objects with specific places. Soil, dirt, and dust are common elements at almost every crime scene. As such they should be collected carefully because often these elements contain abundant pollen and spores. Samples of dirt collected from the clothing, skin, hair, shoes, or car of a victim might prove useful in linking the victim with the location where the crime occurred. The same would be true of any suspects thought to be associated with a crime. Mud found on a stolen vehicle, or a vehicle used in a crime, could link the vehicle with the scene of a crime or link it to the place from which it was stolen. Dirt found associated with other objects or other types of conveyances (i.e., airplane, bicycle, motorcycle,

## *Trace Evidence*

---

boat, etc.) though to be associated with a crime also might yield pollen evidence useful in linking those items with a specific crime or a specific geographical location.

Examples of where these types of soil, dirt, or dust samples should be collected are numerous. Common sense and an awareness of what type of data one might hope to recover from dirt samples should become a primary guide for collection. In addition, steps must be taken to ensure that samples do not become contaminated.

### **1112.12 SOIL SAMPLE COLLECTION**

Care must be taken in the collection of soil samples. Incorrect collection can cross contaminate the sample and render it useless. When collecting known samples, only a couple of tablespoons are necessary. The soil should be allowed to dry and be placed in a sealed glass container.

Clothing items should be allowed to dry and placed in a separate paper bag for each item.

Implements – Implements should be placed in paper bags. Paper should be wrapped around any dried mud and taped down to prevent loss.

Vehicles – Vehicles should be brought to the laboratory when possible. If not, then care must be taken when collecting the samples. Clumps of interest should be separately and carefully removed from tires or wheel wells in a manner that would prevent crushing. Place each clump in a separate container.

Shallow Graves – Samples should be collected from the sides and bottom of the grave. Keep each area in a separate container. See section 21 of this manual for further information on grave recovery.

Fields – Samples should be collected in a grid pattern expanding out from the questioned area. Continue collecting samples until a noticeable difference in soil color is observed.

Residence – Samples should be collected near points of entry or near shrubbery where a suspect could hide while observing the residence. Samples should also be collected from pathways leading to the residence.

Creeks and Roadsides – Collect from the area of suspected contact. Collect periodic samples from along the banks of the creek or the road until noticeable differences are observed in the soil.

Alibi – Collect samples from areas where suspect claims questioned soil to have originated. It will add weight to the analysis if the area where suspect claims the soil to have originated can be eliminated.

### **1112.13 POLLEN**

#### **Hair and Cloth:**

Woven cloth, woolen blankets, ropes, clothing and fur all make excellent traps for pollen and spores. Woven materials and fur are made of tiny interwoven fibers. When air comes in contact with woven materials, the fibers become filters that retain solid particles, such as pollen and

## *Trace Evidence*

---

spores. Woolen garments, including blankets, skirts, suits, ties, and sweaters make the best pollen and spore traps. However, hair, whether human or animal, remains one of the very best pollen and spore traps.

When wind blows through hair, pollen in the wind becomes trapped in the open spaces between individual strands. In humans, the addition of various types of hair sprays, natural oils, and tonics makes hair surfaces sticky and provides an even better trap for pollen and spores. Hair from a victim or suspect can be sampled for pollen.

Hair sampling need not be restricted to humans. Fur rugs found at a crime scene might have been used for wiping shoes and thus may be rich in pollen and spores. Domestic pets, sheep, cattle, horses, or other fur-bearing animals that might be associated with a crime scene or might be stolen or lost may be traced to their original owner through the analysis of pollen and spores attached to their hair. Hair on fur coats, felt hats, or sheep skins sometimes used as car seat covers are also excellent pollen traps and should be considered for their potential use as forensic samples.

Common sense and an awareness of what type of data one might hope to recover should become a primary guide for collection.

### **1112.14 GUNPOWDER RESIDUE**

When a firearm is discharged, unburned and partially burned particles of gunpowder, gas, soot, metallic particles stripped from the bullet and vaporized metal from the bullet are propelled out of the barrel along with the bullet toward the target. If the muzzle of the weapon is sufficiently close, these products will be deposited onto the target. It is the distribution of gunpowder particles and other discharge residues around the bullet hole and permits an assessment of the distance from which a firearm was discharged. The clothing from a shooting victim should be carefully preserved so as to prevent damage or disruption to powder residues deposited around bullet or shot shell component holes. The cutting or tearing of clothing in the area of these holes must be avoided as the clothing is being removed.

Each item of clothing should be packaged separately in paper. If it is necessary to fold an article of clothing, place a piece of paper over the article to prevent contact and reduce the possibility of transferring residues to other areas of the clothing.

### **1112.15 GSR KITS**

The gunshot residue collection procedures shall be performed as directed by, and in accordance with manufacturer's instructions provided in the gunshot residue kit. The kit should be utilized on a live subject as soon as possible. Deceased persons should be processed as soon as possible, but the four hour window is not required.

Gunshot residue can also be collected from material items such as clothing, a vehicle door, etc. Each adhesive lift stub can be used for up to 100 pats or taps. The four (4) hour window is not required for material items.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Trace Evidence*

---

The kit will be submitted to the Utah State Crime Laboratory, following the CSI evidence submission procedures.

When a subject's hands are not conducive for GSR collection (i.e. subject washed hands, covered in blood, etc.), the clothing should be collected as an alternative.

# Firearms

## 1113.1 PURPOSE AND SCOPE

Firearms are frequently encountered at crime scene. CSI's should therefore understand the steps necessary to properly document and collect firearms-related evidence.

The first consideration is always safety. The following procedures are designed to minimize the handling of firearms. Every situation is different and handling procedures may be adapted to fit the circumstances. The suggested procedures may be changed if safer alternatives are available.

These guidelines and procedures assume some familiarity with firearms and their operation, and are intended as a reminder and reference. These procedures are not intended to be the sole source of firearms safety and handling training.

## 1113.2 DOCUMENTATION

Document the location of the firearm with photography and notes. If the firearm has been moved prior to CSI arrival, document this information in the notes, and photograph the gun in situ.

Items to document can include:

- Hammer position (cocked, not cocked, half-cocked) if applicable.
- Position of safety, if applicable.
- Position of slide/breech bold (closed, locked open, jammed).
- Visible Damage
- Visible trace evidence (blood, tissue, hair, etc.).
- Magazine in or out, or not fully inserted.
- Cartridge, cartridge case or nothing in the chamber.
- Cylinder position of revolvers should be marked on both sides of the topstrap, using a marker.
- The cylinder contents can be documented by photography or a cylinder diagram. Indicate the brand of cartridge in each chamber and whether it is fired or unfired.

If possible, firearms must be "made safe" (unloaded) prior to transporting. If it is not possible or advisable to unload the firearm, it may be transported by a Weber County Sheriff's Office armorer.

Handle the firearm carefully, by the textured surfaces (such as the grips), to avoid the disruption of latent prints. Use clean nitrile or latex gloves to minimize the introduction of DNA to the firearm, or consider collecting DNA swabs prior to transport from the scene.

Secure the gun in a gun box with nylon ties. Do not place anything down the barrel of the firearm or through the trigger guard that might pull on the trigger.

Firearms collected from under water should be packaged in a watertight container, submerged in the same water from which the gun was collected. This will help to lessen the effects of rusting.

## *Firearms*

---

### **1113.3 REQUEST FOR ANALYSIS**

The CSI shall photograph both sides of the firearm, document the identifying information (make, model, serial number, etc.), do any DNA and/or latent print processing, and submit the firearm to Property and Evidence.

If the firearm is to be submitted to a Firearms Examiner, the CSI shall follow all Utah State Crime Laboratory submission procedures.

### **1113.4 CARTRIDGES AND CARTRIDGE CASINGS**

A cartridge is a unit of ammunition, consisting of the cartridge case, powder charge, and projectile (e.g. bullet, shot pellets, etc.). The cartridge case (or shell casing) is what remains after the cartridge is fired. Cartridge cases are generally described by the head stamp. This information is stamped on the head of the cartridge case.

### **1113.5 LOCATION**

The location of the cartridge cases at a crime scene may have significant value. While it is permissible to group cartridge cases when they are very close together using one placard number, it is preferable to give each cartridge case its own identifying number. This gives each cartridge case a convenient identifier for correlating scene diagrams, crime scene reports, and firearms examination reports.

### **1113.6 PACKAGING**

Cartridge cases should be packaged separately in envelopes or small paper bags, taking into account that there may be trace evidence on the casings which needs to be protected. It is important to protect the markings on the casing from abrasion and additional marks.

### **1113.7 BULLETS AND BULLET HOLES**

Once identified, the location of the bullet hole should be noted and photographed. If a bullet is lodged in the hole, a photograph should be taken of the bullet in situ.

Recovery should minimize the handling of the bullet. An important factor in bullet recovery at a crime scene is that further damage to the surface of the bullet may limit or prevent the comparison of the bullet to a particular firearm. Bullets should not be grasped with metal tools if at all possible. The best procedure is to remove the material from around the bullet until the bullet is free. The substrate (wall, windowsill) can also be cut out with the bullet lodged inside and brought back to the CSI for extraction.

Care should be taken to preserve trace evidence that may be on the bullet from previous impacts (such as blood or hair).

## *Firearms*

---

### **1113.8 LABELING BULLET HOLES**

There are several styles and approached to labeling. Labeling systems consist of numbering, lettering, written descriptions or abbreviations or some combination of these elements. The purpose of labeling is to have some shorthand means of accounting for evidence and locating points along the bullet path, both in the sketch and photographs.

No matter how the CSI chooses to label the bullet holes, the location of each hole, and the legend must be clearly articulated in the notes. (Example: A=exterior front door, B=interior front door, etc.)

### **1113.9 MEASUREMENTS**

Appropriate measurements of casings, projectiles and bullet holes should be taken, to place items with in the scene and to assist with the creation of a final sketch.



# Biohazard Procedures

## 1114.1 PURPOSE AND SCOPE

Occupational exposure to blood and other potentially infectious materials must be limited and controlled since any exposure could result in transmission of blood borne pathogens, which could lead to disease or death.

## 1114.2 BLOODBORNE PATHOGENS

All personnel assigned to the Forensic Services Unit should be familiar with the [Departmental General Order and County Policy](#) that pertain to bloodborne pathogens. Each employee is responsible for controlling his or her own exposure and preventing the spread of bloodborne pathogens.

In order to minimize exposure to bloodborne communicable diseases, Crime Scene Investigators should use the Universal Precautions and assume that all contacts with blood or bodily fluid may result in the transmission of a bloodborne disease.

## 1114.3 PERSONAL PROTECTIVE EQUIPMENT

Upon arrival at a crime scene where body fluids are present, the Crime Scene Investigator will be responsible for utilizing the proper protective equipment to protect them from being exposed to any infectious materials or body fluids. When protective booties and gloves are worn, they should be removed when exiting the scene with new ones put on upon re-entry. Personnel are encouraged to use the maximum protection which may include eye shields, masks, and/or full suit barriers.

Biohazard or contaminated Personal Protective Equipment will be removed and placed in a biohazard bag prior to leaving the scene. The bag will be disposed of in accordance with departmental directives.

## 1114.4 PACKAGING AND TRANSPORTATION

Crime Scene Investigators collecting or handling contaminated materials, wet or dry, blood or other body fluids, will be responsible for taking all safety precautions to ensure that they are not exposed to contamination. It is also their responsibility to ensure that no one else is exposed to the contaminated material(s). Packages of evidence collected containing contaminated items, wet or dry, shall be clearly labeled. The warning "BIOHAZARD" shall be prominently displayed on the outside of the packaging materials in such a fashion that anyone coming contact with the item will be aware of the risk.

Contaminated materials collected at crime scenes will be placed in a leak proof package and transported to an appropriate storage location for preparation for drying or submission to the Property and Evidence room.

Upon arrival at the CSI office, Crime Scene Investigators will carry all contaminated materials or evidence packaged and marked as a "Biohazard" directly to an appropriate storage area. The

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Biohazard Procedures*

---

materials will be properly stored or placed in the drying cabinet for a process of drying before being packaged.

All contaminated materials or evidence will be placed in an appropriate storage area to dry or will be turned into the property unit or a property locker.

#### **1114.5 FORENSIC DRYING CABINETS**

Evidence placed in the Forensic Drying Cabinet will be handled in the following manner:

- All personnel must wear gloves while handling contaminated evidence and/or property.
- The cabinet must be cleaned before and after each use to prevent cross-contamination of evidence. Use an approved disinfectant. Allow the disinfectant solution or bleach to sit for approximately 60 seconds and then wipe the area clean and dry thoroughly.
- Evidence from only one case should be placed in each drying cabinet. Evidence from different suspects in the same case, or suspect and victim, should not be placed in the drying cabinet together.
- All material or clothing will be placed on hangers in the drying cabinet and spread out in a manner that will facilitate rapid drying. The internal fan system in the cabinet will assist in the drying process. Make sure the fan is on and working correctly prior to leaving the examination room. The drying cabinet is equipped with a low airflow alarm. If the alarm sounds, turn the unit off and wait one minute before re-starting. To assure proper airflow, make sure all door twist handles are positioned properly.
- The drying cabinet may be tagged using Dry erase markers on the plastic. The tag will contain the following information:
  - Case Number
  - Crime Scene Investigator's Name
- Document the placement and removal of items on the drying cabinet log, which is attached to each cabinet.
- The Crime Scene Investigator will closely monitor the drying process of items submitted. When the items are dry, they will be removed and either placed in an approved storage location or packaged and submitted to the Property and Evidence Unit.
- Dry contaminated materials, will be properly packaged and placed in a container properly marked with biohazard warnings before being turned in to the Property Unit.

#### **1114.6 BIOHAZARD CLEANLINESS**

It shall be the responsibility of the Crime Scene Investigators to maintain the safety and cleanliness of the CSI at all times. The following routine will be followed:

- All hazardous or contaminated packaging materials will be discarded into the biohazard waste canister located in the Property and Evidence room.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Biohazard Procedures*

---

- When the biohazard waste canister becomes full, it shall be the responsibility of the Property and Evidence Manager to make arrangements for the contents of the container to be picked up for disposal.
- Sharps containers are provided for disposal of used razor blades, scalpels or any other non-evidentiary sharp instrument. Disposal of full containers will be done in accordance with departmental directives.

#### **1114.7 OTHER EQUIPMENT**

Only metal clothing hangers and butcher paper will be used in the drying cabinets. If metal clips are used to facilitate the hanging of certain items, **they shall be discarded after use. Hangers and dividers shall be cleaned with approved disinfectant after each use.**

Any other non-disposable equipment used at a scene (such as placards) that may have been contaminated by biological fluids, shall be cleaned and disinfected prior to re-use. A pre-measured bleach solution or other approved disinfectant solution will be used to disinfect any non-disposable equipment that may have been contaminated by biological fluids.

If spraying an item is not feasible, such as camera equipment, then a disinfectant wipe or alcohol wipe shall be used according to the wipe manufacturer's instructions.

## Processing Vehicles

### 1115.1 PURPOSE AND SCOPE

During a criminal investigation, the CSI may be called upon to process a vehicle for physical evidence relating to a crime. This vehicle may or may not be the primary location of the crime, but should be treated as a crime scene and given the same attention as a primary scene. The evidence inside a vehicle may yield valuable information to solving the investigation or identifying people involved with the offense.

The types of evidence that should be searched for in a vehicle will be dependent on the type of crime being investigated and the involvement of the vehicle in the offense. It is important for the CSI to establish a specific and organized approach to processing a vehicle. The CSI should work with the case agent to obtain relevant information to sufficiently and thoroughly process the vehicle.

### 1115.2 VEHICLE BURGLARY

Uniformed patrol will routinely process vehicle break-in and vehicle burglary calls. CSI personnel may be called to assist when break-ins have occurred to a large number of vehicles in one location as well as vehicle burglaries related to felony contributors. CSI response to this request will depend on staffing and call load. Any question about CSI response should be directed to the CSI Manager.

### 1115.3 RECOVERED STOLEN VEHICLES

CSI may respond to recovered stolen vehicles that meet one or more of the following criteria:

- The vehicle was stolen as part of a violent crime
- The vehicle was involved in a major crime (such as a felony hit and run)
- The vehicle was reported as occupied within the previous 24 hours

Vehicles not meeting these criteria should be processed by uniformed patrol.

### 1115.4 VEHICLE TOWED TO WCSO

Vehicles being towed for forensic processing will be brought to the CSI bay unless otherwise directed by a supervisor. Crime Scene Investigators, or an officer/investigator, will provide escort for the tow service to the designated location to maintain chain of custody.

The following procedures are in place for accepting a tow at the CSI bay:

- Direct the tow truck driver to the appropriate spot to drop off the vehicle
- **Complete the Vehicle Chain of Custody form** and obtain the tow truck driver's signature
- Determine if keys are or are not available
- Any vehicle key that is biologically contaminated will be packaged, and marked "BIOHAZARD"

## *Processing Vehicles*

---

- Sign the tow bill and keep a copy with the chain of custody form
- Unplug any device being charged by the vehicle battery and turn off lights, radio, etc.
- Confirm whether or not any drugs, money or weapons are known to be in the vehicle. If so, notify a CSI supervisor, photograph and remove the items, and place them in a temporary locker.

### **1115.5 VEHICLES AT THE SCENE**

Confirm with the case agent if the vehicle is to be processed at the scene, or documented before being towed to another site. For vehicles being towed, document and photograph how the vehicle is found.

In some cases, the specific location of the vehicle may be important evidentiary value. In these cases, specific measurements to place the vehicle at the scene should be collected. To properly place a vehicle at a specific location, two sets of measurements, a north/south and an east/west measurement, should be collected from at least two points on the vehicle. These measurements should be taken from fixed and permanent areas of reference at the scene.

Any transient evidence or details regarding the condition of the vehicle should be noted, such as:

- Hood warm or cool
- Windows up or down
- Exterior wet/dry/condensation
- Odors present in the vehicle
- Position of the gearshift
- Tire/Wheel conditions
- Steering column intact/damaged
- Lights on/off
- Mileage and gas gauge if possible

If needed, collect any transient evidence that may be lost or destroyed during transport. A tarp may also be used to secure evidence inside the vehicle if all windows are down/broken, etc

### **1115.6 GENERAL PROCEDURES**

Consult with the lead investigator to ensure that proper consent or a search warrant has been obtained.

### **1115.7 DAMAGE**

Document any interior or exterior damage to the vehicle. If applicable, exterior damage should be examined for potential paint transfer evidence. If paint transfer evidence is noted, the paint evidence should be collected as noted in the trace evidence portion of the CSI manual.

## *Processing Vehicles*

---

Glass or plastic from broken headlights or taillights, or other relevant automotive parts, should be collected and preserved for possible physical matches to vehicles or vehicle part collected at any associated scenes.

Consideration should be given to collecting glass standards from all broken windows on the vehicle.

Damage specific to the criminal act being investigated should also be searched for, documented, and recovered (when applicable).

In cases of burned vehicles, collection of samples may be necessary to determine if any accelerants were utilized during the commission of the crime. These samples should be collected in the appropriate sized arson can and sealed immediately at the scene. Depending on the condition of the vehicle and the localization of the fire damage, collection of more than one sample may be necessary.

### **1115.8 PHOTOGRAPHY**

If possible, a vehicle should be photographed at a crime scene prior to towing the vehicle from the scene. Photographs should be taken of the vehicle to document the presence of the vehicle, but also to note the condition and configuration/placement of the vehicle.

Vehicle photography should include photos from each end of the vehicle, from each side of the vehicle, and directed diagonally at each corner of the vehicle.

Close-up photographs should be taken of the license plate and any decals or custom accessories on the vehicle.

The VIN should be documented in the field notes and in a photograph as well, if possible. Overall photos, mid-range photos, and close-up photographs should be taken of any damage to the vehicle.

The interior of the vehicle should be photographed. Photographs should be taken of all areas of the cab, trunk, consoles, glove compartment, and any other area of note within the interior or exterior of the vehicle, including the gas tank opening, under the hood, and the undercarriage of the vehicle when applicable.

For traffic collisions, include images of the interior safety devices (air bags, seat belts, child seats, etc.) to document their presence and condition (i.e. airbag deployed).

### **1115.9 EVIDENCE COLLECTION**

An organized and systematic approach needs to be established to search a vehicle. The vehicle may be searched in any order that suits the individual CSI, as long as that search is systematic and thorough.

All areas of the vehicle that are relevant to the crime should be searched. In some scene investigations, this will be a whole and complete search, to include underneath the exterior of the vehicle, under the hood, inside the trunk, underneath the seats, along the sides of the seats, inside

## *Processing Vehicles*

---

all compartments (glove box, interior door side map compartments, center console, ashtrays, etc.), and underneath visors. In some cases, the extent of the search may be specifically directed to a particular area of the vehicle (i.e. if a thief breaks a side window and reaches in and steals a purse from the passenger seat, the extent of the search needed may only be the window, the door, and the seat area of the vehicle). The extent of the search is left to the discretion of the CSI and the lead investigator.

The CSI must practice caution when searching poor visibility areas. A small mirror and a flashlight may allow the CSI to search these areas and reduce the risk of exposure to hazardous materials.

As with any crime scene processing, the CSI should give immediate attention to the most fragile evidence prior to completing a full search of the entire vehicle. Evidence may become fragile with the passing of time, exposure to the elements or environmental factors, movement, and improper handling. If trace lifts are to be collected, it should be done upon initial entry into the vehicle.

Any suspected blood located inside of the vehicle should be documented and collected when applicable. Bloodstains inside of a vehicle should be considered for bloodstain pattern analysis and an appropriate number of samples should be collected.

DNA collections from a vehicle may include, but are not limited to: touch surfaces, cigarette or cigar butts, drinking straws, cups, bottles, makeup/cosmetics, etc. Items may be collected from a vehicle for later DNA collection or processing.

When photographing multiple bullet holes in a vehicle, it may be necessary to document each bullet hole with some kind of measurement device and/or hole marker. This will help differentiate close-up photographs of individual bullet holes from one another to assist with placement of the holes on the vehicle by associating photos with notes.

When working a shooting reconstruction on a vehicle general photography should take place prior to inserting any rods into the bullet holes. All bullet holes, deflections, or impacts should be documented.

In rape investigations, if the crime occurred inside of a vehicle, the interior of the vehicle may need to be examined with the forensic light source in order to detect any biological evidence. The presence of condoms, sexual implements, or clothing may be relevant and should be noted and collected.

Burglary tools, weapons, drugs, paperwork, or stolen property specific to the crime investigated should be collected.

Depending on the type of crime being investigated and the circumstances in which the vehicle was involved, the collection of carpet and upholstery standards may be necessary.

Hit and run investigations involving other vehicles or a stationary object may involve searching for paint chips or transfer, pieces of headlamps or plastic reflectors, mirrors, hubcaps or other misc. pieces of the automobile.

## *Processing Vehicles*

---

Hit and run investigations involving a pedestrian may include searching a vehicle for body fluids, impression evidence such as fabric impressions on the vehicle, and hair and fiber evidence, including on the undercarriage.

### **1115.10 LATENT PRINT PROCESSING**

Typical latent print processing of a vehicle will include brush and powder processing, but any appropriate latent print processing techniques, photography, and/or lifting method may be applied to a vehicle and contents. All surfaces of a vehicle and all objects in or on the vehicle should be considered for processing, but the discretion of what surfaces to print and what techniques to employ are left up to the investigator and CSI.

Process the area around the sides, doors, roof, hood, trunk, and fuel door, concentrating on areas that would be touched during general usage. In addition, roof support posts and the exterior of windows should also be processed for latent prints.

Rear view mirrors, door handles, seat belt buckles, windows, gearshift, vanity mirrors, and the stereo face should be considered for latent print processing.

Any item located inside the vehicle that may have been handled and may possess fingerprint evidence should also be considered for latent print processing, or the item(s) should be collected for latent processing at the laboratory.



# Processing Persons

## 1116.1 PURPOSE AND SCOPE

This policy will cover the various processes, methods, and procedures involved with processing live victims, witnesses, and suspects.

This list of evidence identification and collection methods should be considered for all people, with those applied that fit the investigative needs of any given investigation. Consider all facts surrounding a case when considering what processes to apply. Most of these processes, except hair standards, known DNA, and known fingerprints/footprints, are perishable in nature and must be collected as soon as possible after the offense in order to preserve the evidence.

Whereas some of these processes may be destructive to other processes on the list, the CSI should always consider order of processing and determine a logical sequence based on the evidence being sought.

All evidence listed below should be collected and packaged in accordance with accepted procedures for each type of evidence. Proper procedures ensuring safety and protection from contamination and cross-contamination should be followed.

Processing live people (suspects, victims, and witnesses) should be considered with any type of offense in which evidence to associate the people with other people, places or things may be found. The collection of evidence from people should be undertaken as soon as possible, as the collections will likely consist of some trace evidence that is perishable and can be lost over time.

CSI members should consider the following recommendations when processing persons related to a crime scene investigation:

- Personal Protective Equipment (PPE)
  - Section members must utilize appropriate PPE when processing persons related to a crime scene investigation. The use of PPE reduces the risk of exposure to potentially hazardous substances as well as minimizing the potential for contamination.
- Documentation
  - The documentation should include a detailed description of the person's physical appearance, clothing, injuries, and any other distinguishing features.
  - The processing of persons related to a crime scene investigation must be thoroughly documented using notes, photographs, sketches, and measurements, when applicable.

Consideration should also be given but is not limited to:

- Injuries
- Tattoos
- Scars

## *Processing Persons*

---

- Identifying Marks
- Jewelry
- Clothing
- Stains

### **1116.2 PHOTOGRAPHY**

Photographs should be taken to document both the presence and absence of visible injuries.

- Initial photographs of injured persons should include images from all four sides, at full length, to include the type and condition of clothing.
- Each full-length photograph should include the subjects' entire body.
- Photograph a close-up of the person's face and upper body.
- If an injury is to the lower part of the body, include a close-up of the lower half of the body.

Photograph the general area (mid-range) of the injuries without a scale to establish the location of detailed photographs.

Photograph close-up images of each injury or wound with and without a scale (capture the entire scale).

All close-up injury photographs should be taken so as to ensure that the camera lens is perpendicular to the injury to avoid distortion.

If unable to fully photograph a subject, the reason shall be documented in the notes.

### **1116.3 PATTERNED IMPRESSION PHOTOGRAPHY**

Impressions on clothing or skin should be photographed using proper scale photography techniques.

Any notable features of the impression should be described in notes and specific relevant information should be included in reports.

### **1116.4 BITE-MARK PROCESSING**

Bite-marks should be swabbed prior to any processing in order to collect potential saliva or other potential DNA evidence that may be present on the wound.

Bite-marks should be photographed with and without an "L" scale (has an X and Y axis).

If allowed by medical personnel, bite-marks can be cast with silicone based casting material for pattern collection.

### **1116.5 EVIDENTIARY ITEMS**

- Biological Evidence:

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Processing Persons*

---

- Examine the person and their clothing for any visible biological evidence (blood or other biological fluids).
- Consider the possibility of potential touch DNA evidence being present on the person or their clothing.
- In situations where the circumstances indicate the possibility of scrapes or scratches from fingernails, fingernail swabs or clippings should be collected from the person(s) involved.
- Fingernail swabs are collected using a sterile cotton swab. The hand of the individual is placed on a piece of clean paper and the underside of the nails are scraped depositing the contents onto the paper. The fingernail scrapings are then folded into the paper and sealed in a paper envelope.
- Fingernail clippings from each hand should be collected and packaged separately. Clippers/utensils used for clippings should be new or cleaned with an alcohol wipe prior to reuse to minimize the potential for contamination.
  - Much like a bullet that has striations used in identification, natural fingernails have striations on them that can be used for similar purposes. A broken fingernail found at a crime scene may be matched to the individual it came from many months after the crime has been committed.
  - Collect known samples from the suspect and/or the victim. If length of the nails permits, the nails should be clipped and collected. Clippings from each hand should be collected and packaged separately.
  - Collect flexible silicone casts from broken fingernails if the fingernail cannot be clipped for collection.
- Document and collect any evidence located.
- Trace Evidence:
  - Examine the person and their clothing for any visible trace evidence (hairs, fibers, glass, etc.)
  - Document and collect any evidence located.
- Clothing Evidence:
  - The ideal circumstance is to photograph a person as dressed when contacted by law enforcement. If they are not wearing clothing relevant to an offense, they should not be made to redress or “pose” for a photograph, unless as directed above in specific “posed” searches. The CSI will photograph the person “as-is” and also make an effort to determine what clothing was worn during an offense and if needed, locate the clothing and determine if it can be accessed for collection. Clothing should be examined and evidentiary features noted and relevant evidence collected. Jewelry should be documented and collected using the same protocols applied to clothing. Jewelry may contain evidence of a crime (i.e. a ring collected from the hand of a battery suspect). Low-powered magnification or microscopy may reveal trace evidence otherwise not visible on clothing. Consideration should be given to collecting clothing from victims,

## *Processing Persons*

---

suspects, and when relevant, witnesses. Clothing should be collected from all parties who discover the victim of a homicide or otherwise suspicious death. Consideration should be given to collecting the clothing from those who directly witness a homicide. Package each item of clothing separately. If pattern evidence is present, the clothing must be carefully packaged to avoid cross transfer and/or contamination. Any damp or wet items must be transported to the laboratory and dried as soon as practical. Clothing from sexual assault victims that is collected and packaged by a medical professional, should not be opened, unless extenuating circumstances exist (i.e. clothing is wet and needs to be dried).

- **Penile Swab Collection:**
  - The following areas should be swabbed using one (1) sterile swab moistened with water:
  - Penis Shaft – swab the shaft, skin creases, and area under the foreskin – rotate the swab frequently. Repeat using a second swab.
  - Scrotum Swabs – Swab the upper and front scrotum area – Rotate the swab frequently.
  - Pubic Hair Area – Examine the pubic hair for dried or moist secretions and foreign materials. Collect secretions dried on the pubic hair by cutting the matted hair and placing it in a paper envelope – Swab the pubic hair area at the base of the penis. Repeat the swabbing with a second sterile swab.
- **Other Unknown Stains:**
  - Biological material or material foreign to the person being processed may be found anywhere on the body. A visual inspection should be completed and swabs should be collected from any unknown stain or suspected biological material.
  - If the person being processed indicated contact at a location where no stain or visible indication is given, the area should be swabbed for laboratory testing.

### **1116.6 ALTERNATE LIGHT SOURCE (ALS) EXAMINATION**

Examination of a person's clothing or body may yield trace evidence otherwise not visible. The ALS can be used to search a person for trace evidence. Depending on where the evidence is located, the appropriate documentation and collection method should be applied.

Exposure to the ALS should be kept to a minimum to avoid the person being processed being exposed to harmful light. As long as the exposure is brief and minimal, there is no risk to the subject. The subject should be instructed to look away from the light.

### **1116.7 DECEASED BODY PROCESSING**

This protocol will cover the recognition, documentation and collection of evidence from death scenes, dead bodies, and different forms of human remains. Some aspects of this procedure will be dictated by the context of the investigation, the body's location and the body's condition.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Processing Persons*

---

Bodies at a location other than a crime scene (e.g. funeral home, morgue, etc.) are to be processed in the same manner as bodies at a crime scene but measurements and sketches of the location of the body are not required.

Nearly all procedures utilized by the CSI mentioned throughout this procedure manual may need to be employed when processing a death scene or dead body, depending on the specifics of a given case.

All crime scenes, bodies of the deceased, and evidence will be handled in accordance with CSI protocols regarding documentation, collection, and packaging.

#### **General Processing Guidelines:**

- Document the position and location of the body within the scene through notes, photographs, sketches, and measurements to reference points.
- Document and collect transient evidence located on the body (i.e. trace evidence, biological fluid stains/patterns, impression evidence).
- Full fingerprint standards should be collected at autopsy. At the crime scene, an elimination print may be needed for rush identification and the OME should be notified prior to obtaining these prints.
- When investigating a death scene with potential evidence on the hands, paper bags should be placed securely over each hand prior to removal of the body from the crime scene.
- The ALS can be used to examine the body for trace evidence, as well as body fluids if a sexual assault is suspected to have occurred. This examination should occur prior to transport from the scene.
- The presence of livor mortis, rigor mortis, or other characteristics of decomposition should be documented. Outdoor and indoor temperatures should be noted in addition to the location and condition of fans, air conditioners and heaters.
- If the time of death needs to be approximated, insects at various developmental stages can be collected from the body, which is covered in the procedure for Entomological evidence. Refer to of this manual.
- Any scene indicator or investigative information that may help with approximation of time of death should be noted.
- Before the body is removed from the scene, ensure other scene evidence will not be altered or destroyed along the path of transport.
- Bindings and ligatures should not be disturbed, unless they attach the body to the scene. Minimize the number of cuts to bindings necessary to release the body from the scene. Never cut through or untie a knot and if knots or ligatures must be disturbed, full-covered photography of the knots should be taken prior to disturbing the arrangement. The ends of ligatures or bindings that were cut by investigators should be marked and labeled.
- If multiple bodies are present at a scene, it is necessary to identify which body specific evidence was collected from with a unique identifier (i.e. name or number).

## *Processing Persons*

---

### **1116.8 PROCESSING A BODY FOR LATENT PRINTS**

Some homicide victims may have latent prints on their skin placed there by the suspect during the attack, possibly while moving them. Various techniques can be utilized to process the body.

The body should be placed in a room with the temperature set at 72 degrees for one hour prior to processing. This will help solidify the fatty or greasy components of the print, slow down the diffusion of the print, and the moisture from the refrigeration may add to the humidity necessary for retrieval of prints.<sup>1</sup>

- **Adding Machine Paper Technique**
  - Roll the paper with gentle pressure onto the area of the body in question using a pencil or dowel rod.
  - Cut the tape after the application and mark what part of the body was processed.
  - Tape the adding machine paper down to a box with the contact side up.
  - Process with a fine powder, such as Moon Glo.
- **Kromekote Technique**
  - Use a high gloss 80lb paper or latent print card.
  - Warm the back of the card with a hair dryer.
  - Place the card over the skin surface to be processed and apply pressure.
  - Allow the card to dry then process with super glue and magnetic powder, or just magnetic powder.
- **Superglue Fuming**
  - Humidity in processing area should be around 80% and ambient temperature about 80 degrees.
  - Assemble an airtight plastic tent over the body.
  - Place heat accelerator and small battery powered fan inside the tent.
  - Place test print on a separate item inside the tent to determine development time.
  - After fuming, use magnetic powder on skin
- **Laminated or Plexiglass**
  - The glass is placed or rolled over the suspected area, then processed with superglue and magnetic powder, or just magnetic powder.

### **1116.9 INKED PRINTS**

It may be necessary for CSI to record known inked fingerprint, palm print and/or footprint standards to be used for latent print comparison or elimination. All inked friction ridge recordings should be taken using black fingerprint ink on a standard, white fingerprint card. Individuals being fingerprinted must have clean and dry hands. Dirt, grease, lotions or creams will prevent ink adhesion to all areas of the skin and may prevent complete recordings.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Processing Persons*

---

Major case prints are recordings which attempt to depict all friction ridge skin areas. These include the extreme sides of all fingers, fingertip areas immediately surrounding the nail, all lower joint areas of the fingers and the entire palm.

The palm print roller may be used to facilitate the recording of the entire palm area. The fingers and sides of the palm may be completed utilizing the standard fingerprint card holder.

### **References**

1     *Wiggins, John. Death Investigation. North Carolina Justice Academy, Salemburg, NC 2008, P. 24, 25*

# Major Scene Response

## 1117.1 PURPOSE AND SCOPE

Crime Scene Investigators are quite frequently called upon to process major crime scenes which could include, but are not limited to: Homicide, Aggravated Assault, and Officer Involved Shootings. The crime/incident may appear to be non-life threatening or may be more severe where an individual is seriously wounded or killed.

Forensic Services personnel are charged with the duties of evidence collection and preservation and taking photographs at the scene. The CSI Supervisor or designee shall be notified of scenes involving homicide, suspicious death, officer involved shootings of a person, potential high-profile scenes, or any other scene of which the CSI feels that supervisory personnel should be aware.

While not applicable to every major scene, the following guidelines should be considered when responding to a major scene.

## 1117.2 INITIAL ASSESSMENT

- (a) Arrange a briefing with the lead investigator to obtain preliminary information, such as call time, case number, name of principal individuals involved, etc. Assign a lead CSI.
- (b) Obtain the story line. What suspect, victim, witness, first responder actions were taken prior to CSI arrival
- (c) Assess the need for additional resources to process multiple scenes, victims, suspects and/or vehicles.
- (d) Assess scene security and perimeter for adequacy. If not adequate, request resources from scene commander to secure the scene and perimeter.
- (e) Assess, and if needed, establish or change the scene entry/exit point. If possible, do not use a location that may also have been used by the suspect(s).
- (f) Assess crime scene integrity. Has the scene been altered, compromised, or contaminated? If so, document what was changed, and who provided this information. Have unauthorized/non-essential personnel been removed?
- (g) Conduct an initial walk-through. Use appropriate PPE.
- (h) Identify and protect potential transient evidence.
- (i) Assess the need for additional resources or specialized equipment, such as total station, ladders, lighting and tools.
- (j) Develop an overall plan for processing the scene. Make assignments to other personnel. Designate a trash disposal location, a safe equipment staging area and a temporary evidence storage location.
- (k) Make adjustments/corrections as needed.



## *Major Scene Response*

---

### **1117.3 CRIME SCENE SEARCH**

Upon completion of initial assessment, the CSI should conduct an organized, thorough search for evidence. Search patterns include the grid search, strip search, zone search and spiral search.

Other methods include the logical association method where the CSI is led from one evidence item to another following a logical progression or evidence trail.

The room-to-room method divides the indoor crime scene into segments by room.

During the crime scene search, applicable information should be documented in case notes, as referenced in of this manual. The CSI may select pertinent forms based on the scene and evidence presented.

Upon completion of the search, the CSI should photograph and if necessary, sketch the location of any potential evidence that was located. Unless exigent circumstances exist, evidence shall be photographed before it is collected. Refer to in this manual for additional information on photographing crime scenes.

### **1117.4 EVIDENCE COLLECTION**

Upon completion of the crime scene search, the CSI should document and collect any potential evidence that was located. The following guidelines should be considered:

- A. Evaluate the various types of potential evidence that may be present, such as biological, latent prints, firearm and tool mark, and trace.
- B. Consider any potential evidence that may have already been collected by EMS or other law enforcement personnel.
- C. Identify areas that need immediate processing vs. those that can be processed at a later time (suspect vs. vehicle, indoor vs. outdoor, etc.).
- D. Consider evidence collection needs at multiple scenes. Collect the most to least transient types of potential evidence.
- E. When collecting evidence:
  - Use appropriate PPE and techniques to prevent possible contamination.
  - Ensure that potential evidence has been properly documented before collection.
  - Consider the need for collection of any control, comparison and/or elimination samples.
  - Collect a sufficient number (quantity) and amount (quality) of evidentiary samples.
  - Select appropriate processing and collection methods. Choose methods that do not compromise subsequent processing that may be conducted.
- F. Package evidence in clean, unused containers. Package items separately to minimize cross-contamination. Clearly mark each container with unique identifying
- G. Transport evidence to CSI as soon as practical, and store in a secure temporary storage location.

## *Major Scene Response*

---

### **1117.5 FINAL SURVEY AND DEBRIEFING**

Once all of the evidence has been collected and all other scene processing completed, the CSI should do a final walk-through of the crime scene and debriefing with other CSI's and the investigator. Photographs should be taken of any damage done to the scene during processing. Before departing the scene, CSI's should ensure that all trash and other work product debris is collected, and that no equipment has been left behind.

### **1117.6 OFFICER INVOLVED SHOOTINGS (INVOLVING PERSONS)**

In addition to the protocol listed above, when processing the officer involved in the shooting, the CSI shall collect the officer's firearm that was used in the shooting, as well as all magazines carried by the officer for that firearm. The officer's clothing or any other equipment may be collected.

### **1117.7 DEATH INVESTIGATIONS**

Nearly all procedures utilized by the CSI mentioned throughout this procedure manual may need to be employed when processing a death scene or dead body. Depending on the specifics of a given case.

All crime scenes, bodies of the deceased, and evidence will be handled in accordance with the laboratory protocols regarding documentation, collection, and packaging.

Further information on general processing guidelines can be found in of this manual.

### **1117.8 BODY FOUND IN WATER INVESTIGATION**

Body in water death investigations can encompass any body of water, from a mop bucket, to a bathtub, to a lake. Many of these incidents are called in as accidental drowning, and can result in critical evidence being overlooked.

When responding to an aquatic death call, the CSI should work closely with the investigator and consider these three questions:

- Is it logical that the decedent was in the water?
- Do the decedent's and witness/reporting party's location, posture, and state make sense?
- Why is the decedent dead? Why didn't they survive being in the water?

If the victim is a child, the CSI and investigator should assess if the child is of sufficient age and has the physical capability to sit in the tub unaided and/or pull themselves up out of the water.

The CSI should examine the scene and see if it provides evidence that the body had been in the water. Does the scene demonstrate evidence that the witness removed the body from the water (if applicable)?

For example, if the decedent was found in a bathtub, the investigator should ask if the decedent normally took baths, was this the normal bath time, is the tub set up in the way the decedent would

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Major Scene Response*

---

normally take a bath, etc. The CSI should document the tub, surrounding areas, and position of drain cover or plug lever.

The CSI should examine the scene to see if the decedent and witness(es) appear sufficiently wet. If the decedent was submerged for more than 30 minutes, the CSI should examine the palms and/ or soles of the feet for signs of skin wrinkling. If the decedent was pulled from the water, the CSI should examine for artifacts of drying, such as taches noir, corneal clouding or drying of the lips.

CSI's should also thoroughly document any post-mortem changes, such as skin wrinkling, bloating, ocular changes and state of lividity.

Other areas to be considered for documentation include:

- Water temperature
- Water depth
- Air temperature – and note if any changes were made to the environment by first responders or witnesses (i.e. opening windows/doors, turning on heat, etc.)
- Weather conditions
- Scene sketch with measurements
- Photograph the decedent's eyes as found, then with lids held open
- Photograph the palms of the hands and soles of the feet at a level angle, in RAW format
- Photograph decedent's body posture from several angles and take measurements
- Photograph lividity of the entire body
- Photograph and document the area under where the body lay when initially discovered and where observed upon CSI arrival
- Document rigor mortis in the jaw, neck, arms and legs
- Document what is wet, damp, and dry. This can be done by pressing filter paper on the items, then photograph the paper and describe the results.
- Examine laundry areas, diaper pail and garbage cans. Is there a diaper that appears soaked from water immersion? Damp towels with no history of any one recently bathing? Does the garbage show that a child recently made a mess?
- Document any water line in bathtub. If one is observed, is it from displacement loss when the decedent was removed or from drain leaking?
- Any hair clips or bands found around the scene.

If the decedent was transported, the CSI or investigator should contact the hospital and ask them to preserve any evidence such as vomit, clothing, hair clips, diapers, drawn blood, etc. Do not assume that DNA or other trace evidence will be lost or destroyed by submersion. Examine the body for trace evidence before being transported to the Office of the Medical Examiner.

# Weber County Sheriff's Office

Weber County SO Policy Manual

## Major Scene Response

---

The CSI or investigator should attend the autopsy, and if relevant, ask the doctor to examine the decedent for subcutaneous bruising, especially on the back of the neck, back, and/or buttocks.

### 1117.9 VICTIM/SUSPECT PROCESSING

Crime Scene Investigators are responsible for processing victim(s) and/or suspect(s) transported to the hospital, jail, headquarters or a police sub-station, as requested by an officer or investigator.

- A. **Wounds** – If possible, photographs should be taken of the subject and any wounds, with and without a scale of measure. A brief description of the injury(ies) should be recorded in the notes.
- B. **Fingerprints** – When fingerprints are requested for identification purposes, record a thumb print or index finger if possible. If latent print comparisons are to be conducted, all ten fingers are to be recorded. For homicide victims, major case prints (including palm, writer's edge, etc.) should be collected either at the scene or after autopsy. Cards upon which the prints are placed shall be labeled with the hand and/or fingerprinted, date and time, suspects name if known, and the name of the person recording the prints.
- C. **Clothing** – Bags of clothing collected at the hospital should be visually inspected prior to leaving the hospital. Personal effects and any clothing of evidentiary value (such as bullet holes, trace evidence, blood, etc.) should be collected from the suspect and/or victim. Personal items of value, such as jewelry or currency, should be inventoried with a witness prior to leaving the hospital.
- D. **Trace Evidence** – Any part of the scene or victim that is the result of a crime that may have caused defense wounds or contact with the suspect(s) should be examined closely for trace evidence. Trace tape or swabs for touch DNA should be used for this collection. For deceased individuals, permission must be obtained from the OME before any processing is done on a body.

Any evidence collected should be secured as outlined in

of this manual. The lead CSI shall be advised of the location of all evidence secured in a temporary storage locker or drying cabinet.

### References:

- 1 *Zafares, Andrea to Alison Hutchens, "Body Found in Water Investigation," personal e-mail, May 10, 2012.*

# Traffic Collisions

## 1118.1 PURPOSE AND SCOPE

Upon notification of a request for services, the Forensic Services Unit will initiate the appropriate actions to provide scene documentation and evidence collection for traffic collisions.

Collision scenes which usually do not require CSI response may involve human death, serious injury or any collision involving a county vehicle.

Photography of the scene will include the following when applicable:

- A general view from a distance to include the collision from all four compass points.
- A general view of the area to show signs, traffic signals, and directional indicators.
- Specific views to show damaged vehicles, including all four sides of each vehicle.
- Specific views of the interior of each vehicle to show dashboard controls available to the driver.
- A general view from any witness's position toward the collision.
- Specific views of the direction of the debris and perspective location relative to the collision scene.
- Specific views of all tire marks, gouge marks, or any other marks in the roadway specific to the collision.
- Specific views of vehicle damage with a scale of measure.
- Specific views of any obstructing items relative to the vehicle line of sight.
- Seat Belts
- Other photographs deemed necessary to document the incident or as directed by the traffic scene investigator.

## 1118.2 NIGHT SCENES

Photograph the scene using camera settings, equipment and photographic techniques available to properly document the scene. Refer to Section 8 "Photography" of this manual for further information on photographing low-light or nighttime scenes.

Consider returning to the scene during daylight hours to re-photograph the area.

## 1118.3 VICTIMS-FATAL COLLISIONS

CSI personnel will take the following photographs of the victim, where applicable, when a death has occurred:

- Overall views of the body, clothing, etc.
- Specific views of wounds, lacerations and abrasions, including those under clothing.
- Specific views of tire marks, vehicle fluids or bloodstains on clothing.

## *Traffic Collisions*

---

- Other photographs deemed necessary by CSI personnel or the investigator.

On scenes where deceased victims are present upon arrival of the CSI, the following additional services should be provided:

- Fingerprinting of the victim(s) for identification purposes.
- Digital photographs of victims for use by the Traffic Investigator for identification purposes.
- Measurements from the center mass of the victim(s) to the center mass of the vehicle (in ejection cases).

### **1118.4 AIRBAG COLLECTION**

Airbags may contain DNA and trace evidence, and may be used to assist in determining who was sitting in different locations in the vehicle.

Procedures for removing the deflated airbag from the vehicle:

- Prevent contamination of the deployed airbag by wearing powder-free gloves and not talking over the air bag when examining the vehicle. When excising the air bag from the vehicle, it is recommended that the examiner wear a mask to avoid contaminating the surface of the airbag with their own saliva, hair or skin cells.
- Excise the airbag as close to the mounting as possible with a sharp tool such as clean scissors or a scalpel blade in a handle.
- Do not allow the airbag to come in contact with other objects inside or outside of the vehicle.
- Airbags should be packaged separately in paper.

### **1118.5 CLOTHING COLLECTION**

Collect and package each person's garments separately. The clothing may be examined later for starch, talc, or other particles that were released by the airbag and deposited on the driver or front passenger. There may also be burnt areas or melted fabric caused by the rapid airbag deployment. Patterns on the airbags, such as the stitching along the seams, may be transferred onto the skin or clothing and should be documented if observed.

Burns and abrasions may be caused by hot gasses and rapid deployment of the airbag. Patterns on the airbags, such as stitching along the seams, may be transferred to the individual sitting behind the airbag. The difference between the patterns may assist in determining who was sitting in different locations in the vehicle.

# Entomology

## 1119.1 PURPOSE AND SCOPE

When a decomposed body is encountered as part of a crime scene, it is usually necessary to determine how long the individual has been dead, or the Post Mortem Interval (PMI). This can be accomplished by determining the types of insects present and the number of their growth stages present on and around the body.

Four different types of insects have a direct relationship to the corpse. The first are the necrophagous species, which are the insects that actually feed on the corpse such as the larvae of several types of flies. The second are parasites and predators of the necrophagous species such as carrion feeding beetles and the larval stages of some insects. Third are the omnivorous species, which feed on the corpse and the associate insects; these include ants, wasps and some beetles. Fourth are the adentive species, which use the corpse as an extension of their own habitat, such as spiders and centipedes. The ultimate utility of the insects depends on their being properly collected and preserved for analysis by an entomologist.

The sections that follow describe the proper collection and preservation techniques required.

## 1119.2 DOCUMENTATION

Prior to collecting insect evidence, descriptive notes should be taken. The entomology kit contains various forms that can be used to document information.

A description of the locality and the victim is essential to the entomologist for proper interpretation of the insect evidence. Insects are frequently quite specific as to the type of habitats in which they will be found and their activities may vary from one habitat to another. Notes should include the following information when applicable:

- General type of habitat (desert, forest, inside a dwelling, etc.)
- Terrain (rocky, hillside, flat, etc.)
- Type of vegetation present (scrub, trees, grass, etc.)
- Soil type (sand, gravel, mud, etc.)
- Victim description
  - Sex, height and weight
  - Description of clothing, if present
  - Orientation of corpse
  - Any attempt to conceal corpse
  - Physical damage/injury
  - Cause of death, if known
  - State of decomposition

## Entomology

---

- Insect fauna observed (include close-up photographs if possible)

### 1119.3 COLLECTION

Prior to collecting insects and other arthropods (spiders), it is advisable to have personnel move away from the body for a period of 10-15 minutes. Many insects present on the body will remain while the body is being processed, but other significant species may leave the body when it is disturbed. If the body is left alone for a short period of time these insects may return.

**Protective safety gear is advisable when working with decomposed bodies. This equipment includes, but not limited to, protective clothing, a particle mask, and latex gloves.**

### 1119.4 FLYING INSECTS

It is important to make collections of flying insects as soon as possible to assure that a representative sample is collected. These insects are collected using an insect net. Insect nets are simple to use, but practice with the net prior to collecting is advisable. Samples should be taken from the body and also any adjacent bushes, which may serve as refuges for insects driven from the body. The net should be swept over the body a few times to capture the insects. The captured insects are removed from the net and placed in a "kill jar." When using the kill jar with the plaster insert, place 2-3 drops of Ethyl Acetate on the plaster, or crumple up a paper towel and add the Ethyl Acetate to the towel. Place the towel in the jar, and then add the flying insects. After returning to the laboratory, place the flies in a plastic container and freeze them.

**Temperature Measurements** – Prior to collecting crawling insects, the following temperature readings should be recorded: 1) Ambient temperature of the crime scene at three or four locations, 2) ambient temperature at the body, and 3) temperature of the external maggot masses if present.

### 1119.5 CRAWLING INSECTS

Two types of insects will be crawling on or in a number of different places on the body; they are 1) hard-bodied adults, such as beetles, and 2) immature and soft-bodied larvae, such as maggots.

These insects are collected using forceps or by hand, but keep in mind that some hard-bodied insects have mandibles that can pierce a latex glove.

The hard-bodied insects collected are placed in Ethyl Alcohol (70-80%) to preserve them. Label the container using a pencil (Ethyl Alcohol will cause pen ink to run) as to origin (what part of the body), collector, how collected (picked up by forceps or hand, etc.) and time of collection.

Soft-bodied insects, primarily maggots, are typically concentrated in the head or open wound areas first and then later at ground level. Insect eggs may also be observed. They are small white and oval and are usually deposited near a body opening (nose, ear, etc.). The soft-bodied insects are frequently difficult for the entomologist to identify to species; therefore, live specimens need to be submitted so that they can be reared to the adult stage.



## Entomology

---

### 1119.6 INSECT PRESERVATION

Collect a sufficient number (50-60) of soft-bodied insects and insect eggs so that they may be split into two parts: 1) live submission and 2) preserved submission. Place the live soft-bodied insects into a plastic container containing Vermiculite (1/4 to 1/2 full). Moisten a paper towel and place it inside the container so that the maggots do not dehydrate. The live maggots need a food source, so place approximately 1 tablespoon of cat food into a tin foil pouch and place in the container (cat food is provided in the insect collection kit). Beef liver or ground beef may also be used.

If Vermiculite is not available, then sand or dirt from the scene will suffice.

For preserved submissions: if possible, at a scene, boil some water using a hot plate or microwave. Once water starts to boil, remove it from the heat source. When the bubbles stop rolling, add the maggot. Leave for approximately 30 seconds. The maggot will immediately sink, and then float. Once they float, remove and put into alcohol (80% ETOH).

This boiling process fixes them, also causing them to puff up and extend, which makes measuring easier.

If boiling water is not available at the scene, place live maggots in a plastic container and return to laboratory for boiling.

If boiling water is not an option, the KAA is used to fix the maggots. Fill the white capped vials 1/3 to 1/2 full and place live maggots in the vial for 12-24 hours. After this time frame, remove them and place in alcohol.

Many insects reside in the soil beneath the body, so after the removal of the body, three to four soil samples should be collected from this area. Use the spade to remove the soil down to a depth of approximately three inches. Place the soil samples in paper bags and fold the tops over. The soil samples should be collected from this area. Use the spade to remove the soil down to a depth of approximately three inches. Place the soil samples in paper bags and fold the tops over. The insects will stay burrowed in the dirt, so there should not be any escapees. The soil samples may be refrigerated, but do not freeze them.

Many larval stages crawl away from the corpse to pupate. Several species of maggots have been known to travel 30 to 40 feet away from the corpse to pupate. The larvae usually burrow into the soil to begin the pupate stage. The area around the corpse should be searched for pupal cases. They are seed-like in appearance, approximately 1/4 inch long and red to brown in color. Document the location of pupal cases and package them separately in a cardboard container. If empty pupal cases are observed they should be collected and packaged in a plastic container.

Write identifying case information on heavy bond paper IN PENCIL and place inside the vial. Write the same information on the exterior of the container, or on a label to adhere to the exterior of the container.

### References:

- (a) *Byrd, Jason H. and Costner, James L. Forensic Entomology. Boca Raton: CRC Press, 2001.*

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Entomology*

---

- (b) *Goff, M.L. "Estimation of Postmortem Intervals Using Arthropod Development and Successional Patterns." Forensic Science Review, 5:81*
- (c) *Lord, W.D. and Burger, J.F. "Collection and Preservation of Forensically Important Entomological Materials." Journal of Forensic Sciences, 28:271*

# Buried Body and Surface Skeletal Remains

## 1120.1 PURPOSE AND SCOPE

Recovered body scenes can include body dumps, clandestine graves, and surface skeletal remains. This section is meant to be a guide, as each scene is unique, and should be approached with the goal of recovering the best evidence possible.

## 1120.2 BODY DUMPS

Examination of outdoor scenes where a body has been found should be planned quickly and carried out as soon as possible. One must determine whether or not the victim was murdered at the same place the body was found. Also, one must determine whether or not the crime scene extends beyond the body which might include the path the body was transported and the path the suspect took leaving the scene. If the scene extends beyond the body, expand the perimeter of the scene and limit the number of individuals having access to the area. This will help maintain the integrity of the crime scene.

The scene might change due to changes in the weather such as precipitation, drying, vegetation, flood conditions and so on. Evidence that is perishable should be documented and photographed as soon as possible such as a trampled dewy grass trail or biological evidence that might degrade or be washed away. A surface search of the site should be performed looking for such items as shoeprints, footprints, tire tracks, marks of dragging, clothing, weapons, blood drops, or other objects that might have been inadvertently dropped. Other evidence that might be useful is broken twigs, leaves, or disturbances in the dirt from a bullet impact.

Depending on the condition and location of the body, an anthropologist may be called for assistance.

Process the body for any trace evidence. Once the body has been processed, it should be placed into a clean body bag and transported. If it is not feasible due to weather or other conditions to process the body at the scene it should be placed in a clean body bag and transported to a location where examination of the body can be performed.

Once the body has been removed, examine the area underneath for any evidence such as bullets, blood, etc.

Keep in mind that dismembered bodies might be due to various animals and birds that can drag parts for a distance.

## 1120.3 BODY DUMP EVIDENCE EXAMINATION GUIDELINES

- Search the body for visible trace evidence, using ALS when possible.
- Evaluate the possibility of recovering latent fingerprints from the body.
- Process exposed areas of body/clothing with trace tape before turning or otherwise handling.

## *Buried Body and Surface Skeletal Remains*

---

- Consider bagging the head if severe head trauma is present, and if blood drainage could further contaminate the clothing during transportation.
- Collecting clothing in the field may be appropriate to preserve trace evidence.
- Swab any bit marks and other areas that may yield DNA or fluoresce with the ALS.
- Preserve any entomological evidence. Refer to of this manual for further information on collecting entomological evidence.

### **1120.4 BURIED BODIES**

When searching for a clandestine grave, visual cues may identify the site of a clandestine grave. Scanning the landscape to discern common or baseline topography may identify irregularities in both the ground surface structure and vegetation.

- Surface irregularities (broken ground, fresh surface soil, disruption of strata, etc.)
- Vegetation changes (unnatural succession of plants, disruption of root balls, unusual plant locations, etc.)
- Changes in soil density (primary and/or secondary burial depressions, sunken soil, etc.)
- Other inconsistencies (tire tracks, garbage, animal burrows, clumps of hair, fiber or clothing, etc.)

Other means of searching can include:

- Aircraft – can be used to cover a wide area and locate any sign of soil or vegetation disturbance.
- Vapor Detector – an instrument used to detect the presence of body gases such as methane gas, hydrogen sulfide, hydrogen phosphide, carbon dioxide, and/or ammonia formed as a result of decomposition. (Available from independent contractors)
- Probing – A probing tool, which is a stainless steel rod with a “T” handle and a sharp end point. Success depends on the ability to detect differences in disturbed and undisturbed subsurface. Practice in the immediate area to get a “feel” for it. No further probing should be done when a “soft” spot is found. Mark the spot and if possible, use another method to detect a decomposing body.
- Ground Penetrating Radar – Electromagnetic waves are used to “map” underground objects (such as graves), gravel, and sand layers.

### **1120.5 INITIAL EVALUATIONS OF THE GRAVE SITE**

Vegetation over the grave site should be examined and compared to the immediate area. Any plants retrieved from the excavation that were placed there during refill may provide estimations as to how long the vegetation has been damaged by observing the height, distribution, and depth of root systems.

## *Buried Body and Surface Skeletal Remains*

---

Extraneous material then can be cleared from the surface so the boundaries of the grave or graves can be discernible. Depending on the time since the incident, the top inch or so of topsoil may need to be removed. The grave site should be clear due to the mixture of soil layers.

### **1120.6 REMOVING SOIL**

A flat beveled shovel is used to cut across the grave no more than an inch at a time. The soil is then sieved or carefully examined. Look for possible tool marks left by the perpetrator especially on the outside edges of the grave. The tool marks could possibly indicate the type/style of tool(s) involved in the digging and if it has enough definition, it might be linked later to a suspect's tools.

When evidence or a body is discovered, the shovel should be exchanged for trowels, picks, and brushes to prevent damage or loss. Soil samples should be taken where each piece of evidence was found.

Earth from the grave should be removed at levels approximately 2-4 inches and should be profiled and sifted through the sifting screen. Any evidence found should be mapped and photographed. Also the depth level should also be recorded.

When near the bottom of the pit and a portion of the body is visible, smaller and softer tools should be used. The body should not be disturbed or cleaned of soil if possible. The soil from around the body should be removed such that the body is on a pedestal.

If a forensic anthropologist is not available to recover the body, then slide a sheet of metal or plywood under the body and remove it from the grave, if possible. The body should be taken to an area for examination by an anthropologist or pathologist and then placed into a clean body bag. After the body has been removed, sieve approximately 6 inches under the body for bullets or other evidence.

A systematic search of the crime scene with a metal detector might prove valuable.

### **1120.7 DATA TO CONSIDER COLLECTING**

#### **Meteorological Data**

- Temperature, precipitation, wind, cloud cover, etc.

#### **Botanical Data**

- Plant material around, on or through the body or evidence can be collected and submitted to a botanist. The botanist can determine the growth rates of roots, grasses and other plants to help determine the time the body was dumped or buried.

#### **Entomological Data**

- Insects around, in, and on the body should be collected. Refer to for further information on entomology.

## *Buried Body and Surface Skeletal Remains*

---

### **1120.8 SKELETAL REMAINS/SURFACE SCATTER**

This type of scene may encompass a large area. Be aware that carnivorous scavengers may have relocated and scattered some of the remains over a large area. If scavengers appear to have disturbed the remains, be cognizant of where animals take food to feed (underneath trees, in burrows, etc.)

When planning the processing of this type of scene, a thorough, organized search of the recovery area must be conducted to ensure the successful location and collection of evidence.

The "Grid" search and measurement system is best suited for these types of crime scenes. Define the search area and stake it out if possible.

Survey flags should be utilized to mark items of potential evidence (clothing, bones, etc.)

Select appropriate reference points for measurement.

All measurements should include an 'X', 'Y', and 'Z' reference. Consider GPS or Total Station as measurement supplements.

#### **References:**

- (u) *Orange County Sheriff-Coroner Department, Forensic Science Services Division Policy and*

*Procedure Manual (uncontrolled copy, received Feb. 2012)*

## **Volatile Substances**

### **1121.1 ARSON**

The following information describes the collection of non-biological fluids, particularly ignitable liquids that may be found at crime scenes. At fire scenes, CSI personnel should rely on the fire investigator or other qualified personnel for direction on collection of fire related evidence (such as burned debris suspected of containing ignitable liquids).

#### **Clothing**

Items of clothing from a victim or suspect should be packaged into one-gallon size metal friction lid cans (MFLC) or the permeable arson bags. The MFLC should not be filled more than 2/3 full; if the clothing fills the MFLC, then use the arson bags.

The fire investigator should collect all samples related to a suspected arson fire. They have the training and experience to understand fire science, fire progression, and likely locations for ignitable liquid samples or incendiary mixtures to be found. However, following the procedures on the next two pages will help proper packaging and storage of most kinds of fire debris and ignitable or other liquids.

#### **Other Evidence**

The suspected arson scene, other than the ignitable liquid/incendiary samples, contains the same kinds of evidence as other crimes. The CSI should talk with the fire investigator and the fire crew that was first at the scene to get an idea of the scene prior to and during fire suppression and overhaul. Overhaul is the procedure that the fire crew uses to remove furniture and other items to insure that the fire doesn't rekindle; to be sure the fire is permanently out.

On inspection of the exterior of a building, be sure to inspect concrete and other areas for possible blood beneath burned debris, door lock positions (check with fire crew about which doors they broke into gaining entrance to the structure), glass inside or outside of the window, etc.

Soil suspected to contain accelerant: Fill the MFLC no more than half full. Freeze the soil sample immediately upon returning to the laboratory.

Use more than one MFLC if more are needed to collect more samples.

### **1121.2 SAFETY CONSIDERATIONS**

- Do not view the laser beam directly with optical instruments
- Do not place mirrors or objects with reflective surface into the beam. The mentioned safety measures are also valid for the reflected laser beam.
- The scanner should be operated by trained personnel only

## *Volatile Substances*

---

### **1121.3 MAINTENANCE**

It is recommended that the 3D Scanner be checked at least once a month. This enables personnel to spot trouble before it starts and helps maintain an efficient measuring system. The 3D Scanner is a precision instrument that contains many sensitive components, and it must be handled with care. Follow these procedures to prevent problems with the 3D Scanner:

- Check the cables for damage to outside insulation, connectors, and pins
- Check the housing of the scanner for damage
- Check the housing and the connectors of the battery for damage
- Place a dust cover over the 3D Scanner when it is not in use
- Do not lubricate the 3D Scanner
- To ensure proper functioning of the 3D Scanner, it should be sent to customer service on a regular basis within the yearly maintenance and certification service. The service intervals should not exceed a maximum period of one year

The laptop computer dedicated to the 3D Scanner should be charged prior to being used. The following measures should be used to preserve the 3D Scanner battery:

- 3D Scanner operators should attempt to have at least one sufficiently charged battery before responding to scenes
- If the battery becomes exhausted quickly after being fully charged, replace it with a new one
- For best battery performance, an ambient temperature of 5°C (41°F) to 35°C (95°F) is recommended. In colder or warmer locations, battery performance and operation time may temporarily decrease

### **1121.4 SCANNING**

Scanning parameters like resolution, quality or the scanning angles are the parameters used by the scanner for recording the scan data. There are two ways to set the scanning parameters: Change them manually or select a scan profile which is a predefined set of scanning parameters.

Remember that the scanner is turning and the mirror unit is rotating with high speed. Ensure that the scanner can move freely and that no objects can touch the mirror unit. Start the scan either by clicking on the Start Scan button on the Home screen of the operating software or by pressing the Start / Stop button on the scanner. If there is not enough space on the SD memory card, the scanner will refuse scanning. In this case, please remove scan data from the memory card or insert a new card and try again.

Prior to scanning, the project will be labeled with the appropriate case number. The operator will determine the resolution and quality of the scan based on the needs of the scene. The operator will also decide between color scans and black and white scans based on the needs of the scene.

The 3D Scanner should be used after initial crime scene photography and video has been completed. Any evidence in the scene should be marked prior to scanning. Scanning will be



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Volatile Substances*

---

completed prior to any evidence collection. Scans should be done close enough together to have 30% overlap between scans. Completed scans will be returned to the CSI lab for processing by trained personnel.

3D Scans should be taken at major crime scenes, as well as any other scene that CSI personnel decide that the 3D scans would be helpful.

## 3D Scanner

### 1122.1 SAFETY CONSIDERATIONS

- Do not view the laser beam directly with optical instruments
- Do not place mirrors or objects with reflective surface into the beam. The mentioned safety measures are also valid for the reflected laser beam.
- The scanner should be operated by trained personnel only

### 1122.2 MAINTENANCE

It is recommended that the 3D Scanner be checked at least once a month. This enables personnel to spot trouble before it starts and helps maintain an efficient measuring system. The 3D Scanner is a precision instrument that contains many sensitive components, and it must be handled with care. Follow these procedures to prevent problems with the 3D Scanner:

- Check the cables for damage to outside insulation, connectors, and pins
- Check the housing of the scanner for damage
- Check the housing and the connectors of the battery for damage
- Place a dust cover over the 3D Scanner when it is not in use
- Do not lubricate the 3D Scanner
- To ensure proper functioning of the 3D Scanner, it should be sent to customer service on a regular basis within the yearly maintenance and certification service. The service intervals should not exceed a maximum period of one year.

The laptop computer dedicated to the 3D Scanner should be charged prior to being used. The following measures should be used to preserve the 3D Scanner battery:

- 3D Scanner operators should attempt to have at least one sufficiently charged battery before responding to scenes
- If the battery becomes exhausted quickly after being fully charged, replace it with a new one
- For best battery performance, an ambient temperature of 5°C (41°F) to 35°C (95°F) is recommended. In colder or warmer locations, battery performance and operation time may temporarily decrease

### 1122.3 SCANNING

Scanning parameters like resolution, quality or the scanning angles are the parameters used by the scanner for recording the scan data. There are two ways to set the scanning parameters: Change them manually or select a scan profile which is a predefined set of scanning parameters.

Remember that the scanner is turning and the mirror unit is rotating with high speed. Ensure that the scanner can move freely and that no objects can touch the mirror unit. Start the scan either

### *3D Scanner*

---

by clicking on the Start Scan button on the Home screen of the operating software or by pressing the Start / Stop button on the scanner. If there is not enough space on the SD memory card, the scanner will refuse scanning. In this case, please remove scan data from the memory card or insert a new card and try again.

Prior to scanning, the project will be labeled with the appropriate case number. The operator will determine the resolution and quality of the scan based on the needs of the scene. The operator will also decide between color scans and black and white scans based on the needs of the scene.

The 3D Scanner should be used after initial crime scene photography and video has been completed. Any evidence in the scene should be marked prior to scanning. Scanning will be completed prior to any evidence collection. Scans should be done close enough together to have 30% overlap between scans. Completed scans will be returned to the CSI lab for processing by trained personnel.

3D Scans should be taken at major crime scenes, as well as any other scene that CSI personnel decide that the 3D scans would be helpful.

## Definitions and Abbreviations

### 1123.1 APPENDIX A

**Aperture:** The variable size of the camera lens opening created by the diameter of the diaphragm; also known as F-stop.

**Biohazard:** Any substance that may pose the risk of biological infection.

**Biological Hazard:** Evidence contaminated with blood or body fluids which may carry disease.

**Buccal Swab:** A swab of the inside of the cheek for the purpose of obtaining a DNA standard.

**Capture:** The process of recording an image.

**Cartridge:** A single unit of ammunition consisting of the case, primer and propellant, with or without one or more projectiles. Also applies to a shot shell.

**CD (Compact disc):** Optical disc formats designed to function as digital storage media.

**Chain of Custody:** A documented record of all individuals who have maintained unbroken control over an item since its acquisition and final disposition.

**Comparison Quality Photograph:** An image that when enlarged, is a true 1:1, or actual size; is of such quality and resolution that a comparison can be made; representation of such quality and resolution that a comparison can be effected.

**Contamination:** The alteration of an item by the introduction of foreign materials; to make impure by contact or mixture.

**Crime Scene:** A physical location where the crime has occurred and/or where any physical evidence related to a crime may be located.

**Digital Image:** An image that is represented by discrete numerical values organized in a two-dimensional array.

**DNA (Deoxyribonucleic Acid):** The molecules which carry the body's genetic information.

**DVD:** Digital versatile disc/digital video disc; Optical disc formats designed to function as digital storage media.

**Elimination:** A significant disagreement of discernible class characteristics and/or individual characteristics.

**Evidence:** Anything detectable by sensory, physical, chemical, optical, or electronic means, including those things in a digital or multimedia form, which provides factual information about a crime.

**File Format:** The structure by which data is organized in a file (e.g. RAW, BITMAP, TIFF, JPEG, etc.)

**Finished Diagram:** A completed sketch, using either drafting techniques or a computer aided drafting program, containing all elements necessary for presentation in court.

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Definitions and Abbreviations*

---

**Firearm:** An assembly of a barrel and action from which a projectile is propelled by the products of combustion.

**Fluoresce:** To produce, undergo, or exhibit fluorescence.

**Fluorescence:** Luminescence that is caused by the absorption of radiation at one wavelength followed by nearly immediate re-radiation, usually at a different wavelength, and that ceases almost at once when the incident radiation stops.

**Footwear Impression:** A reproduction of the outsole of an item of footwear.

**Gunshot Residue:** The term applied to the minute particles of metal and metal compounds derived from the exploded primer material and the projectile emitted by a discharged firearm.

**Gunshot Residue Kit:** A standardized collection kit designed to recover Gunshot Residue from the hands of a person suspected to have been in an environment containing gunshot residue. The kit consists of multiple adhesive-coated aluminum Scanning Electron Microscope sample stubs that are generally used to sample the hands of a single subject.

**Identification:** Agreement of a combination of individual characteristics and all discernible class characteristics where the extent of agreement exceeds that which can occur in the comparison of tool marks made by different tools and is consistent with agreement demonstrated by tool marks known to have been produced by the same tool.

**Image:** An imitation or representation of a person or thing, drawn, painted, photographed, etc.

**Impression:** A mark which has retained the characteristics of other objects or materials as the result of contact with one another, such as a latent print, tool mark or footwear or tire impression.

**Known Sample:** A material whose original source is established.

**Lift:** An adhesive or other medium on which recovered friction ridge detail is preserved.

**Luminescence:** Emission of light by energy from non-thermal sources (i.e., chemical, biochemical, electrical), including both fluorescence and phosphorescence; the low-temperature emission of light (as by a chemical or physiological process).

**Major Case Prints:** A systematic recording of all the friction ridge detail appearing on the palmar sides of the hands. This includes the extreme sides of the palms, joints and sides of the fingers.

**Negative Control:** A sample, tested along with the questioned samples, which contains none of the substance tested for.

**Non-porous:** Non-absorbent.

**Oblique Lighting:** Placing the source of illumination at an angle of less than 45 degrees in order to reveal detail by creating shadows in the subject surface as well as to reveal texture of the object when it is being photographed.

**Personal Protective Equipment (PPE):** Protective clothing, gloves, helmets, goggles, or other garment designed to protect the wearer's body or clothing from injury by electrical hazards, heat,

# Weber County Sheriff's Office

## Weber County SO Policy Manual

### *Definitions and Abbreviations*

---

chemicals, and infection, for job-related occupational safety and health purposes. It can also be used to protect the working environment from contamination from the worker.

**Physical Evidence:** Any type of evidence, which encompasses any and all objects that can establish that a crime has been committed or can provide a link between a crime and its victim or a crime and its perpetrator, which has an objective existence.

**Polymerase Chain Reaction (PCR):** Technique for replicating or copying a portion of a DNA strand outside a living cell.

**Porous:** Absorbent.

**Positive Control:** A sample that is tested along with questioned samples, which contain a known substance or type; serves as a test of the technique and reagents and as an aid in the interpretation of the results obtained from questioned samples.

**Presumptive Test:** A test that will indicate, but not confirm, the presence of the substance being tested for.

**RAW (Raw File Format):** Unprocessed image data. Must be processed with special software before images can be viewed or printed.

**Reagent:** A substance that produces a detectable result when mixed with or applied to certain samples.

**Resolution:** Term used to describe the amount of data, or color information, in a scan, a stored image file, a screen display, or a printed image.

**Rough Sketch:** A sketch completed at the scene containing all information necessary for the creation of a completed sketch.

**Shutter Speed:** The time the shutter is allowed to remain open.

**Trace Evidence:** Material that may be transferred in small quantities between persons/objects when they come into contact with one another.

**Track:** A mark left by an item of footwear or a portion of a tire when it comes in contact with a receiving surface. The track may be two or three-dimensional depending on the nature of the substrate.

**Tiff (Tagged Image File Format):** A standardized image file exchange format that is widely supported by hardware and software manufacturers, platform independent, and can be lossless or lossy.

## 1123.2 APPENDIX B

### Abbreviations Meaning

A/C                Air conditioner

AB, AAB        Amido Black, Aqueous Amido Black

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Definitions and Abbreviations*

---

ADA	Assistant District Attorney
Adv	Advised
AFIS	Automated Fingerprint Identification System
Agg Aslt	Aggravated Assault
aka	Also known as
ALS	Alternate Light Source
Ammo	Ammunition
AP	Acid Phosphatase (spot test)
Appr	Approximate
Apt	Apartment
Arm Rob	Armed Robbery
ASAP	As soon as possible
Att	Attempted
BE, B&E	Breaking and entering
Bath	Bathroom
BF, B/F	Black female
Bio	Biohazard
Bldg	Building
Blk	Black
Blue	Blue
BM, B/M	Black male
BP	Black powder
Bdrm, BR	Bedroom
Bro	Brown
btwn	Between
Burg	Burglary
Bus	Business
C/A, CA	Cyanoacrylate Fuming/Superglue
Cal	Caliber

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Definitions and Abbreviations*

---

CBP	Coin Box powder
CD	Compact disc
CODIS	Combined DNA Index System
Coll	Collected
Cont, Cont'd	Continued
CSI	Crime Scene Investigator
CSS	Crime Scene Specialist
Ctrl	Control
CV	Crystal Violet
DCSO	Davis County Sheriff's Office
D/S, DS	Driver's side
Decomp	Decomposed/decomposition
Dept	Department
Diff	Different
DiH2O	Distilled water
DNA	Deoxyribonucleic Acid
dob	Date of birth
Doc	Document(s)
DV	Domestic Violence
DVD	Digital video disc
E	East
EDPL	Electrostatic Dustprint Lifter
Elim	Elimination Prints
ER	Emergency Room
Env	Envelope
Est	Established, estimate(d)
Evid	Evidence
Exp	Exposure, expire(s), expiration
Ext	Exterior
F/u	Follow up



# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Definitions and Abbreviations*

---

FBI	Federal Bureau of Investigation
Fed	Federal
Fluor	Fluorescence, fluoresced
FP	Fingerprint
CSI	Forensic Services Unit
CSIM	Forensic Services Unit Manager
CSIS	Forensic Services Unit Supervisor
G, g	Gram(s)
GPS	Global Positioning Satellite
Grn	Green
Gry	Grey
GSR	Gunshot residue, gunshot residue kit
GSW	Gunshot wound
Hema	Hemastix
HF, H/F	Hispanic Female
HM, H/M	Hispanic Male
HQ	Headquarters
Hrs	Hours
Hx	History
Hwy	Highway
ID	Identification, identified
Imp	Impression
In	Inch
Inc	Included
Incl	Inconclusive
Inj	Injury, injured
Int	Interior, internal
Inv	Investigator
IR	Incident report
Juv	Juvenile

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Definitions and Abbreviations*

---

K	Kilo (gram, meter)
Kit	Kitchen
L, lg	Large
L, Lt	Left
Lb	Pounds
LCV	Leuco-Crystal Violet
LF	Left front
LH	Left hand
Lic	License
Lvg rm	Living Room
Loc	Location
LPN	Licensed Practicing Nurse
LR	Left rear
Lum	Luminol
M, Med	Medium
Max	Maximum
Mbath	Master bathroom
MBR	Master bedroom
ME	Medical Examiner
Memo	Memorandum
Meth	Methamphetamine
Mfg	Manufacture
Min	Minimum
Misc	Miscellaneous
Mix	Mixture
mm	Millimeter
MO	Modus Operandi
MP	Magnetic powder
MPH	Miles per hour
N	North

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Definitions and Abbreviations*

---

N/A	Not applicable
NE	Northeast
Neg	Negative
Nin	Ninhydrin
NR	Negative results
NW	Northwest
OME	Office of the Medical Examiner
Ofc	Office
P&E	Property and Evidence
P/S, PS	Passenger side
P/U	Pickup
Pass	Passenger
PD	Police Department
Pg	Page
Ph	Phone
Photo ('d, 'ed)	Photography, Photographed
Pkg	Package
POE	Point of entry
POEx	Point of exit
Pos	Positive
Poss	Possible, possibly
PPE	Personal protective equipment
Prob	Probable, probably
Prop	Property
R6G	Rhodamine 6G dye stain
Re:	Regarding
R, Rt	Right
Rec ('d)	Received
Ref	Reference
Refrig	Refrigerator

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Definitions and Abbreviations*

---

Res	Residence, residential
RF	Right front
RH	Right hand
Rm	Room
RR	Right rear
RS	Red stain
Rx	Prescription
S&W	Smith and Wesson
S, Sm	South, small
S/N, SN, Ser#	Serial Number
SAFIS	State Automated Fingerprint Identification System
SBI	State Bureau of Investigation
SE	Southeast
SET	Selective Enforcement Team
Sil	Silver
SO	Sheriff's Office
SOD	Shooting into occupied dwelling
SOV	Shooting into occupied vehicle
SPR	Small Particle Reagent
SSN	Social Security Number
SSP	Sticky side powder
St	Street
Std	Standard
Sub	Submission, substance
Subj	Subject
Susp	Suspect
SW	Southwest
TACT	Traffic Accident Team
Tech	Technical, Technician
Unk	Unknown

# Weber County Sheriff's Office

Weber County SO Policy Manual

## *Definitions and Abbreviations*

---

UV	Ultraviolet radiation
Vic	Victim
Veh	Vehicle
VIN	Vehicle identification number
W	West
w/	With
w/o	Without
WC	Watch Commander
WF, W/F	White female
Whi	White
Win	Window
WM, W/M	White male
WW	WetWop
X	Times
XL	Extra large
XS	Extra small
YOA	Years of age
Yel	Yellow
Yr	Year

## **Attachments**

## **HOLD HARMLESS CERTIFICATION.pdf**

**HOLD HARMLESS CERTIFICATION**  
(DEPUTY)

The undersigned business or individual has employed, or intends to employee,

\_\_\_\_\_, who also works for the Weber County Sheriff's Office as a Deputy. As an employee of our business, this Deputy is not working in his/her capacity as an employee of the Sheriff's Office, and is not performing any function on behalf of Weber County or the Weber County Sheriff's Office. As consideration for allowing this Deputy to work as a secondary employment at our business, we hereby release Weber County and the Weber County Sheriff's Office from all claims, liabilities, obligations, and responsibilities relating to this Deputy's employment with our company. We further agree to indemnify the Sheriff's Office and Weber County against any claims, suits, or other obligations created or arising, directly or indirectly, from this Deputy's employment with our company.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ .

\_\_\_\_\_  
NAME OF BUSINESS

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF UTAH )

COUNTY \_\_\_\_\_ )

\_\_\_\_\_ personally appeared before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, and under oath acknowledge to me that he/she is the signor of the above document, that the information contained therein is true and correct and that he/she is authorized to sign on behalf of the above listed business.

\_\_\_\_\_  
Notary Public



## **P.T. Standard informed consent.pdf**



## WEBER COUNTY SHERIFF'S OFFICE PHYSICAL FITNESS ASSESSMENT



NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

TEST	STANDARD	RESULT	PASS / FAIL	POINTS
VERTICAL JUMP	16 inch minimum			
PLANK	1:00 minute minimum			
PUSH-UP	20 minimum (no time limit)			
1.5 MILE RUN	16:00			
			<b>Total Points</b>	

My signature on this form indicates that I have given my informed consent to participate in the fitness test given by the Weber County Sheriff's Office. I understand that the Office encourages deputies to have an annual medical screening / physical prior to participating in a physical fitness test. If you have any medical conditions that may be aggravated by physical exertion, you should not participate in the physical fitness test until you have received clearance by a medical doctor.

By signing below, I acknowledge that I have read and understand the form and that to the best of my knowledge I have no medical conditions that would prevent me from participating in the physical testing process.

\_\_\_\_\_  
Participant Name (printed)

\_\_\_\_\_  
Participant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
PT Coordinator (Print)

\_\_\_\_\_  
PT Coordinator Signature

# WCSO PT Points Table

Vertical Leap		Push Ups		Plank		1.5 Mile Run			
Inches	Points	Reps	Points	Time	Points	Time	Points	Time	Points
30"	30 (Max)	70	70 (Max)	3:30	70 (Max)	8:30	130 (Max)	12:25	83
29"	29	69	69	3:27	69	8:35	129	12:30	82
28"	28	68	68	3:24	68	8:40	128	12:35	81
27"	27	67	67	3:21	67	8:45	127	12:40	80
26"	26	66	66	3:18	66	8:50	126	12:45	79
25"	25	65	65	3:15	65	8:55	125	12:50	78
24"	24	64	64	3:12	64	9:00	124	12:55	77
23"	23	63	63	3:09	63	9:05	123	13:00	76
22"	22	62	62	3:06	62	9:10	122	13:05	75
21"	21	61	61	3:03	61	9:15	121	13:10	74
20"	20	60	60	3:00	60	9:20	120	13:15	73
19"	19	59	59	2:57	59	9:25	119	13:20	72
18"	18	58	58	2:57	58	9:30	118	13:25	71
17"	17	57	57	2:51	57	9:35	117	13:30	70
16"	16	56	56	2:48	56	9:40	116	13:35	69
		55	55	2:45	55	9:45	115	13:40	68
		54	54	2:42	54	9:50	114	13:45	67
		53	53	2:39	53	9:55	113	13:50	66
		52	52	2:36	52	10:00	112	13:55	65
		51	51	2:33	51	10:05	111	14:00	64
		50	50	2:30	50	10:10	110	14:05	63
		49	49	2:27	49	10:15	109	14:10	62
		48	48	2:24	48	10:20	108	14:15	61
		47	47	2:21	47	10:25	107	14:20	60
		46	46	2:18	46	10:30	106	14:25	59
		45	45	2:15	45	10:35	105	14:30	58
		44	44	2:12	44	10:40	104	14:35	57
		43	43	2:09	43	10:45	103	14:40	56
		42	42	2:06	42	10:50	102	14:45	55
		41	41	2:03	41	10:55	101	14:50	54
		40	40	2:00	40	11:00	100	14:55	53
		39	39	1:57	39	11:05	99	15:00	52
		38	38	1:54	38	11:10	98	15:05	51
		37	37	1:51	37	11:15	97	15:10	50
		36	36	1:48	36	11:20	96	15:15	49
		35	35	1:45	35	11:25	95	15:20	48
		34	34	1:42	34	11:30	94	15:25	47
		33	33	1:39	33	11:35	93	15:30	46
		32	32	1:36	32	11:40	92	15:35	45
		31	31	1:33	31	11:45	91	15:40	44
		30	30	1:30	30	11:50	90	15:45	43
		29	29			11:55	89	15:50	42
		28	28			12:00	88	15:53	41
		27	27			12:05	87	15:55	40
		26	26			12:10	86		
		25	25			12:15	85		
						12:20	84		
Minimums									
Push-ups	20	43	43	2:09	43	10:45	103	14:40	56
Plank	1:00	42	42	2:06	42	10:50	102	14:45	55
Jump	16	41	41	2:03	41	10:55	101	14:50	54
Run	16:00	40	40	2:00	40	11:00	100	14:55	53
Award Requirements									
Superior	190	37	37	1:51	37	11:15	97	15:10	50
Elite	225	36	36	1:48	36	11:20	96	15:15	49
		35	35	1:45	35	11:25	95	15:20	48
		34	34	1:42	34	11:30	94	15:25	47
		33	33	1:39	33	11:35	93	15:30	46
		32	32	1:36	32	11:40	92	15:35	45
		31	31	1:33	31	11:45	91	15:40	44
		30	30	1:30	30	11:50	90	15:45	43
		29	29			11:55	89	15:50	42
		28	28			12:00	88	15:53	41
		27	27			12:05	87	15:55	40
		26	26			12:10	86		
		25	25			12:15	85		
						12:20	84		

## **PartTimeEmployment (1).pdf**

**WEBER COUNTY SHERIFF'S OFFICE  
PART-TIME EMPLOYMENT**

NAME: \_\_\_\_\_

SECTION: \_\_\_\_\_

DATE: \_\_\_\_\_

PLACE OF PART-TIME EMPLOYMENT: \_\_\_\_\_

COMMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your signature below indicates that hours worked at place of part-time employment will not interfere with your assignment at the Weber County Sheriff's Office, and you will abide by the Weber County Sheriff's Policy #1039, as well as the Weber County Sheriff's Office Code of Conduct.

EMPLOYEE SIGNATURE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

IMMEDIATE SUPERVISOR APPROVAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

LIEUTENANT APPROVAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

CHIEF DEPUTY APPROVAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

SHERIFF APPROVAL: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

Individual will fill in appropriate information and send on to Supervisor for approval. Supervisor will pass it on from there. After completed, individual will receive a copy and the original will be placed into employee's personnel file.

**newhire12spreadsheet.PNG**

**medical plan.pdf**

## **Final Selection Grading Criteria.pdf**



### Final Selection Grading Criteria

Using one form for each candidate, rank each individual candidate using a score of 1-3. The lowest total score will indicate the candidate that will be selected.

Final Selection Grading Criteria		Rater:	Date:
<b>Position:</b>		<b>Candidate:</b>	
Criteria	Definition		
Job Specific Experience	Experience relative to the position that is being filled.		
Fit for the Position/General Requirements	-Personal integrity and ethical conduct. -Emotional stability and maturity. -Adaptability and flexibility. -Ability to conform to organizational goals and objectives in a positive manner. -Leadership. -Problem Solving. -Sound judgement and decision- making. -Stress tolerance.		
Personnel File, TEAM Review	Review disciplinary actions and positive recognition.		
Annual Pay for Performance. (up to 2 years) Review	Review past scoring and notations.		
<b>Total</b>			

Final Selection Grading Criteria

Supplemental Grading Criteria Form

Position:		Rater:	Date:
	Candidate:		
Criteria			
Job Specific Experience			
Fit for the Position/General Requirements			
Personnel File, TEAM Review			
Annual Pay For Performance (up to two years) Review			

## **PT Standard Draft.pdf**

## **Disciplinary Systems 1.pdf**

## **WCSO Policy 1015 Communicable Diseases (003).pdf**

## **Addendum A.pdf**

## **Standard Response Protocol.pdf**

**OFFICER INVOLVE CRITICAL  
INCIDENT PROTOCOL 2015.rtf**



## **Specialized Assignment Selection Criteria.pdf**

# Specialized Assignment Selection Criteria

Candidate Name: \_\_\_\_\_

Assignment: \_\_\_\_\_

Evaluator(s): \_\_\_\_\_

Date: \_\_\_\_\_

Evaluation Criteria	Rate on a Scale from 1 to 5
Professionalism and Interpersonal Relationships	
Stress Tolerance	
Sound Judgment and Decision Making	
Personal Integrity and Ethical Conduct	
Leadership	
Initiative	
Adaptability / Flexibility	
Ability to Conform to organizational goals and objectives in a positive manner.	

Notes:

**newhire6spreadsheet.PNG**

**CSI.jpg**

**promotionex.PNG**

## **6-200 Performance Management 2021.pdf**



## **Weber County Human Resources Policy 6-200**

### **Performance Management**

#### **I. Purpose**

Weber County's total compensation philosophy is to attract, motivate and retain quality employees who support the County mission of providing high quality, cost-effective public services. This policy provides the foundation for a performance-based review and reward system.

#### **II. Policy**

Weber County believes in a transparent, performance-based approach to reviews and compensation. Weber County will maintain a performance appraisal system that provides an objective method for recognizing the importance of an employee's contribution, rewards good performance, and corrects poor performance.

#### **III. Procedures**

**A. Human Resources will provide comprehensive and on-going education and training about the performance management process.**

**B. Before March 1 of each calendar year supervisors will initiate an employee performance and development plan ([Road to Success Annual Review Form](#)) for each employee.**

**C. The employee performance and development plan will include:**

1. A review of the job description:
  - i. The supervisor and employee will review the job description to make sure it accurately reflects the essential functions and responsibilities of the position.
  - ii. If a revision is needed the supervisor will work with Human Resources to initiate a position classification review.
2. Job performance expectations:
  - i. Supervisors, in conjunction with the employee, will set measurable goals and/or expectations.
  - ii. Goals and/or expectations should be based on the responsibilities of the position and include objectives, outcomes, behaviors and special assignments.
  - iii. Each performance objective will be assigned a weight that reflects the time and/or value represented. Weights for all of the performance objectives will total 100.
  - iv. Managers will be evaluated on their ability to supervise their subordinates. Performance objectives will include planning, assigning and reviewing work, hiring and promoting, training, discipline and termination. This portion should be weighted a minimum of 15% of the overall weight.

## **Weber County Human Resources Policy 6-200: Performance Management**

---

3. Quarterly performance reviews:
  - i. Employees and their supervisors will meet on a quarterly basis minimally to discuss performance.
  - ii. The supervisor will provide detailed feedback, verbally and in writing, on whether expectations are being met and will provide coaching in areas that need improvement.
  - iii. Quarterly notes should be uploaded by the supervisor into the HRIS system so that the employee may reference them at any time. Quarterly notes must be uploaded within one week after the quarter ends.

### **D. Annual Performance Review**

1. Supervisors will complete an annual performance appraisal for each employee by December 31 of each calendar year.
2. Before the supervisor completes their review, they should request that the employee complete a self-review and return it to the supervisor.
3. The review will include an overall numerical rating and will include a narrative of the employee's performance.
4. Performance appraisal ratings:
  - i. Excellent (5): Performance that exceeds expectations and is consistently outstanding.
  - ii. Impressive (4): Performance that consistently fulfills the job requirements and exceeds expectations.
  - iii. Solid (3): Performance that consistently fulfills the job requirements.
  - iv. Focus Needed (2): Performance that does not consistently meet the job requirements.
  - v. Unsatisfactory (1): Performance that consistently fails to meet the job requirements.
5. Employees who are rated 1 or 2 overall will work with their supervisor to develop a written [performance improvement plan](#).
6. The division, department or elected office will upload a copy of the completed annual performance review to the HRIS system, as well as send a hard copy to Human Resources.
7. Human Resources will notify each division director or elected official of individuals who have not had a performance review completed in the HRIS system within one week of the due date.
8. Human Resources will not authorize a merit increase for any employee until the performance appraisal is completed in the HRIS system.



## Weber County Human Resources Policy 6-200: Performance Management

---

### E. Exceptions to the performance management process described above are as follows:

1. Promotion, demotion, reassignment and transfer: When an employee changes to a different position during the appraisal period, the former supervisor will complete an appraisal for the time period the employee was under the supervisor.
2. Change in supervision: When supervision changes during an appraisal period, the former supervisor should complete an interim appraisal. The new supervisor should complete an appraisal for only the time period the employee was under that supervisor.
3. Prorated appraisals: In situations where appraisals are conducted by more than one supervisor, the scores should be pro-rated according to the number of weeks each appraisal represents.
  - i. The formula for such a pro-rated score is the sum of the score for each evaluation multiplied by the number of weeks in the appraisal period divided by the total number of weeks.
  - ii. The following is an example of a pro-rated score:

	Weeks of Supervision	Appraisal Score	Total
Supervisor A	22	4.12	90.64
Supervisor B	30	3.75	112.5
			203.14
203.14/52 weeks = <b>3.90</b>			

- iii. If the appraisal score is pro-rated, the supervisor will record the formula results in a format similar to the above example in a memo attached to the annual performance appraisal form. The annual performance appraisal form, memo and interim appraisal forms should be forwarded to Human Resources.

### F. Annual Merit Adjustments

1. The County Commission may approve funding for an Annual Merit Adjustment. If funding is provided, merit employees are eligible for an annual merit increase based on the overall score of their annual performance appraisal, subject to the discretion of the elected official or department head.
2. Merit employees who have reached the top of their paygrade may receive a lump sum payment in lieu of a merit adjustment.
3. Any employee who receives an increase in the 4<sup>th</sup> quarter is not eligible for a merit adjustment.

## Weber County Human Resources Policy 6-200: Performance Management

---


4. New employees serving their initial probationary period during the merit process are not eligible for a merit adjustment until the end of their probationary period. The increase must be pro-rated based on their months of service during the year for which the merit increase is given.
5. New employees who have completed their probationary period will be eligible for a pro-rated merit adjustment.


DATED this 24<sup>th</sup> day of August, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF WEBER COUNTY:


  
James H. Harvey, Chair

ATTEST:

  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

  
Sarah Swan  
Human Resources

Approved as to form and legality:

  
Courtlan Erickson  
Deputy County Attorney

## **Officer Involved Shooting Protocol.pdf**

## **Hepatitis B Vaccine Informed Declination.pdf**

### **Hepatitis B Vaccine Informed Declination**

I understand that as an employee of the Weber County Sheriff's Office I am expected to be protected against Hepatitis B.

I have been given the opportunity to be vaccinated against Hepatitis B at no charge to myself. I understand that by declining this vaccinations, I continue to be at risk of acquiring this disease.

Employee Name \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_

## **Accident Report Guidelines 02.2022.pdf**

# WCSO Accident Report Guidelines

Effective 01/???2022

Submit all paperwork to Paula Brown. She will make copies and distribute as needed.

**Property Damage Only (regardless of monetary value damage)** – occurs when there are no physical injuries to any party, no citation and neither vehicle is disabled. (Other agency participation is requested only when another vehicle is involved.)

## **Your Responsibilities: (UA: See HR policy below)**

- 1) **Notify your supervisor.**
- 2) **Acquire a WCSO Case #**
- 3) Complete the **Digital Accident Report Form** found at <https://www.webercountyutah.gov/HR/work.php> which includes signatures, the WCSO Case # and brief narrative.
- 4) **Photos of damage are needed and required.**
- 5) Above information should be submitted within 72 hours (per HR policy 19.4).
- 6) **Take your wrecked vehicle** to the County Shop 2222 So. 1900 W. Leave it parked on the line and if it's after hours leave the keys in the after hour drop box. **Fill out a vehicle maintenance request sheet** that is located on the main shop wall by the door. If you need to check out a spare vehicle get with your supervisor to check one out. The Shops get the vehicle repaired and once the vehicle is complete, you will receive an email stating your vehicle is ready to be picked up at the County Shops.
- 7) Follow thru in **collecting outside agency reports and CSI photos** to be given to Paula.

**Vehicle Accident Report** – occurs when the deputy is involved in an accident resulting in physical injury or loss of human life; or the accident results in a citation and disabling damage (towable) to any vehicle in the incident; or there is reasonable suspicion our employee is impaired.

## **Your Responsibilities: (UA: See HR policy below)**

- 1) **Notify your supervisor** and fill out the **First Report of Injury** (even when there are no injuries). This form is located electronically on the Employee Portal under Human Resources. It will require the signatures of the driver and supervisor.
- 2) **Acquire a WCSO Case #**
- 3) Complete the **Digital Accident Report Form** found at <https://www.webercountyutah.gov/HR/work.php> which also includes signatures, the WCSO Case # and brief narrative.
- 4) **Photos of damage** are required
- 5) Above information should be submitted within 72 hours (per HR policy 19.4).
- 6) **Take your wrecked vehicle** to the County Shop 2222 So. 1900 W. Leave it parked on the line and if it's after hours leave the keys in the after hour drop box. **Fill out a vehicle maintenance request sheet** that is located on the main shop wall by the door. If you need to check out a spare vehicle get with your supervisor to check one out. The Shops get the vehicle repaired and once the vehicle is complete, you will receive an email stating your vehicle is ready to be picked up at the County Shops.
- 7) Follow thru in **collecting outside agency reports and CSI photos** to give to Paula.

## Human Resource UA policy:

In accordance with OSHA regulations, HR 3-300: Alcohol and Drug Policy states the following:

1. *All employees and volunteers who operate a vehicle or motorized equipment for the purpose of conducting county business will be tested for alcohol and drugs **according to OSHA regulations which requires a “reasonable basis”** to perform a post-accident alcohol and/or drug test. To verify whether a drug test qualifies for OSHA-regulated post-accident testing, the following factors should be considered:*
  - a. *The employee is involved in an at fault accident resulting in major physical injury (immediately receives medical treatment away from the scene of the accident) or loss of human life;*
  - b. *The employee is involved in an accident resulting in a citation;*
  - c. *The employee is involved in an accident more than once in a 90 day period;*
  - d. *There is reasonable suspicion, based on following the procedure outlined in Section B, that the employee is under the influence of alcohol or drugs.*


If following a minor accident you do not have reasonable suspicion that an employee is under the influence of drugs or alcohol, they should **not** be sent for a post-accident drug screen. However, if any of the above factors (a-d) are present, a supervisor should accompany the employee to WorkMed for a post-accident drug screen.

**Insurance policy information:** Utah Counties Indemnity Pool, PO Box 95730 South Jordan, UT 84095  
801-565-8500. Policy Number: **UCIP-12.100.29**



## **Specialized Assignment Selection.pdf**

## **16-04 Sexual Assault Kits.pdf**

<b>OFFICE OF THE SHERIFF</b>	
<b>Terry Thompson</b>	
<b>Procedural Order</b>	

**To:** All WCSO Staff

**From:** Chief Klint Anderson

**CC:**

**Date:** April 14, 2016

**Re:** Sexual Assault Kits

#16-04

The collection and processing of sexual assault evidence kits is a critical part of evidence gathering regarding rape and sexual assault crimes. Not only is this evidence important in the identification and prosecution of sexual assault offenders, the knowledge of this process of evidence gathering may bring some solace to the victim and affirm that there is real concern for justice on their behalf. As such, the following procedures are to be strictly adhered to by the evidence custodians:

1. All sexual assault evidence kits are to be submitted to the Utah Bureau of Forensics Services (UBFS) within seven (7) calendar days of submission as evidence.
2. A letter, e-mail or other notice will be sent to the identified victim informing them that their evidence kit has been submitted and when it was submitted to the UBFS for analysis.
3. Once the kit has been analyzed by UBFS and returned to the Weber County evidence office another notice will be sent to the victim informing them of such.
4. The notices described above will be made part of the investigative or evidentiary case file for future reference.

# Weber County SO Policy Manual

Weber County SO Policy Manual

## INDEX / TOPICS

### A

#### ADMINISTRATIVE INVESTIGATIONS

Vehicle damage. . . . . 468

ADMINISTRATIVE LEAVE . . . . . 580

ADULT ABUSE . . . . . 138

Investigations. . . . . 411

#### AIRCRAFT

Ambulance. . . . . 368

Flying while armed. . . . . 86

AIRCRAFT ACCIDENTS . . . . . 313

#### ALCOHOL

Intoxicants. . . . . 177

Vehicle use. . . . . 468

AMMUNITION . . . . . 82

ANIMAL CONTROL PROCEDURES . . . . . 509

#### ANIMALS

Canines. . . . . 106

Dangerous. . . . . 85

Euthanize. . . . . 85

Injured. . . . . 85

Line-of-duty death. . . . . 663

#### APPOINTMENTS

Audio/video coordinator. . . . . 347

Canine coordinator. . . . . 106

Communications supervisor. . . . . 513

Custodian of records. . . . . 497

Line-of-duty death liaisons and coordinators 656

Operations director . . . . . 438, 444

Petty cash fund manager. . . . . 470

UAS coordinator. . . . . 435

#### ARRESTS

Authority. . . . . 10

Child and dependent adult safety. . . . . 235

Consular Notifications. . . . . 538

Domestic violence. . . . . 118

First amendment assemblies. . . . . 375

Seat belts. . . . . 587

Warrant service. . . . . 439

ASSET FORFEITURE . . . . . 450

#### AUDIO/VIDEO RECORDING

Body cameras. . . . . 344

Child abuse. . . . . 152

Custodial interrogation. . . . . 411

Holding cells. . . . . 542

#### AUDITS

Informant files. . . . . 420

Petty cash. . . . . 470

AUTHORITY . . . . . 10

Canine handler. . . . . 107

AUTHORIZED WEAPONS . . . . . 79

#### AUTOMATED EXTERNAL DEFIBRILLATORS

(AED) . . . . . 369

AUXILIARY RESTRAINTS . . . . . 51

AVL . . . . . 467

### B

BACKGROUNDS . . . . . 547

#### BADGE

Mourning Badge. . . . . 625

BARRICADED SUSPECTS . . . . . 282

BATON . . . . . 55

BIAS-BASED POLICING . . . . . 271

#### BIOLOGICAL SAMPLES

Hazards . . . . . 315, 652

#### BODY ARMOR

Suspects. . . . . 80

BODY ARMOR . . . . . 589

BODY-WORN CAMERAS . . . . . 344

#### BOMBS

Aircraft accidents. . . . . 315

Canine detection. . . . . 110

MDT/MDC. . . . . 343

Portable audio/video recorders. . . . . 346

BREATH TESTS . . . . . 400

### C

CANINES . . . . . 106

Pursuits. . . . . 352

#### CASH

Informants. . . . . 422

CASH . . . . . 470

CHANGE OF ASSIGNMENT . . . . . 596

CHAPLAINS . . . . . 229

Line-of-duty deaths. . . . . 663

CHILD ABUSE . . . . . 148

#### CHILDREN

Drug endangered. . . . . 152

Safety. . . . . 540

Transporting. . . . . 587

CITATIONS . . . . . 389

CITE AND RELEASE . . . . . 296

#### CIVIL

Subpoenas. . . . . 192

CIVIL DISPUTES . . . . . 379

#### COMMAND STAFF

Line-of-duty deaths. . . . . 653

Work-related injuries and illnesses. . . . . 617

COMMENDATIONS AND AWARDS . . . . . 597

#### COMMUNICABLE DISEASE

Health orders. . . . . 275

#### COMMUNICABLE DISEASES

Custody. . . . . 535

# Weber County Sheriff's Office

## Weber County SO Policy Manual

Illness and injury prevention. . . . .	648
COMMUNICATIONS CENTER	
Foot pursuits. . . . .	355
Mandatory sharing. . . . .	201
COMMUNICATIONS WITH HEARING	
IMPAIRED OR DISABLED . . . . .	220
COMMUNITY RELATIONS . . . . .	265
COMPUTERS	
Digital evidence. . . . .	412
CONCEALED WEAPON LICENSE . . . . .	29
CONDUCT	
OIS. . . . .	71
Standards of conduct. . . . .	175
CONDUCTED ENERGY DEVICE . . . . .	60
CONFIDENTIALITY	
Communicable disease information. . . . .	572
Communications center. . . . .	517
Custodial telephone calls. . . . .	540
Custodian of records. . . . .	497
Informants. . . . .	421
Radio broadcasts. . . . .	342
CONSTITUTIONAL REQUIREMENTS . . . . .	11
CONTACTS AND TEMPORARY DETENTIONS	
Bias-based policing. . . . .	271
Warrant service. . . . .	441
CONTROL DEVICES	
Custody. . . . .	541
Decontamination. . . . .	568
First amendment assemblies. . . . .	374
Training. . . . .	304
CONTROL DEVICES . . . . .	54
CONTROL DEVICES . . . . .	54
CORRESPONDENCE . . . . .	27
COURT ORDERS	
Adult abuse. . . . .	139
Child custody. . . . .	236
Civil disputes. . . . .	380
Foreign. . . . .	119
Source testing. . . . .	571
Subpoenas. . . . .	191
CRIME SCENE AND DISASTER INTEGRITY	
. . . . .	274
CRIMINAL OFFENDER INFORMATION . . . . .	502
CRIMINAL STREET GANGS . . . . .	329
CRISIS INTERVENTION INCIDENTS . . . . .	382
CRISIS NEGOTIATION TEAM . . . . .	276
CRISIS RESPONSE UNIT . . . . .	276
CUSTODIAL INTERROGATIONS . . . . .	411
CUSTODIAN OF RECORDS . . . . .	497
CUSTODY SEARCHES . . . . .	520
CWL . . . . .	29

## D

DAMAGE BY COUNTY PERSONNEL . . . . .	185
DEADLY FORCE REVIEW . . . . .	43
DEATH	
Chaplains. . . . .	232
Custody. . . . .	542
Native American Graves (NAGPRA). . . . .	263
DEATH INVESTIGATIONS . . . . .	207
DEATH NOTIFICATION . . . . .	209
DEBRIEFING	
Operation plans. . . . .	449
DEFECTIVE VEHICLES . . . . .	463
DEFINITIONS	
Used in the policy manual. . . . .	14
DEPARTMENT PROPERTY	
Loss Or Damage. . . . .	458
DEPARTMENT-OWNED PROPERTY . . . . .	457
DEPARTMENTAL DIRECTIVES . . . . .	20
DEPENDENT ADULTS	
Safety. . . . .	540
DISABLED	
Motorist. . . . .	407
DISASTER PLAN . . . . .	21
DISCLAIMER	
Policy manual. . . . .	14
DISCLAIMER OF POLICIES . . . . .	14
DISCRIMINATORY HARASSMENT	
Complaints. . . . .	146
Definitions. . . . .	143
Supervisor's Role. . . . .	145
DISPUTED CLAIMS . . . . .	490
DRIVING	
MDT/MDC. . . . .	341
Safety. . . . .	176
DRIVING TACTICS . . . . .	94
DUI ENFORCEMENT . . . . .	399

## E

ELECTRICAL LINES . . . . .	309
ELECTRO-MUSCULAR DISRUPTION	
TECHNOLOGY DEVICE . . . . .	60
ELECTRONIC CIGARETTES . . . . .	573
ELECTRONIC MAIL . . . . .	25
EMERGENCY MANAGEMENT PLAN . . . . .	21
EMERGENCY UTILITY . . . . .	309
EMPLOYEE CONVICTIONS . . . . .	561
ENFORCEMENT . . . . .	388
EVIDENCE	
Bombs. . . . .	291

# Weber County Sheriff's Office

## Weber County SO Policy Manual

Digital. . . . .	412
NAGPRA. . . . .	263
Seizing recordings. . . . .	364
Use of force. . . . .	36
EXPLOSIONS . . . . .	290
EXPOSURE CONTROL . . . . .	568
Reviews. . . . .	648
EXPOSURES . . . . .	279

## F

FIELDS SOBRIETY TESTS . . . . .	399
FIREARMS	
Conduct. . . . .	176
Custody. . . . .	541
Retiree carry. . . . .	30
FIRST AMENDMENT ASSEMBLIES . . . . .	371
FLYING WHILE ARMED . . . . .	86
FORCE . . . . .	43
FOREIGN	
Court orders. . . . .	119
Nationals. . . . .	538
FOREIGN DIPLOMATIC AND CONSULAR REPRESENTATIVES . . . . .	298
FORMS	
Child abuse and narcotics. . . . .	152
Eyewitness identification. . . . .	426
Risk assessment. . . . .	445

## G

GANGS	
Employee affiliation. . . . .	173
GANGS . . . . .	329
GROOMING STANDARDS . . . . .	619

## H

HANDCUFFING . . . . .	50
HANDCUFFING AND RESTRAINTS	
Custody. . . . .	541
HAZARDOUS MATERIAL (HAZMAT) RESPONSE	
Aircraft accidents. . . . .	315
Precautions. . . . .	568
HAZARDOUS MATERIALS RESPONSE . . . . .	279
HAZARDS . . . . .	650
HAZMAT . . . . .	279
HEARING IMPAIRED . . . . .	220

HELICOPTER ASSISTANCE . . . . .	323
HOSTAGE AND BARRICADE INCIDENTS	
Rapid response and deployment. . . . .	303
HOSTAGES . . . . .	282

## I

ILLNESS AND INJURY PREVENTION . . . . .	648
INFORMANTS . . . . .	420
INFORMATION TECHNOLOGY USE . . . . .	179
INITIATE A PURSUIT . . . . .	91
INSPECTIONS	
Holding cells. . . . .	542
Illness and injury prevention . . . . .	648, 651
Personal protective equipment. . . . .	651
Vehicles . . . . .	466, 651
INTERNAL AFFAIRS	
Personnel records. . . . .	594
INVESTIGATION AND PROSECUTION . . . . .	410

## J

JURISDICTION	
Aircraft accidents. . . . .	315
Authority. . . . .	10
Consular Notification. . . . .	538
Foreign court orders. . . . .	119
OIS. . . . .	70

## K

KEYS	
Vehicle. . . . .	467
KINETIC PROJECTILES . . . . .	57

## L

LAW ENFORCEMENT AUTHORITY . . . . .	10
LEG IRONS . . . . .	51
LEG RESTRAINT . . . . .	49
LEG RESTRAINTS . . . . .	51
LIMITED ENGLISH PROFICIENCY	
Communications center. . . . .	515
LIMITED ENGLISH PROFICIENCY . . . . .	212
LINE-OF-DUTY DEATHS . . . . .	653

## M

# Weber County Sheriff's Office

## Weber County SO Policy Manual

MANDATORY EMPLOYER NOTIFICATION	
. . . . .	228
MANUALS . . . . .	21
MDT/MDC	
Vehicles. . . . .	467
MEAL PERIODS AND BREAKS . . . . .	606
MEDIA	
Aircraft accidents. . . . .	316
First amendment assemblies. . . . .	375
Line-of-duty deaths. . . . .	662
OIS. . . . .	77
Operations plans. . . . .	448
Warrant service. . . . .	443
MEDIA RELATIONS . . . . .	188
MEDIA RELATIONS . . . . .	72
MEDICAL	
Aircraft accidents. . . . .	314
Child involuntary detention. . . . .	151
Examinations - adult abuse. . . . .	141
Examinations - Child abuse. . . . .	151
For canines. . . . .	112
Illness and injury prevention. . . . .	648
Leave Act (FMLA). . . . .	566
Opioid overdoses. . . . .	369
Personnel Records. . . . .	594
Release restrictions. . . . .	499
Releases. . . . .	368
Screening - custody adults. . . . .	540
Treatment for work-related injury or illness	617
MINIMUM STAFFING . . . . .	28
MOBILE AUDIO VIDEO . . . . .	334
MOBILE DIGITAL TERMINAL USE . . . . .	341
MUTUAL AID	
First amendment assemblies. . . . .	374
Interstate peace officer powers. . . . .	11

## N

NATIVE AMERICAN GRAVES (NAGPRA)	263
NONSWORN	
Crisis intervention incidents. . . . .	385
Vehicles. . . . .	468
NOTIFICATION	
Consular. . . . .	538
NOTIFICATIONS	
Aircraft accidents. . . . .	314
Cash. . . . .	471
Custody suicide attempt, death or serious	
injury. . . . .	542
Impaired driving. . . . .	401
Line-Of-duty deaths. . . . .	654
Mandatory employer. . . . .	228

NAGPRA. . . . .	263
NOTIFICATIONS . . . . .	72
NOTIFICATIONS,	
Department of Corrections. . . . .	153

## O

OC SPRAY . . . . .	56
OCCUPATIONAL DISEASE AND WORK-	
RELATED INJURY AND DEATH REPORTING	
. . . . .	617
OFFICER SAFETY	
Communications center . . . . .	515, 517
Crime scene and disaster integrity. . . . .	274
Domestic violence. . . . .	116
Foot pursuits. . . . .	352
Informants. . . . .	424
LEOSA. . . . .	30
Occupational hazards. . . . .	650
Seat belts. . . . .	587
Warrant service. . . . .	438
OFFICER-INVOLVED SHOOTING	
OIS. . . . .	70
OPERATIONS PLANNING AND	
DECONFLICTION . . . . .	444
OUTSIDE AGENCY ASSISTANCE . . . . .	200
OUTSIDE EMPLOYMENT	
Change in Status. . . . .	616
Obtaining Approval. . . . .	613
Prohibited Outside Employment. . . . .	615
Security Employment. . . . .	614
OVERTIME PAYMENT . . . . .	610

## P

PARKING . . . . .	468
PAWN SHOP HOLDS . . . . .	433
PEPPER PROJECTILES . . . . .	57
PERFORMANCE EVALUATIONS	
Sick leave. . . . .	567
PERFORMANCE HISTORY AUDITS . . . . .	640
PERSONAL APPEARANCE . . . . .	619
PERSONAL PROPERTY . . . . .	457
Loss Or Damage. . . . .	458
PERSONAL PROTECTIVE EQUIPMENT . . . . .	472
PERSONNEL COMPLAINTS	
Bias-based policing. . . . .	272
PERSONNEL ORDERS . . . . .	27
PHOTOGRAPHS	
Aircraft accidents. . . . .	316
Photo lineup. . . . .	427

# Weber County Sheriff's Office

## Weber County SO Policy Manual

PHYSICAL AND MENTAL EXAMINATIONS . . . . .	601	RECRUITMENT AND SELECTION . . . . .	546
POLICY MANUAL . . . . .	14	RELIGION	
PREGNANCY		Accommodations in custody. . . . .	541
Custody . . . . .	535, 541	NAGPRA. . . . .	263
PRIVACY EXPECTATIONS		REPORT PREPARATION . . . . .	183
Audio/Video recordings. . . . .	344	Report corrections. . . . .	186
MDT/MDC. . . . .	341	RESERVE DEPUTIES	
Technology use. . . . .	179	Firearms Requirements. . . . .	198
Unmanned aircraft system. . . . .	435	Training. . . . .	197
Vehicles. . . . .	466	RESPONSE TO CALL . . . . .	103
PRIVATE PERSONS ARRESTS . . . . .	210	RESTRAINTS . . . . .	49
PROMOTION PROCESS . . . . .	554	REVIEWS	
PROPERTY AND EVIDENCE . . . . .	485	Bias-based policing - annual. . . . .	272
PROPERTY PROCEDURES		Crisis intervention incidents. . . . .	386
Disputed Claims. . . . .	490	Exposures. . . . .	648
PROTECTED INFORMATION		Eyewitness identification process - annual. . . . .	426
Communications center. . . . .	517	Illness and injury prevention. . . . .	648
PROTECTED INFORMATION . . . . .	502	Mobile audio/video. . . . .	272
PROTECTIVE CUSTODY		Public records on social media. . . . .	262
Dependent adults. . . . .	139	UAS. . . . .	435
PUBLIC INFORMATION OFFICER . . . . .	314	RISK ASSESSMENT . . . . .	445
PUBLIC RECORD REQUEST . . . . .	498	ROLL CALL TRAINING . . . . .	273
PUBLIC RECORDING OF LAW ENFORCEMENT			
ACTIVITY . . . . .	363	<b>S</b>	
PURSUIT INTERVENTION . . . . .	98	SAFETY	
PURSUIT UNITS . . . . .	93	Canine. . . . .	467
PURSUIITS		Communications center. . . . .	513
Foot. . . . .	352	Conduct. . . . .	176
		First responder. . . . .	274
		Inspections (occupational). . . . .	651
		Occupational. . . . .	648
		Personal protective equipment. . . . .	472
		SAFETY EQUIPMENT	
		Seat belts. . . . .	587
		SEARCH AND SEIZURE . . . . .	123
		SEARCH WARRANTS . . . . .	439
		SEARCHES	
		Crime scene. . . . .	275
		Police vehicle inspections. . . . .	466
		SEARCHES	
		Custody. . . . .	520
		Pat Down. . . . .	520
		Strip. . . . .	520
		SEAT BELTS . . . . .	587
		SECURITY	
		Personnel records. . . . .	595
		SECURITY EMPLOYMENT . . . . .	614
		SEXUAL HARASSMENT . . . . .	144
		SHERIFF CANDIDATE . . . . .	12
		SICK LEAVE . . . . .	566
		SMOKING AND TOBACCO USE . . . . .	573
<b>R</b>			
RAPID RESPONSE AND DEPLOYMENT . . . . .	302		
RECORDS			
Suspicious activity reports. . . . .	378		
RECORDS BUREAU			
Administrative hearings. . . . .	403		
Impaired driving. . . . .	403		
RECORDS RELEASE			
Adult abuse. . . . .	142		
Audio/video recordings. . . . .	348		
Personnel records. . . . .	595		
Subpoenas and discovery requests. . . . .	500		
RECORDS REQUESTS			
Personnel records. . . . .	595		
RECORDS RETENTION			
Audio/video recordings . . . . .	346, 348		
Illness and injury prevention. . . . .	652		
Oath of office. . . . .	13		
Personal protective equipment. . . . .	475		
Personnel records. . . . .	594		
UAS data. . . . .	437		



# Weber County Sheriff's Office

## Weber County SO Policy Manual

SOCIAL MEDIA . . . . .	260
Backgrounds. . . . .	547
SPIT HOOD . . . . .	50
SPIT MASK . . . . .	50
STAFFING LEVELS . . . . .	28
STANDARDS OF CONDUCT . . . . .	172
SUBPOENAS . . . . .	191
Records release and discovery requests. . . . .	500
SUBPOENAS AND COURT APPEARANCES . . . . .	191
SUPERVISION DEPLOYMENTS . . . . .	28
SURVEILLANCE	
Imaging notification. . . . .	442
SUSPICIOUS ACTIVITY REPORTING . . . . .	377

## T

TASER® . . . . .	60
TATTOOS . . . . .	620
TEAR GAS . . . . .	56
TECHNOLOGY USE . . . . .	179
TEMPORARY CUSTODY OF ADULTS . . . . .	535
TERMINATE A PURSUIT . . . . .	92
TIME CARD . . . . .	609
TIME CARDS . . . . .	609
TRAFFIC COLLISION REPORTING . . . . .	392
TRAFFIC DEPUTY . . . . .	388
TRAINING	
Adult abuse. . . . .	142
AED. . . . .	369
Briefing records. . . . .	273
Communicable disease. . . . .	572
Community Development. . . . .	266
Crisis intervention incidents. . . . .	386
Custody. . . . .	544
Fair and objective policing. . . . .	272
Firearms. . . . .	84
First amendment assemblies. . . . .	376
Hate crimes. . . . .	171
Hazardous materials. . . . .	652
Occupational safety. . . . .	651
Operation planning and deconfliction. . . . .	449
Personal protective equipment. . . . .	476
Personnel records. . . . .	593
Rapid response and deployment. . . . .	304
Records maintenance and release. . . . .	500
Social media. . . . .	262
UAS. . . . .	436
Warrant service. . . . .	443
TRAINING . . . . .	504
TRAINING PLAN . . . . .	22
TRANSFER PROCESS . . . . .	554
TRANSPORT BELTS . . . . .	51

## U

UNIFORM REGULATIONS . . . . .	622
UNIFORMS	
Courtroom attire. . . . .	192
While using department vehicles. . . . .	469
UNLAWFUL ASSEMBLY . . . . .	374
UNMANNED AIRCRAFT SYSTEM . . . . .	435
URINE TESTS . . . . .	400
USE OF FORCE	
First amendment assemblies. . . . .	374
USE OF SOCIAL MEDIA . . . . .	260
UTILITY SERVICE . . . . .	309

## V

VEHICLE MAINTENANCE . . . . .	463
VEHICLE PURSUITS . . . . .	90
VEHICLES . . . . .	466

## W

WARNINGS	
Canine. . . . .	109
WARRANT SERVICE . . . . .	438
WASHING OF VEHICLES . . . . .	464
WATCH COMMANDERS . . . . .	333
WATER LINES . . . . .	309