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 abuse 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 abuse and never accepting gratuities.

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

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

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

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MISSION STATEMENT

We, the members of the Oro Valley Police Department, are dedicated to providing excellent service through partnerships that build trust, prevent crime and promote a safe environment to enhance the quality of life.

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Chapter 1 - Law Enforcement Role and Authority

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Law Enforcement Authority

100.1 PURPOSE AND SCOPE

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

100.2 PEACE OFFICER POWERS

Certified members of this department shall be certified peace officers (AAC § R13-4-103; ARS § 1-215(27); ARS § 13-105(29); ARS § 41-1823).

The authority of a certified peace officer extends to any place in the State of Arizona (ARS § 13-3871, et seq.) as follows:

(a) Where he/she has the prior consent of the Chief of Police, Marshal, Sheriff, other department or agency head or a duly authorized representative having responsibility for law enforcement within the jurisdiction or territory.

(b) Where he/she has probable cause to believe (ARS § 13-3883):

1. A felony has been committed and probable cause to believe the person to be arrested has committed the felony.
2. A misdemeanor has been committed in his/her presence and there is probable cause to believe the person committed the offense.
3. A person was involved in a traffic accident and committed a criminal traffic violation pursuant to ARS § 28-121 immediately prior to or following the traffic accident.
4. A misdemeanor or a petty offense has been committed and probable cause to believe the person to be arrested has committed the offense.

(c) A peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of any traffic law committed in the officer's presence and may serve a copy of the traffic complaint for any alleged civil or criminal traffic violation.

An Indian law enforcement officer appointed by the Bureau of Indian Affairs or the governing body of an Indian tribe who meets the qualifications and training standards of the Arizona Peace Officer Standards and Training Board (AZPOST) possesses peace officer powers while engaged in the conduct of his/her employment in this state (ARS § 13-3874).

A federal peace officer who has been cross certified pursuant to ARS § 13-3875 is authorized to enforce Arizona criminal laws in counties in which the Sheriff has adopted a policy allowing cross certification.

100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state, including the

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interstate compact for jurisdiction on the Colorado River (ARS § 37-620.11, California Penal Code § 853.1 and § 853.2 and Nevada Revised Statutes § 171.079, et seq.). Peace officer powers may also be extended when an officer enters another state in fresh pursuit of a felony subject (ARS § 13-3831, et seq., California Penal Code § 852, et seq., New Mexico Code § 31-2-1, et seq., Nevada Revised Statutes § 171.154, et seq. and Utah Code § 77-9-1, et seq.).

100.4 FEDERAL RESERVATIONS

Any federal peace officer has jurisdiction regarding federal buildings, grounds and property pursuant to 18 USC § 13 and 40 USC § 1315.

Peace officer powers extend to Indian reservations pursuant to 18 USC § 1152 except in the following circumstances:

(a) A crime was committed by an Indian against the person or property of another Indian.

(b) An Indian who committed an offense has been punished by the local law of the tribe.

(c) An Indian tribe has been granted exclusive jurisdiction by stipulation of a treaty.

An officer of the Oro Valley Police Department has exclusive jurisdiction over a crime committed on Indian reservations by an non-Indian against another non-Indian absent treaty provisions to the contrary.

100.5 CONSTITUTIONAL REQUIREMENTS

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

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Chief Executive Officer

101.1 PURPOSE AND SCOPE

All law enforcement Chief Executive Officers employed within the State of Arizona are required to meet specific requirements for appointment. This policy provides guidelines for the appointment of the Chief Executive Officer of the Department, who is required to exercise the powers and duties of the office as prescribed by state law (ARS § 9-240 or ARS § 11-441).

101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

The Chief Executive Officer of this department, as a condition of appointment, has completed the course of training prescribed by the Arizona Peace Officers Standards and Training Board (AZPOST) and shall be certified by AZPOST pursuant to AAC § R13-4-103(A) unless granted a waiver that the best interests of the law enforcement profession are served and that the public welfare and safety is not jeopardized by the waiver (AAC § R13-4-103(F)).

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Oath of Office

102.1 PURPOSE AND SCOPE

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

102.1.1 OATH OF OFFICE

At or before appointment or election, all employees of this department shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging their duties (ARS § 38-232).

Before any department employee begins his/her duties the employee shall take and subscribe the following oath or affirmation in addition to any other form of oath or affirmation required (ARS § 38-231):

State of Arizona, County of Pima, I, (employee name) do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of (name of office) according to the best of my ability, so help me God (or so I do affirm).

102.1.2 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed in ARS § 38-233.

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Policy Manual

103.1 PURPOSE AND SCOPE

The manual of the Oro Valley Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

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

103.2 POLICY

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

103.2.1 CHIEF OF POLICE

The Chief of Police, as the appointing authority, shall be considered the ultimate authority for the provisions of this manual and shall ensure compliance with all applicable Arizona law. The Chief of Police is responsible for issuing Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directive shall remain in effect until such time as they may be permanently incorporated into the manual.

103.2.2 POLICY STAFF

The policy staff shall consist of the following:

- Chief of Police
- Deputy Chief
- The Commander from each division
- Executive Officer
- Any other employee designated or assigned by the Chief of Police

The policy staff shall review all recommendations regarding proposed changes to the manual.

103.2.3 OTHER PERSONNEL

All Department employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commander who will consider the recommendation and forward it to the staff.

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103.2.4 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 Oro Valley Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the Town, 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 Oro Valley Police Department reserves the right to revise any policy content, in whole or in part.

103.3 AUTHORITY

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

103.3.1 ACCEPTABLE ABBREVIATIONS

The following abbreviations are acceptable substitutions in the manual:

- Departmental Directive may be abbreviated as "DD"
- Policy Manual sections may be abbreviated as "Section 106.X" or "§ 106.X"

103.3.2 DEFINITIONS

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

AAC Arizona Administrative Code

Accident - any event or circumstance resulting in real, possible or imagined damage (town or private) and/or personal injury to a citizen or a Town employee. This includes but is not limited to Town of Oro Valley vehicle collisions, Department vehicles damaged by prisoners, etc.

Acting - Serving Temporarily in a position to which the member is not ordinarily assigned, usually in a position of higher responsibilities. The acting member shall have all the authority, responsibility and duties of the higher position.

ADOT Arizona Department of Transportation

Adult - Any person 18 years of age or older

Area of Assignment - Synonymous with "Beat".

ARS Arizona Revised Statutes

AZPOST Arizona Peace Officer Standards and Training Board

Beat - Geographic area of assignment of various sizes within an area.

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Policy Manual

Call - Police activity assigned to a member.

CFR - Code of Federal Regulations

Chain of Command - The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution.

Child - Any person under the age of 18 years.

Civilian - Applies to all employees and associates who are not sworn peace officers.

Code 3 - Emergency assignment, red light and siren in use.

Collision - Any collision occurring between a Department vehicle (or a private car when the employee is on official business and/or had been formally approved for mileage) and other vehicle, pedestrian, animal or fixed object.

Command Post - A location established by an incident commander for the purpose of directing operations.

Commander or Command Officer - A commissioned member with the rank of lieutenant or above who is in charge of a bureau, division, team or unit.

Commissioned Personnel - A member who is commissioned by AZPOST to serve with the Oro Valley Police Department.

Controlled Substance - Any substance whose possession is restricted or prohibited in ARS § 13-3401.

CJSD - The Criminal Justice Support Division of the Arizona Department of Public Safety.

Department /OVPD - The Oro Valley Police Department.

Detail - A group of non-uniformed commissioned members assigned to perform a specialized task.

Division - Functional grouping of related activities within the Department.

DPS - The Arizona Department of Public Safety

Employee/personnel - Any person employed by the Department.

Emergency Equipment - A police vehicle with lights and sirens.

Incident - Police activity assigned to a member requiring a verbal clearance or written report.

Incident Commander - A commissioned officer who takes control of an incident over which the Department has responsibility. Initially, the incident commander is the officer assigned to the call. The designator "incident commander" should not be confused with the rank of the individual. An incident commander, depending upon the circumstances, may be anyone from a patrol officer to the Chief of Police.

Internal Investigation - An inquiry conducted by a supervisor or other authorized agent of the Oro Valley Police Department.

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Lawful Order - Any written or oral directive issued in the course of police duty by a superior officer to any subordinate or group of subordinates that is not in violation of any law, ordinance or any Department rule or procedure.

Lead Police Officer - A sworn officer position that works under a Sergeant and assumes supervisory responsibility in the absence of the Sergeant.

Manual - The Oro Valley Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - All persons who are employed or appointed by the Police Department, including sworn officers, reserve officers, civilian employees and volunteers.

Off-duty - Time when a member is not serving in a regular duty assignment as a Department employee.

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

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

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

Peace officer - An employee of the Department who is required to be certified by AZPOST pursuant to ARS § 41-1823(B) and AAC § R13-4-103. The term includes sworn full-time and reserve officers who perform the duties of a peace officer.

Post-Traumatic Stress Disorder - An anxiety disorder that can result from exposure to short-term severe stress or the long-term buildup of repetitive and prolonged milder stress.

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

Reserve Officer - A paid commissioned member of the Department, generally restricted to 19 hours or less of work per week.

Seniority - Order of standing within the Police Department measured by the continuous service a full-time commissioned person has at a specific rank or classification followed by the full-time continuous service served to the Department.

Serious Misconduct - Conduct for which an officer could be terminated, demoted or suspended without pay.

Shall (or will) - Indicates a mandatory action.

Shift - Assigned duty hours.

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

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Special Assignment - Police service which requires that the member be excused from the performance of regular duties.

Squad - A function grouping of members with a bureau.

Superior Officer - An officer of higher rank.

Supervisor - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other employees, directing the work of other employees, or adjustment of employee 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 supervisor, lead worker, unit leader or other person given responsibility for the direction of work without regard to a formal job title, rank or aspects of compensation established by a memorandum of understanding, the Fair Labor Standards Act, the Public Employees Labor Relations Act or any similar statutes or ordinances related to employment compensation or benefits. On those occasions where a single employee is working, that employee may also be the supervisor, except when circumstances reasonably require the notification or involvement of the employee's off-duty supervisor or an on-call supervisor.

Suspension - The act of temporarily denying a member the rights and privileges of performing the duties of a member of the Department with or without pay.

Town - The Town of Oro Valley.

USC United States Code

Will - Conditions permitting.

103.3.3 DISTRIBUTION OF MANUAL

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

- Chief of Police
- Deputy Chief
- Division Commanders
- Executive Officer
- Lieutenants
- Squad Room
- Booking

An electronic version of the Policy Manual will be made available to all employees on the Department network. The electronic version will be limited to viewing and printing of specific sections. No changes shall be made to the electronic version without authorization from staff.

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103.3.4 ACKNOWLEDGEMENT

Each newly appointed employee will acknowledge in writing that he/she has been provided access and ability to review the Policy Manual. All employees will acknowledge in writing the receipt and review of any new directive or modification to this manual. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Executive Officer.

103.4 DEFINITIONS

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

AAC - Arizona Administrative Code

Accident - any event or circumstance resulting in real, possible or imagined damage (town or private) and/or personal injury to a citizen or town employee. This includes but is not limited to Town of Oro Valley vehicle collisions, Department vehicles damaged by prisoners, etc.

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AZPOST - Arizona Peace Officer Standards and Training Board.

Adult - Any person 18 years of age or older.

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Call - Police activity assigned to a member.

CFR - Code of Federal Regulations.

Chain of Command - The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution.

Child- Any person under the age of 18 years.

Town - The Town of Oro Valley.

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

Collision - Any collision occurring between a Department vehicle (or a private car when the employee is on official business and/or had been formally approved for mileage) and other vehicle, pedestrian, animal or fixed object.

Command Post - A location established by an incident commander for the purpose of directing operations.

Commander or Command Officer - A commissioned member with the rank of lieutenant or above who is in charge of a bureau, division, team or unit.

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Commissioned Personnel - A member who is commissioned by AZPOST to serve with the Oro Valley Police Department.

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Department/OVPD - The Oro Valley Police Department.

Detail - A group of non-uniformed commissioned members assigned to perform a specialized task.

Division - Functional grouping of related activities within the Department.

DPS - The Arizona Department of Public Safety.

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Emergency Equipment - A police vehicle with lights and sirens.

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Lawful Order - Any written or oral directive issued in the course of police duty by a superior officer to any subordinate or group of subordinates that is not in violation of any law, ordinance or any Department rule or procedure.

Lead Police Officer - A sworn officer position that works under a Sergeant and assumes supervisory responsibility in the absence of the Sergeant.

Manual - The Oro Valley Police Department Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

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Off-duty - Time when a member is not serving in a regular duty assignment as a Department employee.

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

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

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

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

Reserve Officer - A paid commissioned member of the Department, generally restricted to 19 hours or less of work per week.

Seniority - Order of standing within the Police Department measured by the continuous service a full-time commissioned person has at a specific rank or classification followed by the full-time continuous service served to the Department.

Shall or will - Indicates a mandatory action.

Shift - Assigned duty hours.

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

Special Assignment - Police service which requires that the member be excused from the performance of regular duties.

Squad - A function grouping of members with a bureau.

Superior Officer - An officer of higher rank.

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

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

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

Suspension - The act of temporarily denying a member the rights and privileges of performing the duties of a member of the Department with or without pay.

Town - The Town of Oro Valley.

USC- United States Code.

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103.4.1 REVISIONS TO POLICIES

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

Each unit commander/manager will ensure that employees under his/her command are aware of any Policy Manual revisions.

103.4.2 PERIODIC REVIEW OF THE POLICY MANUAL

As needed, the Chief of Police will cause the entire manual to be reviewed and updated as necessary to ensure the Policy Manual conforms to actual operation of the Department and complies with Arizona law.

103.5 ISSUING THE POLICY MANUAL

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

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

103.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary.

103.7 REVISIONS TO POLICIES

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

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

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

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

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Chapter 2 - Organization and Administration

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Organizational Structure and Responsibility

200.1 PURPOSE AND SCOPE

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

200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Oro Valley Police Department. There are three divisions in the Police Department as follows:

- Administration Division
- Field Services Division
- Support Services Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the Chief of Police , whose primary responsibility is to provide general management, direction and control for the Administration Division, including management of the Department budget, Deputy Chief and the Executive Officer.

Annually, the Administrative Services Manager shall develop and submit to the Chief of Police a budget.

The Executive Officer oversees the Office of Professional Standards, the Public Information Officer and the Training Coordinator.

200.2.2 FIELD SERVICES DIVISION

The Field Services Division is commanded by the assigned Commander, whose primary responsibility is to provide general management, direction and control for the Field Services Division. The Field Services Division consists of Patrol Squads, Canine Unit, Motor/Traffic Unit, Bike Officers, Community Action Team, SWAT and DUI Enforcement.

200.2.3 SUPPORT SERVICES DIVISION

The Support Services Division is commanded by the assigned Commander, whose primary responsibility is to provide general management, direction and control for the Support Services Division. The Support Services Division consists of the Communications Bureau, Community Resources Unit, Criminal Investigations Unit, School Resource Officers Unit, Task Force Operations, Information Technology Unit, Fleet Services, Property and ID Unit and Records Unit.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the Deputy Chief shall act with the authority of the Chief of Police. For circumstances in

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which the Chief of Police and Deputy Chief are absent, the Chief of Police will designate a Division Commander to serve as the acting commander of the Police Department.

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

(a) Field Services Division Commander.

(b) Support Services Division Commander.

(c) Designated Lieutenant.

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., Canine, 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.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. 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 an order that is in conflict with a previous order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

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Departmental Directive and Special Orders

201.1 PURPOSE AND SCOPE

Departmental Directives and Special Orders establish interdepartment communications that may be used by the Chief of Police to make immediate changes to policy and procedure in accordance with the current Memorandum of Understanding or other employment agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL

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

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number “01.” For example, 10-01 signifies the first Departmental Directive for the year 2010.

201.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual thereof and are temporary in nature. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.

201.2 RESPONSIBILITIES

201.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual and will incorporate changes originally made by Departmental Directive.

201.2.2 CHIEF OF POLICE

The Chief of Police or a designee shall issue all Departmental Directives and Special Orders. Departmental Directives and Special Orders shall be retained and archived pursuant to state law (ARS § 39-101, et seq.), the retention schedule adopted by the Town and under the direction of the Department custodian of records.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVE

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

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Emergency Operations Plan

202.1 PURPOSE AND SCOPE

The Town has prepared, in compliance with the State Comprehensive Emergency Response Plan (ARS § 26-344 and ARS § 26-345), an Emergency Operations Plan Manual. This manual is for the guidance and use by all employees in the event of a major disaster, civil disturbance, mass arrest or other emergency event. The manual provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

202.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. Within the Police Department, the Chief of Police, the highest ranking official on-duty or an on-scene responder may activate the Emergency Operations Plan in response to a major emergency.

202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Oro Valley Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

202.3 LOCATION OF MANUALS

The manual for employees is available in Administration, the Sergeant's office and in Communications Bureau.

See attachment: Emergency Operations Plan 2012.pdf

202.4 PLAN REVIEW

At least once every two years the Department should conduct a review of the Emergency Operations Plan, incorporating a full or partial exercise, tabletop or command staff discussion.

202.5 PLAN TRAINING

The Department shall provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles police personnel will play when the plan is implemented.

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Training Policy

203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that meets or exceeds the standards of the Arizona Peace Officers Standards and Training Board's (AZPOST) continuing training, proficiency training and firearms qualifications requirements and that provides for the professional growth and continued development of its personnel. By doing so, the Department seeks to ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Department will use courses certified by the AZPOST or other regulatory or nationally recognized entities.

203.3 OBJECTIVES

The objectives of the training program are to:

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

(b) Increase the technical expertise and overall effectiveness of Department personnel.

(c) Provide for continued professional development of Department personnel.

(d) Assist in compliance with AZPOST rules and regulations concerning law enforcement training.

203.4 TRAINING NEEDS ASSESSMENT

The Professional Development and Training will conduct an annual training-needs assessment and complete a report of the training-needs assessment, including recommendations from the Training Committee. The report will be provided to the Chief of Police, the staff and the Training Committee. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the ensuing fiscal year.

203.5 TRAINING RECORDS

The Training Coordinator is responsible for the creation, filing and storage of all training records in compliance with AZPOST (AAC § R13-4-108(B)(6) and AAC § R13-4-111(A)(5) and (B)(5)). Training records shall be retained as long as the employee's personnel file is retained. If an officer satisfies the requirements for certification retention training from an outside provider, he/she shall provide the Training Coordinator with attendance verification and information that documents that the training meets AZPOST standards.

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To keep these records complete, each member shall advise of any training or education acquired, which has not been scheduled by or through the Training Coordinator.

Certificates, a PA3 form or a class roster must be provided to the Training Coordinator within five working days of returning from training.

The Travel and Expense Report shall be reviewed by the supervisor/sergeant and sent through the Chain of Command.

Access to training records will be available through the in-house Training Database. Printouts may be received by placing a request to the Training Coordinator.

203.6 TRAINING REQUESTS

With the exception of Advanced Officer Training, a Travel and Training form must be completed.

(a) All requests by members to attend seminars or schools shall be sent to the Training Coordinator via Chain of Command.

(b) The final decision concerning any training program, school, course or seminar, rests with the Chief of Police or designee. The Training Coordinator will complete the necessary paperwork.

(c) The Division Commander will forward all training request applications and the written justification, including denied requests, to the Training Coordinator for processing.

(d) The Training Coordinator will forward information to the selected member advising of location, date of training and additional information or specific directions, as required. The member's Chain of Command will also be notified of the selection.

(e) Members will be allowed reasonable travel time to all training located outside of Oro Valley.

203.7 ABSENCES

Officers will occasionally miss training due to legitimate reasons. It is the responsibility of the individual officer to submit a memo to the Training Coordinator, via chain of command, explaining the reason for the absence.

(a) The individual officer shall contact the Training Coordinator directly and schedule make-up session(s), as needed to maintain AZPOST certification, within 10 calendar days after returning to duty-available status.

(b) When an officer contacts the Training Coordinator, it will be the responsibility of the Training Coordinator to determine if any training deficiencies exist and to schedule a comparable training within 10 calendar days of that first contact.

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Career Development Policy

204.1 RESPONSIBILITY FOR TRAINING

The Training Section is responsible for notifying all personnel of the yearly elective training calendar, all specialized training and advanced training schools.

Training will be coordinated through the supervisor/sergeant and approved by the individual's chain of command and the Training Coordinator.

Department members are encouraged to provided ideas for training. Evaluation forms would be filled out and forwarded to the Training Coordinator whenever a member attends a class/school that is either extremely good or poor in quality to assist with future training considerations.

204.2 TYPES OF TRAINING

- AZPOST Mandated Training
- OVPD Mandated Training
- Basic Training
- Continuing Training
- Advanced Training
- Proficiency Skills Training
- Speciaty Training
- Reassignment Training
- Firearms Training (see Duty Firearms Policy)
- Simunitions Training

204.2.1 AZPOST MANDATED TRAINING

AZPOST training is tracked on a calendar year basis. The beginning date for tracking starts on January 1st following the date of the individual receipt of certification.

(a) For full-authority sworn members, eight hours of Continuous Training is required annually in one or more of the following topics:

- Criminal justice systems
- Law enforcement services
- Ethics and professionalism
- Management and supervision
- Law and legal matters
- Patrol procedures

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- Traffic enforcement and investigation
- Criminal investigation
- Community and police relations
- Records and reports

(b) For all sworn members below the rank of sergeant, eight hours of Proficiency Training is required every three years in one or a combination of the following topic areas:

- Defensive tactics
- Impact weapons training
- Tactical firearms (not firearms qualification)
- Emergency vehicle operations training
- First aid and emergency care
- Tactical operations
- Officer safety techniques
- High risk stops

(c) Annual firearms qualifications are mandated for all sworn members.

204.2.2 OVPD MANDATED TRAINING

(a) Annual firearms training

(b) Drivers training

(c) Defensive tactics training

(d) Tactical training

204.2.3 BASIC TRAINING

Basic Training is the initial training and education provided to all members of the Department to prepare them to perform the duties of their particular job.

(a) Sworn Members - All basic training shall be developed and coordinated through an AZPOST approved training academy.

(b) Civilian Members - The basic training of civilian members may be conducted within the member's sphere of employment, but shall be coordinated through and approved by the Division Commander.

204.2.4 CONTINUING TRAINING

Continuing Training is AZPOST approved advanced training derived from the following topic areas:

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- Search and seizure
- Officer survival
- Management and supervision
- Interviewing and interrogation
- Crime prevention
- Court decisions
- Arizona Revised Statutes
- New procedures and technology
- Other topics related to law enforcement

(a) The Training Coordinator shall schedule and coordinate continuing training. All such training shall be approved by the Chief of Police, as appropriate.

(b) The Training Coordinator is responsible for ensuring that assigned personnel attend all required continuing training.

(c) All sworn members shall complete at least eight hours of continuing training each calendar year.

204.2.5 ADVANCED TRAINING

Advanced training includes programs for patrol supervisors, detectives/investigators, police instructors, field training officers and special career development areas.

204.2.6 PROFICIENCY SKILLS TRAINING

Proficiency skills training involves all AZPOST mandated advanced training, including:

- Tactical firearms
- Defensive driving and pursuit operations
- Baton techniques
- Defensive tactics
- Tactical operations
- First aid

(a) The Training Coordinator shall schedule and coordinate proficiency skills training. All such training shall be approved by the Chief of Police, as appropriate.

(b) The Training Coordinator is responsible for ensuring that assigned personnel attend all required proficiency skills training.

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(c) The Training Coordinator will provide sworn personnel below the rank of Lieutenant with appropriate training. This training will include those subjects mandated by AZPOST and other subjects identified as recommended training.

(d) Sworn members below the rank of Lieutenant will attend all required in-service training. Lieutenants and above may attend any management training provided. In addition, Lieutenants will attend proficiency skills training appropriate to their assignment.

204.2.7 SPECIALTY TRAINING

Specialty training includes the following programs for: patrol supervisors, detectives, police instructors, field training officers, civilians and other special career development areas.

When possible, the Training Coordinator will utilize outside instructors or educational programs to present advanced course work.

204.2.8 REASSIGNMENT TRAINING

When a member's assignment changes, that member shall be provided with sufficient training to meet the responsibilities of his/her new position.

(a) Assignment to Non-Uniform or Non-Patrol Function

1. All members who are transferred to a non-uniform or non-patrol assignment will be trained in the duties of that assignment. Training will be the responsibility of the division under which the new assignment falls.

(b) Reassignment to Uniform Patrol

1. All members who are transferred from a non-uniform or non-patrol assignment shall be paired with a Field Training Coordinator in the division where they will be assigned for a period of re-familiarization with patrol procedures. The length of time for this retraining period may vary at the discretion of the Field Services Commander. This re-training period will allow the officer to become reacquainted with the role and expectations of uniform patrol.
2. Formal daily evaluations will not be completed unless performance issues dictate otherwise. Formal documentation will take place at the discretion of the Field Services Commander.

204.2.9 SIMUNITIONS TRAINING AND INSTRUCTING

The Training Coordinator is responsible for scheduling and/or coordinating all department Simunition trainings and Instructor Development classes.

Any instructor that uses Simunitions for department training is required to complete the 8-hour Simunition Instructor Development class. Instructors who employ Simunitions is required to ensure the training scenario(s) is job relevant and has clear/obtainable learning objectives. Prior to the training, all instructors will submit a copy of the Simunition Scenario Template for the training conducted to the Training Coordinator to keep on file.

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When conducting Simunition training, it is required that all participants have authorized head, throat and groin protection. All participants includes the instructor, safety officer, role players students and anyone who may be viewing the Simunition Training.

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Department Technology Use

205.1 PURPOSE AND SCOPE

This policy describes the use of Department computers, software and systems.

205.1.1 PRIVACY POLICY

Any employee utilizing any computer, electronic storage device or media, Internet service, telephone service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including as to the content of any such communications. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

205.2 DEFINITIONS

Definitions related to this policy include:

Computer System - Includes all computers (on-site and portable), hardware, software and resources owned, leased, rented or licensed by the Oro Valley Police Department that are provided for use by Department employees.

Hardware - Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Includes, but is not limited to, all computer programs and applications, including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Includes 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 or messages.

205.3 SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on Department computers or systems. A Department designee has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member of the agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee or related

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to the employee's duties, an alleged or suspected violation of any Department policy, request for disclosure of data, or a need to perform or provide an agency service.

205.4 AGENCY PROPERTY

All information, data, documents and other entries initiated on any of the agency's computers, whether downloaded or transferred from the original agency computer, shall remain the exclusive property of the Department and shall not be available for personal or non-Department use without the express written authorization of an employee's supervisor.

205.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software except for a single copy for backup purposes. To reduce the risk of an agency computer virus infection, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Department. If an employee must copy data onto a disk and download it on a non-Department computer, the employee shall scan the disk for viruses before reloading the data on a Department computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on Department premises or on a Department computer system. The Department and individuals can be subject to civil damages per title copied, along with criminal penalties including fines and imprisonment.

205.6 INTERNET USE

Access to Department technology resources including Internet access provided by, or through, the Department shall be used responsibility. Data stored on, or available through, Department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or Department business-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to Department use and that shall not be intentionally accessed include, but is not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files. No copyrighted and/or unlicensed software program files may be downloaded without authorization of the Information Technology (IT) Department or, when related to criminal investigations, the Chief of Police or a designee.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

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205.7 INTRODUCTION OF SOFTWARE

Introduction of software by users should only occur as a part of the automated maintenance or update process of Department or Town-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior authorization by the IT Department.

205.8 PROTECTION OF SYSTEMS, FILES AND EQUIPMENT

The Department recognizes the use of personal technology to enter into the Department system and for professional use. The protection of Department systems, files and equipment is applicable to personal devices.

All employees have a duty to protect the system and related systems and devices from physical and environmental damage, and are responsible for the correct use, operation, care and maintenance of the system. Employees shall report lost, stolen or compromised computers, mobile devices and passwords immediately.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason. Sharing of passwords and/or authentication tokens is not permitted.

205.9 CRIMINAL JUSTICE COMPUTER SYSTEMS CONFIDENTIALITY STATEMENT

(a) System Security - The criminal justice information stored and transmitted through local, state and federal law enforcement computer systems is sensitive, legally protected data. Access and disclosure is restricted to duly authorized criminal justice agencies on a need to know basis.

(b) System Discipline - Local, state and federal computer systems are to be used exclusively for the transmission of official transactions relevant to law enforcement operations. All transactions are logged, stored and reviewed. The use of these systems for personal information checks is not permitted and will not be tolerated. All transactions are covered by federal and state privacy laws and regulations and are closely monitored.

Access to law enforcement computer systems for personal or non-law enforcement use or disclosure is strictly prohibited. Any use or disclosure of information requested and/or received through any law enforcement computer system or database for purposes other than legitimate law enforcement inquiries is expressly prohibited. Any prohibited use or disclosure of information will be considered a violation of the policies, rules and procedures of this department and the respective local, state and federal computer systems and subject the violator to possible termination of employment and criminal prosecution.

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Electronic Mail

206.1 PURPOSE AND SCOPE

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

206.2 E-MAIL RIGHT OF PRIVACY

All e-mail messages, including attachments, transmitted over the Department computer network or accessed through a web browser accessing the Department system are considered Department records and, therefore, are the property of the Department. The Department has the right to access, audit and disclose for whatever reason, all messages, including attachments, transmitted or received through its e-mail system or placed into its storage.

Unless it is encrypted, the e-mail system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the e-mail system is not appropriate for confidential or personal communications. If a communication must be private, an alternative method to communicate the message should be used instead of e-mail. Employees using the Department e-mail system shall have no expectation of privacy concerning communications utilizing the system.

206.3 PROHIBITED USE OF E-MAIL

The Department e-mail system shall not be used for personal purposes unless that use is authorized in writing by the Chief of Police.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited, will constitute just cause for discipline.

E-mail messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users.

It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log onto the system. Users are required to log off the network or lock the workstation when their computer is unattended. This added security measure would minimize the misuse of an individual's email, name and/or password.

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206.4 MANAGEMENT OF E-MAIL

Because the email system is not designed for long-term retention of messages, email that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of email are solely responsible for the management of their mailboxes.

The Town's IT Department shall ensure that e-mail messages are retained pursuant to the Arizona Open Records Act (ARS § 39-101, et seq.).

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Administrative Communications

207.1 PURPOSE AND SCOPE

Administrative communications of this department are governed by the following policies.

207.2 MEMORANDUMS

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

207.3 CORRESPONDENCE

To ensure that the letterhead and name of the Department are not misused, all official external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Official correspondence and use of letterhead requires approval of a supervisor. Department letterhead may not be used for personal use or purposes.

Internal correspondence should use appropriate memorandum forms. These may be from line employee to employee, supervisor to employee or any combination of employees.

207.4 SURVEYS

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

207.5 OTHER COMMUNICATIONS

Departmental Directives and other communications necessary to ensure the effective operation of the Department shall be announced by the Chief of Police or a designee.

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Supervision Requirements

208.1 PURPOSE AND SCOPE

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

208.2 SUPERVISION REQUIREMENTS

Minimum staffing levels should result in the scheduling of at least one regular supervisor on-duty whenever possible. In order to accommodate training and other unforeseen circumstances, an officer may be used as a field supervisor in place of a field sergeant.

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Retired Officer Carrying Concealed Weapons

209.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Oro Valley Police Department identification cards under the Law Enforcement Officers' Safety Act (LEOSA) (18 USC § 926C).

209.2 POLICY

It is the policy of the Oro Valley Police Department to provide identification cards to qualified former or retired officers as provided in this policy.

209.3 LEOSA

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

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

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

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

(d) Has not entered into an agreement with this department where the officer acknowledges that 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.

209.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

209.3.2 AUTHORIZATION

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

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to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.

2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

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

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

(d) Not in a location prohibited by Arizona law or by a private person or entity on his/her property if such prohibition is permitted by Arizona law.

209.4 FORMER OFFICER RESPONSIBILITIES

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

209.4.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both 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 Department.

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

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

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

209.5 DENIAL, SUSPENSION OR REVOCATION

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

209.6 FIREARM QUALIFICATIONS

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

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Board of Inquiry

210.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review incidents that may be of concern to the Oro Valley Police Department.

210.2 BOARD OF INQUIRY

The Chief of Police may convene a Board of Inquiry under any circumstances in which an investigation may be needed to help review internal incidents of concern to the Oro Valley Police Department. Some examples in which a Board of Inquiry may be convened are:

- When a member is involved in a traffic collision while on duty.
- When any member is injured in the line of duty.
- Vehicle pursuit reviews.

The Chief of Police shall have the final authority whether to convene a Board of Inquiry and the scope of its inquiry.

210.2.1 COMPOSITION OF THE BOARD

The Chief of Police shall determine the composition of a Board of Inquiry.

210.3 REPORTING

The Board of Inquiry shall prepare a report summarizing their findings within a reasonable timeframe. This report shall be forwarded as directed by the Chief of Police.

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Chapter 3 - General Operations

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Use of Force

300.1 PURPOSE AND SCOPE

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

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

300.1.2 ELEMENTS OF FORCE

These elements need to be met prior to using any force.

(a) Ability: Does the Subject have the ability to carry out the act?

(b) Opportunity: Is the opportunity available?

(c) Jeopardy: You must be placed in jeopardy.

(d) Preclusion: Have you eliminated all lesser means of force?

300.1.3 SAFETY PRIORITIES

The Department's safety priorities are established as follows:

(a) Hostages

(b) Non-suspect civilians

(c) Police officers

(d) Suspect(s) (the person who is the focus of the police operation)

300.2 POLICY

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

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

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

300.2.1 DUTY TO INTERCEDE

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

300.3 USE OF FORCE

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

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

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

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

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer is justified in threatening or using force against another if, in making or assisting in making an arrest or detention or in preventing or assisting in preventing an escape after arrest or detention, such person uses or threatens to use physical force and all of the following exist (ARS § 13-409):

(a) A reasonable person would believe that such force is immediately necessary to effect the arrest or detention or prevent the escape.

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(b) The officer makes known the purpose of the arrest or detention or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested or detained.

(c) A reasonable person would believe the arrest or detention to be lawful.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

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

(j) Training and experience of the officer.

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

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

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

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

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

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have

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successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

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

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

(c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 CAROTID CONTROL HOLD

Carotid control techniques and similar neck restraints shall be considered deadly force. As such, their use is PROHIBITED except as authorized per Use of Deadly Force.

After application or attempted application of the carotid restraint, the officer shall inform any person receiving custody or any person placed in a position of providing care, that the individual has been subjected to the carotid restraint hold and whether the subject lost consciousness as a result.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

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

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

    1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

    2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer

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reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

300.4.2 WARNING SHOTS
Firearms shall not be discharged under the following circumstances:

(a) to fire warning shots

(b) to stop a fleeing suspect, unless the officer reasonably believes the suspect poses an imminent threat of death or serious physical injury to the officer or others if apprehension is delayed.

300.5 REPORTING THE USE OF FORCE

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

300.5.1 NOTIFICATION TO SUPERVISORS
Supervisory notification shall be made as soon as practicable by completing a Use of Force Report, following the application of force in any of the following circumstances:

- The force used causes any visual or apparent physical injury to the subject.
- The force used results in the claim of injury by the subject.
- The officer strikes the subject (ie. palm heel, punch, kick, baton strike).
- The force used results in a direct or indirect impact to the subject's head.
- An officer uses Oleoresin Capsicum spray.
- The officer discharges an electronic control device (drive stun or probe deployment).
- The officer discharges a flex baton.
- The officer discharges a firearm.
- The subject loses consciousness.
- Any use of force occurrence in which a supervisor instructs the officer to complete a use of force report.

300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained a non-superficial visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs

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of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

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

300.7 SUPERVISOR RESPONSIBILITY

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

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

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

(c) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

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

(e) Review and approve all related reports.

(f) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

300.8 TRAINING

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

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Use of Force Review Boards

301.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a process to review the use of force by employees of this department.

301.2 REVIEW BOARD

The Oro Valley Police Department is charged with the responsibility of objectively evaluating the use of force. It is the policy of this department to convene a Use of Force Review Board when the use of force by an employee results in great bodily harm or death to a person.

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

The Chief of Police may convene the Use of Force Review Board to investigate the circumstances surrounding any other incident.

301.2.1 COMPOSITION OF THE BOARD

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

- Command representative of each division
- Training Coordinator or subject matter expert
- Non-administrative supervisor

The senior ranking member not of the same division of the involved employee will serve as chairperson.

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

301.2.2 RESPONSIBILITIES OF THE BOARD

The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident. The board members may request that further investigation be completed and reports submitted for the board's review.

The board does not have the authority to recommend discipline. The board should not complete its deliberations until after the resolution and finalization of any criminal investigation, review of any prosecutorial body, filing of criminal charges or other prosecutorial-related action. The board should be provided all relevant available material from these actions for its consideration.

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If necessary, the board may also call persons to present information and may request that the involved employee appear before the board. The involved employees will be notified of the meeting of the board and may have a representative through all phases of the review process, pursuant to ARS § 38.1101.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee. Other members may provide questions to these members if necessary.

The review shall be based upon those facts which were reasonably believed by the officer at the time of the incident, applying legal requirements, Department policy and procedures, and approved training to those facts. Facts later discovered but unknown to the officer at the time, can neither justify nor condemn an officer's decision regarding use of force.

If it appears that the actions of the employee may result in criminal charges or disciplinary action by the Department, any interviews that may be conducted by the board will be in accordance with the Personnel Complaint Procedure Policy, the current memorandum of understanding and any applicable state or federal law. The board shall make a finding on the use of force and such finding will be limited to one of the following:

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

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

A finding will represent the consensus of the board. After the board has concluded, the board chairperson will submit written findings to the Chief of Police. The board's findings shall not be the basis for discipline.

The board may also determine from its investigation that additional or separate reports are warranted. The board chairperson will submit any such additional reports of the board to the Chief of Police. After review by the Chief of Police, a copy of the reports will be forwarded to the appropriate Division Commander for review and action.

After review by the Chief of Police it may be determined that additional actions are warranted, including investigations and training. The Chief of Police may direct that additional investigations be assigned, training developed or revised, and policy reviewed, as may be appropriate.

Should the Chief of Police determine that discipline be considered as a result of the board's findings, in conjunction with other information, a disciplinary process will be initiated consistent with ARS § 38.1101 and applicable memorandum of understanding.

A copy of the findings will be forwarded to the involved employee's Division Commander for review and action and as otherwise required when additional actions have been assigned by the Chief of Police.

At the conclusion of the review process, a copy of all relevant reports and information will be filed with the Chief of Police.

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Once the board has reached its specific finding, the Training Coordinator may convene a separate training committee to address training needs and recommendations for the Department, without specific reference to discussions of the incident that was considered by the board.

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Shooting Policy

302.1 PURPOSE AND SCOPE

The purpose of the shooting policy is to establish procedures for the use and reporting of incidents involving the discharge of firearms. This does not include the discharge of firearms when less-lethal munitions are used.

This policy is for internal use only and does not increase the civil or criminal liability of the Department and/or an officer in any way. Violations of this policy can only form the basis for administrative actions by the Department.

302.1.1 POLICY

It is the policy of this department to resort to the use of a firearm, when it reasonably appears to be necessary under the circumstances. Generally an officer may use deadly force against another when the officer reasonably believes that it is necessary (ARS § 13-410(C)):

(a) To defend him/herself or a third person from what the officer reasonably believes to be the use, or imminent use, of deadly physical force.

(b) To effect an arrest or prevent the escape from custody of a person the officer reasonably believes:

1. Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or threatened use of a deadly weapon.
2. Is attempting to escape by use of a deadly weapon.
3. The past or present conduct of the person indicates that the person is likely to endanger human life or inflict serious bodily injury to another unless he/she is apprehended without delay.
4. Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.

Where feasible, a warning should be given before an officer resorts to deadly force. A specific warning that deadly force will be used is not required by this policy; only that a warning be given if feasible.

Additionally, an officer is justified in threatening to use deadly physical force when and to the extent a reasonable officer believes it necessary to protect him/herself against another's potential use of physical force or deadly physical force (ARS § 13-410(D)).

302.1.2 WARNING SHOTS

Firearms shall not be discharged under the following circumstances:

(a) to fire warning shots

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(b) to stop a fleeing suspect, unless the officer reasonably believes the suspect poses an imminent threat of death or serious physical injury to the officer or others if apprehension is delayed.

302.1.3 MOVING VEHICLES
Firearms shall not be discharged at or from a moving vehicle.

This policy is not intended to restrict an officer's right to use deadly force directed at the operator of a vehicle when it is reasonably perceived that the vehicle is being used as a weapon against the officer or others. Unless it reasonably appears that it would endanger officers or the public, officers are expected to move out of the path of any approaching vehicle.

302.1.4 REPORT OF WEAPON DISCHARGE
Except during training or recreational use, any member who discharges a duty weapon negligently or intentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances reasonably permit. If on-duty at the time of the incident, the member shall file a written report at the end of shift. If off-duty, the report shall be made as directed by the supervisor but no later than the end of the next regularly scheduled shift.

302.2 DESTRUCTION OF ANIMALS
To stop a dangerous animal, officers may destroy an animal:

(a) When necessary to protect the safety of any animals or any person in imminent danger of being attacked, where the animal reasonably appears to pose an imminent threat to livestock or human safety and alternative methods to neutralize the threat are not reasonably available or would likely be ineffective.

(b) When necessary to protect the life or property of any person where an animal has recently attacked and alternative methods to neutralize the ongoing threat are not reasonably available or would likely be ineffective.

Under circumstances in which officers have sufficient advanced notice that a potentially vicious or dangerous domestic animal (e.g. dog) may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. fire extinguisher, less-than-lethal munitions, TASER®, oleoresin capsicum (OC) spray, coordination with animal control officer). Nothing in this policy shall prohibit any officer from resorting to deadly force to control a dangerous animal if the circumstances reasonably dictate that a contingency plan has failed or has become impractical.

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires an end to further suffering and pain, and where other dispositions are impractical. Injured domestic animals, wild animals or livestock should be euthanized after a reasonable search to locate the owner has been made.

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302.3 SCREENING TESTS

The Department may request an employee to submit to an intoxicant screening test if the employee, during the performance of his/her duties, discharges a firearm other than unintentionally. Screening shall be consistent with the drug and alcohol testing guidelines in the Alcohol and Drug Use Policy.

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Leg Restraint Device

303.1 PURPOSE AND SCOPE

The proper use and application of a leg restraint device can reduce the potential of injury and damage to property when dealing with violent or potentially violent persons. This section provides guidelines, policy and procedures for the proper use of these devices.

303.1.1 PHILOSOPHY

A leg restraint device is never to be used as punishment. It should only be used when an officer reasonably believes that it is necessary to augment other restraints while performing his/her lawful duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and reasonable force and to protect the public welfare requires a careful balancing of all human interests.

303.1.2 DEFINITION

Definitions related to this policy include:

Reasonable - An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented to the officer at the time of the incident.

Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation, must allow for the fact that police officers are often forced to make split-second decisions with limited information in circumstances that are tense, uncertain and rapidly changing.

303.2 USE OF FORCE POLICY

It is the policy of this department that an officer shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to accomplish a legitimate law enforcement purpose.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While the ultimate objective of every law enforcement encounter is to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

303.2.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

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

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(b) The officer's and subject's factors, including, but not limited to, age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and number of officers versus subjects.

(c) The influence of drugs or alcohol and the subject's mental capacity.

(d) The proximity of weapons.

(e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).

(g) The seriousness of the suspected offense or reason for contact with the individual.

(h) The training and experience of the officer.

(i) The potential for injury to citizens, officers and suspects.

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

(k) Whether the conduct of the individual being confronted no longer poses an imminent threat to the officer or others.

(l) The prior knowledge of the subject's propensity for violence.

(m) Any other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may affect that decision.

While various types and degrees of force exist, each officer is expected to use only that amount of force that reasonably appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Circumstances may arise in which officers reasonably believe that it would be impracticable or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practicable to improvise their response to rapidly unfolding conditions. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the extent that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

303.3 LEG RESTRAINT USE

When an officer encounters circumstances where it reasonably appears necessary to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only the restraint device approved by the Department shall be used, and only in the Department-approved manner for temporary immobilization of the legs. The RIPP Hobble is approved for use, as are the department restraint chairs.

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303.4 USE GUIDELINES

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

(a) If the officer and/or others are subject to a reasonably perceived risk of harm due to the behavior of a violent, resisting and/or attacking suspect.

(b) If it is reasonable to protect the suspect from his/her own actions that would place him/her in danger (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

The restraint shall be used only after a person has been handcuffed. The restraint shall be immediately removed, when, under the circumstances, it is no longer required.

303.5 PROCEDURE

The leg restraint device is designed to reduce the likelihood of injury to the restrained person or others, and to reduce the likelihood of property damage caused by the restrained person. It prevents him/her from using his/her legs in a manner likely to result in injury or damage. The restraint will only be used to bind and immobilize a person's legs. Only those officers trained in the use of the restraint are authorized to employ it on any person. The following guidelines shall be used when applying the restraint device:

(a) If practicable, the officer should notify a supervisor of the intent to apply the restraint. A supervisor shall be notified as soon as practicable after the application of the restraint.

(b) Once the person's legs have been bound, the safety clip of the restraint may be attached to the chain of the handcuffs, ensuring that enough slack is left to allow the person to sit in an upright position.

(c) Absent a medical emergency, the person being restrained shall remain restrained until the officer arrives at the jail or other facility, or the person no longer poses a threat.

(d) Once secured, the person should be placed in a seated or upright position and shall not be placed on his/her stomach for an extended period as this may potentially reduce the person's ability to breathe.

(e) The restrained person should be continuously monitored by an officer while in the restraint. The officer is to ensure the person does not roll onto and remain on his/her stomach.

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

(g) In the event that it appears reasonably necessary to hobble an individual in such a position that the restrained person's ability to sit upright is restricted, an officer should monitor the individual in an effort to minimize restricted breathing. The individual should be placed in an upright position as soon as it reasonably appears safe and practicable.

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303.6 MEDICAL CONSIDERATIONS

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control may be at an increased risk of sudden death and shall be examined by qualified medical personnel as soon as practicable. Medical personnel shall be advised of the relevant behavior of the subject.

Any individual exhibiting signs of distress shall be medically cleared prior to being brought to the jail for booking.

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

303.7 TRANSPORTING RESTRAINED PERSONS

When transporting a person who has been restrained, officers shall observe the following procedures:

(a) Restrained persons may be transported in a patrol unit. They should be seated in an upright position and secured by a seat belt. When the person cannot be transported in a seated position due to a medical condition, he/she should be taken by an ambulance/paramedic unit.

(b) When taken by an ambulance/paramedic unit, the restrained person should be accompanied by an officer. The transporting officer should inform medical personnel that positional asphyxia is a concern and that the person should remain in an upright position where practicable. If medical personnel determine that it is in the best interest of the restrained person to be transported while lying down, the person should be kept on his/her side or back with appropriate adjustments to restraints so that the person's arms are not pinned beneath them.

(c) Officers shall promptly inform the jail staff that, prior to arriving at the jail, a restraint device was used on the person.

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303.8 DOCUMENTATION

Any time the restraint device is used, the circumstances requiring its use shall be documented in the related report. The officer should also include:

(a) The amount of time the person was restrained.

(b) How the person was transported and the position of the person.

(c) Observations of the person's physical and physiological actions.

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

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Control Devices and Techniques

304.1 PURPOSE AND SCOPE

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

304.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Oro Valley Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

304.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

304.4 RESPONSIBILITIES

304.4.1 SERGEANT RESPONSIBILITIES

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

304.4.2 PROPERTY AND ID UNIT RESPONSIBILITIES

The Property and ID Unit 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 crime scene technician or the designated instructor for a particular control device. The inspection shall be documented.

304.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted

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

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

304.6 TEAR GAS GUIDELINES

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

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

304.7 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.

304.7.1 OC SPRAY

Uniformed personnel carrying OC spray shall carry the device in its holster. 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.

304.7.2 PEPPER PROJECTILE SYSTEMS

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

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

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used.

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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.

304.7.3 TREATMENT FOR OC 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.

304.8 POST-APPLICATION NOTICE

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

304.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

304.9.1 DEPLOYMENT AND USE

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

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

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

(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 officers.

(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.

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304.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

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

304.9.3 SAFETY PROCEDURES

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

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

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

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

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304.10 TRAINING FOR CONTROL DEVICES

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

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

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

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

304.11 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.

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Conducted Energy Device

305.1 PURPOSE AND SCOPE

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

305.2 POLICY

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

305.3 ISSUANCE AND CARRYING OF TASER (TM)

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

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

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

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

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

(a) All TASERs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER.

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

(d) Officers should not hold both a firearm and the TASER at the same time.

305.4 VERBAL AND VISUAL WARNINGS

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

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

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

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If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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

305.5 USE OF THE TASER

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

305.5.1 APPLICATION OF THE TASER

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

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

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

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

305.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or small children.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

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

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

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

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

305.5.3 TARGETING CONSIDERATIONS

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

305.5.4 MULTIPLE APPLICATIONS OF THE TASER

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

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

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

305.5.5 ACTIONS FOLLOWING DEPLOYMENT

Officers shall notify a supervisor of all TASER discharges. 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.

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305.5.6 DANGEROUS ANIMALS
The TASER 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.

305.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry Department TASERs while off-duty.

Officers shall ensure that TASERs 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.

305.6 DOCUMENTATION
Officers shall document all TASER 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 in the incident report.

305.6.1 USE OF FORCE REPORT
Items that shall be included in the Use of Force report are:

(a) The type and brand of TASER and cartridge and cartridge serial number.

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

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

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

(e) The range at which the TASER 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 officers sustained any injuries.

The Office of Professional Standards should periodically analyze the report forms to identify trends, including deterrence and effectiveness.

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

(a) Identification of all personnel firing TASERs

(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

305.7 SUPERVISOR RESPONSIBILITIES

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

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

305.8 TRAINING

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

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

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

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

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

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

The Training Coordinator should ensure that all training includes:

(a) A review of this policy.

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(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 TASER and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the TASER.

(h) TASER probe removal and after care procedure.

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Firearms

306.1 PURPOSE AND SCOPE

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

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

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

306.1.1 AUTHORIZATION TO CARRY FIREARMS

Only certified members who have met all state standards and have been authorized by the Chief of Police shall have the peace officer privilege to carry a firearm both on- and off-duty (ARS § 38-1113).

The Chief of Police or the authorized designee may deny the peace officer privilege to carry a firearm when:

(a) The officer is relieved of duty and is under a criminal or administrative investigation (ARS § 38-1113).

(b) When, in the judgment of the Chief of Police or the authorized designee, the officer exhibits any impairment, including any physical or mental impairment that would cause concern for the well-being of the officer, fellow members, this department or the public (ARS § 38-1113).

306.2 POLICY

The Oro Valley Police Department will equip its members with firearms to address the risks posed to the public and department members by violent and sometimes well-armed persons. The Department will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

Members shall only use firearms that are issued or approved by the Department and have been thoroughly inspected by the Firearms Subject Matter Expert. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized department range.

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

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306.3.1 HANDGUNS

The authorized Department-issued uniform handgun is the Glock Model 22 .40 Cal or the Glock 17 9mm.

Only issued or approved shotguns and rifles are authorized for on-duty use.

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

(a) Semi-Automatics: Service semi-automatics shall be limited to the following specifications:

1. The weapon has been properly inspected and certified as safe and is registered with the Department.
2. The officer has qualified with the weapon on the Department weapon's course.
3. A Department's Firearms Instructor certifies the officer as being capable of handling the weapon properly and safely.
4. A 45 caliber, 40 caliber or 9mm.
5. Magazine capacity of at least seven (7) rounds.
6. Equipped with at least three (3) safety features.

Plainclothes firearms shall be limited to the following specifications:

(a) Revolvers:

(a) Barrel length of not less than two (2) inches or more than four (4) inches.

(b) Capable of firing double action.

(c) Cylinder capacity of not less than five (5) rounds of ammunition.

(d) Capable of firing Department-issued .38 special ammunition.

(b) Semi-Automatics:

(a) 9mm caliber or larger.

(b) Magazine capacity of at least five (5) rounds.

(c) Others subject to approval by the Chief of Police.

306.3.2 SHOTGUNS

The Oro Valley Police Department may issue shotguns for official use.

When not deployed, the shotgun shall be properly secured in a locking weapons rack in the patrol vehicle with the magazine loaded, the action closed on an empty chamber, the trigger pulled to release the hammer and the safety in the safe position.

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306.3.3 PATROL RIFLES

The Department may issue shotguns for official use. The authorized department-issued patrol rifle is the 5.56mm (.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:

(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.

Any qualified officer 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 officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well. The rifle shall be equipped with a usable sling.

While on-duty and not in use, a cased rifle will be carried in the trunk of the patrol vehicle or in an appropriate rack. In vehicles not equipped with a separate trunk space, the cased rifle will be carried out-of-sight and not easily accessible to the public.

Officer assigned to a motorcycle wishing to carry a patrol rifle must meet / follow all the following additional conditions:

(a) Rifle must be carried in an approved rifle rack.

(b) Visual and recognizable markings shall be placed on the rifle sights following the intial zeroing and qualification of the rifle to ensure sights have not been tampered with.

(c) Rifles shall be field stripped and cleaned reqularly as part of motor maintenance.

(d) When carrying a rifle on a police motorcycle, the keys to the motorcycle shall not be left with the motorcycle at anytime outside of the assigned officer's presence.

306.3.4 PERSONALLY OWNED DUTY FIREARMS

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

(a) The firearm shall be in good working order.

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(b) The firearm shall be inspected by the Firearms Subject Matter Expert prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

(d) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Subject Matter Expert, who will maintain a list of the information.

(e) Rifles to be carried shall meet the following specifications:

1. The rifle must be 5.56mm.
2. The rifle shall have a magazine capactiy of at least five rounds. At least one extra magazine shall be carried with the rifle.
3. The rifle shall be equipped with a usable sling and iron or laser sights. Telescopic sights, such as AimPoint, Acog, Leupold, etc. will only be authorized for qualified officers that are certified by a Department Firearms Instructor as being capable of handling the weapon properly and safely.
4. The rifle shall be semi-automatic unless issued by the Department and a Department Firearms Instructor has qualified the member.
5. While on-duty and not in use, a cased rifle will be carried in the trunk of the patrol vehicle or in an appropriate rack. In vehicles not equipped with a separate trunk space, the cased rifle will be carried out-of-sight and not easily accessible to the public. The rifle shall be carried with a loaded magazine and empty chamber in an appropriate weapon case. Only Department-issued ammunition will be used.
6. The Chief of Police must authorize any exceptions to this rule in writing.

306.3.5 AUTHORIZED SECONDARY HANDGUN

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

(a) The handgun shall be in good working order.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

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

(e) The handgun shall be inspected by the Firearms Subject Matter Expert prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Ammunition shall be the same as department-issued. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.

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(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.

(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Firearms Subject Matter Expert, who will maintain a list of the information.

306.3.6 AUTHORIZED OFF-DUTY FIREARMS

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

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

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

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

(c) It will be the responsibility of the member to submit the firearm to the Firearms Subject Matter Expert for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Firearms Subject Matter Expert who will maintain a list of the information.

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

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

(f) Members shall provide written notice of the make, model, color, serial number and caliber of the firearm to the Firearms Subject Matter Expert.

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

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

(i) When armed, officers shall carry their Oro Valley Police Department identification cards under circumstances requiring possession of such identification.

306.3.7 AMMUNITION

Members shall carry only department-authorized ammunition. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Firearms Subject Matter Expert when needed, in accordance with established policy.

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

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306.4 EQUIPMENT

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

306.4.1 REPAIRS OR MODIFICATIONS

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

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

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

306.4.2 HOLSTERS

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

306.4.3 TACTICAL LIGHTS

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

306.4.4 OPTICS OR LASER SIGHTS

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

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

306.5 SAFE HANDLING, INSPECTION AND STORAGE

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

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

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Firearms Subject Matter Expert. Members shall not dry fire or practice quick draws on duty except under Firearms Subject Matter Expert supervision.

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

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

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jailor any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail to persons from outside agencies are responsible for ensuring firearms are not brought into the jail.

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

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

306.5.1 INSPECTION AND STORAGE

Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

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

306.5.2 STORAGE AT HOME

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

306.5.3 ALCOHOL AND DRUGS

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage (unless authorized as part of the officer's duties), taken any drugs or medication, has taken any combination thereof that would tend to adversely affect the member’s senses or judgment (ARS § 38-1113).

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306.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete the required training with their duty firearms. In addition to required training, all members will qualify at least annually with each firearm he/she is authorized to use.

Each firearms instructor shall meet the proficiency requirements in AAC § R13-6-701.

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

306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

Those who fail to meet minimum standards or qualify on their qualification shoot:

(a) The Training Section will provide remedial training and two other opportunities for the member to achieve a qualifying score that same day.

(b) If the member still does not qualify with his/her on-duty weapon, that member shall not carry that weapon, other than to transport it to and from an approved range for firearms practice. The Training Section, in conjunction with the affected member's Division will arrange remedial training at the next available opportunity. This will usually occur within 48 hours. Prior to attending remedial training, the member will be put on a temporary assignment which does not require the member to carry the weapon with which he or she did not qualify. If this occurs, it will be specifically addressed in the member's performance evaluation.

(c) If after the remedial training a member fails to qualify in one attempt, he/she will be considered ineligible for duty and shall be placed on leave without pay. At the member's discretion, he/she may use vacation or accumulated time in lieu of leave without pay.

(d) A member who is put on leave without pay or who uses vacation or accumulated time in lieu of leave without pay shall be given a maximum of four weeks during which time he/she must qualify on a final attempt in the presence of two Firearms Instructors. It will be the member's responsibility to make the necessary arrangements to complete the required qualification. On-duty time will not be used for this purpose, nor will overtime be authorized.

(e) Members who fail to demonstrate duty firearms proficiency as required by law, or who fail to qualify over five attempts will be relieved from field assignment and appropriate disciplinary action will follow, which may include termination (AAC § R13-4-109.01).

306.7 FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor as soon as circumstances permit. If the discharge results in injury or death to another person, additional statements and reports shall be made in accordance with the Officer-Involved Shootings and

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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 Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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

306.7.1 DESTRUCTION OF ANIMALS

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

In circumstances where there is sufficient advance notice that a potentially dangerous animal may be encountered, department members should develop reasonable contingency plans for dealing with the animal (e.g., fire extinguisher, TASER, 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.

306.7.2 INJURED ANIMALS

With the approval of a supervisor, a member may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

306.8 FIREARMS SUBJECT MATTER EXPERT DUTIES

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

The Firearms Subject Matter Expert has the responsibility of making periodic inspection of all duty firearms carried by members of this department to verify proper operation. The Firearms Subject Matter Expert has the authority to deem any department-issued or privately owned firearm unfit for service. The member will be responsible for all repairs to his/her personally owned firearm; it will not be returned to service until inspected by the Firearms Subject Matter Expert.

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

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The Firearms Subject Matter Expert shall complete and submit to the Training Coordinator 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 Department, a list of each member who completes the training. The Firearms Subject Matter Expert should keep accurate records of all training shoots, qualifications, repairs, maintenance or other records as directed by the Training Coordinator.

306.9 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Oro Valley Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer’s signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

(c) The Oro Valley Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Oro Valley Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer’s need to fly armed, must detail his/her itinerary and include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.

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

(f) It is the officer’s responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier’s check-in counter.

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

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(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager or other management representative of the air carrier.

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

306.10 CARRYING FIREARMS OUT OF STATE

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

(a) The officer shall carry his/her Oro Valley Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

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

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

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

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Officer-Involved Shootings and Deaths

307.1 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 as the result of an officer-involved shooting or dies as a result of other action of an officer.

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

307.2 POLICY

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

307.3 TYPES OF INVESTIGATIONS

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

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

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

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

(d) A civil investigation to determine potential liability.

307.4 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.

307.4.1 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

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

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

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307.4.2 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.

307.4.3 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Oro Valley Police Department would control the investigation if the suspect's crime occurred in Oro Valley.

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

307.5 THE INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting or death:

307.5.1 UNINVOLVED OFFICER RESPONSIBILITIES
Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved OVPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

307.5.2 SUPERVISOR RESPONSIBILITIES
Upon arrival at the scene, the first uninvolved OVPD supervisor should ensure completion of the duties as outlined above, plus:

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

    1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

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

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1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Incident Commander and Communications Bureau. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional OVPD members until properly relieved by another supervisor or other assigned personnel or investigator.

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

1. Each involved OVPD officer should be given an administrative order not to discuss the incident with other involved officers or OVPD members pending further direction from a supervisor.
2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

307.5.3 INCIDENT COMMANDER RESPONSIBILITIES

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

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

307.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Support Services Division Commander
- Outside agency investigators (if appropriate)
- Office of Professional Standards supervisor
- Risk management personnel
- Psychological/peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

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- County attorney

307.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

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

1. Involved OVPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
2. Requests from involved non-OVPD officers should be referred to their employing agency.

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

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

(d) A licensed psychotherapist shall be provided by the Department to each involved OVPD officer. A licensed psychotherapist may also be provided to any other affected OVPD members, upon request.

1. Interviews with a licensed psychotherapist will be considered privileged.
2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

(e) Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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

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

307.5.6 INVOLVED CIVILIANS

The following shall be considered for the involved civilian:

(a) Discussions with peer counselors are privileged under ARS 38-1108. Peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

(b) A psychologist or other psychotherapist shall be provided by the Department to each involved civilian or any civilian upon request.

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1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the civilian is fit for return to duty.
2. If an interview or session with a licensed psychotherapist takes place prior to the involved civilian providing a formal interview or report, the involved civilians 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.

307.6 CRIMINAL INVESTIGATION

This department may utilize an outside agency to conduct an independent criminal investigation into the circumstance of any officer-involved shooting involving injury or death.

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

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

(a) OVPD supervisors and Office of Professional Standards personnel should not participate directly in any voluntary interview of OVPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

307.6.1 REPORTS BY INVOLVED OVPD OFFICERS

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

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While the involved OVPD officer 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 OVPD officer of the right to consult with legal counsel prior to completing any such criminal report.

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

307.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

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

  1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

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

  1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

307.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Criminal Investigations Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Criminal Investigations Unit supervisor for approval. Privileged reports shall be

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

307.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with officer-involved shooting or death, this department will conduct an internal administrative investigation of the involved OVPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Office of Professional Standards and will be considered a confidential officer personnel file until the investigation is complete or the investigation has been discontinued (ARS § 38-1109).

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy).

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

    1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

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

    1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

    2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative collectively or in groups prior to being interviewed.

    3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.

    4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights, and ordered to

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provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (ARS § 38-1104).

5. The Office of Professional Standards shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

307.8 CIVIL LIABILITY RESPONSE

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

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

307.9 AUDIO AND VIDEO RECORDINGS

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

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

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

307.10 DEBRIEFING

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

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307.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

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

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (ARS § 38-1111).

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatcher's, other civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Office of Professional Standards personnel.

307.10.2 TACTICAL DEBRIEFING

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

307.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Incident Commander, Support Services Division Commander and Public Information Officer in the event of inquiries from the media.

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

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

307.12 REPORTING

If the death of an individual occurs in the Oro Valley Police Department jurisdiction and qualifies to be reported to the Department of Public Safety, the Field Services Division Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (ARS § 41-1750; AAC § R13-1-302).

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Vehicle Pursuits

308.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this policy is to minimize the potential for pursuit-related collisions. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (ARS § 28-624(A)).

308.1.1 PHILOSOPHY

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 risk to public safety created by vehicle pursuits, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a vehicle pursuit due to the risk involved. This includes circumstances where Department policy would permit the initiation or continuation of the pursuit. It is recognized that vehicle pursuits are not always predictable and decisions made pursuant to this policy will be evaluated according to the totality of the circumstances reasonably available at the time of the pursuit.

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officers conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances. An individual’s unreasonable desire to apprehend a fleeing suspect at all costs has no place in professional law enforcement.

308.2 DEFINITIONS

Definitions related to this policy include:

Vehicle Pursuit - An event involving one or more peace officers attempting to apprehend a suspect who is attempting to avoid arrest while operating a motor vehicle by using high speed or other evasive tactics, such as disregarding traffic warning signs, stop signs, red lights, driving off a roadway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer's signal to stop.

Terminate - to discontinue or stop chasing the fleeing vehicle.

Blocking or Vehicle Intercept - A slow-speed coordinated maneuver where two or more law enforcement 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 road block.

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.

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Pursuit Intervention Technique (PIT) - A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

Ramming - 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 - A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tire Deflation Device, Spikes or Tack Strips - A device that extends across the roadway and is designed to puncture the tires of the pursued vehicle.

308.3 OFFICER RESPONSIBILITIES

It is the policy of this department that a vehicle pursuit shall be conducted with at least one flashing red or red and blue warning lamp visible from the front and an audible siren activated on an authorized emergency vehicle (ARS § 28-624(C)).

The following policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway (ARS § 28-624(D)).

308.3.1 WHEN TO INITIATE A PURSUIT

Officers may declare a pursuit only if an alleged violent felony exists and/or allowing the suspect to flee would present a clear and present danger to human life or cause serious injury.

The following factors individually and collectively shall be considered in deciding whether to initiate or continue a pursuit:

(a) Seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others.

(c) Apparent nature of the fleeing suspect (e.g., whether the suspect represents a serious threat to public safety).

(d) The identity of the suspect has been verified and there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones) and the speed of the pursuit relative to these factors.

(f) Pursuing officer's familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher/supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

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(g) Weather, traffic and road conditions that unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders and hostages).

(k) Availability of other resources, such as aircraft assistance.

(l) The police unit is carrying passengers other than on-duty police officers. Pursuits shall not be undertaken with a prisoner in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the prisoner in transport. A unit containing more than a single prisoner shall not participate in a pursuit.

308.3.2 WHEN TO TERMINATE A PURSUIT

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

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ARS § 28-624(D)).

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public 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 vehicle.

Officers may declare a pursuit if an alleged violent felony exists and/or allowing the suspect to flee would present a clear and present danger to human life or cause serious injury.

In addition to the factors listed above, the following factors should be considered when deciding whether to terminate a pursuit:

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

(b) The pursued vehicle’s location is no longer definitely known.

(c) The officer’s pursuit vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

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(d) The pursuit vehicle suffers an emergency equipment failure that causes the vehicle to no longer qualify for emergency operation use (ARS § 28-624(B)(4)).

(e) The hazards to uninvolved bystanders or motorists.

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

(g) When directed to terminate the pursuit by a supervisor.

(h) Once terminated, all ground units shall immediately deactive their emergency equipment and not attempt to reengage the suspect's vehicle, follow the suspect's vehicle or keep it in sight without on air supervisor approval.

308.3.3 SPEED LIMITS

The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle (ARS § 28-624(B)(3)).

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

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

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

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

308.4 PURSUIT UNITS

Pursuit Units include primary, secondary and support units. The number of units involved will vary with the circumstances.

All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

Distinctively marked patrol vehicles should replace unmarked vehicles involved in a pursuit whenever practicable.

308.4.1 MOTORCYCLE OFFICERS

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

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308.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit. The Officer in such vehicles may provide support to pursuing units as long as the vehicle is operated in compliance with all traffic laws.

308.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons. The primary unit shall terminate contact with the fleeing vehicle if an authorized pursuit is not justified pursuant this policy.

The primary unit should notify Communications Bureau, commencing with a request for priority radio traffic, that a vehicle pursuit has been initiated, and as soon as practicable provide information including, but not limited to:

(a) Reason for the pursuit.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

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

(e) Number of occupants.

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

(g) Weather, road and traffic conditions.

(h) Identity of other agencies involved in the pursuit.

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

Unless relieved by a supervisor or secondary unit, the officer in the primary unit shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary unit should relinquish the responsibility of broadcasting the progress of the pursuit to a secondary unit or aircraft joining the pursuit to minimize distractions and allow the primary unit to concentrate foremost on safe pursuit tactics.

308.4.4 SECONDARY UNIT RESPONSIBILITIES

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

(a) Immediately notifying the dispatcher of entry into the pursuit.

(b) Remaining at a safe distance behind the primary unit unless directed to assume the role of primary officer, or if the primary unit is unable to continue the pursuit.

(c) Broadcasting the progress of the pursuit unless the situation indicates otherwise.

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(d) Serving as backup to the primary unit once the subject has been stopped.

308.4.5 PURSUIT DRIVING TACTICS

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

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

(b) Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation (ARS § 28-624(B)(2)).

(c) In the event the pursued vehicle travels the wrong way on a divided roadway, the following tactics should be considered:

  1. Requesting assistance from an available air unit.
  2. Pursue vehicle while paralleling on the correct side of the roadway.
  3. Requesting other units to observe exits available to the suspect.

(d) Notify the appropriate law enforcement agency if it appears the pursuit may enter their jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

308.4.6 SUPPORT UNITS RESPONSIBILITIES

A support unit is any vehicle involved in the prusuit that is not the primary or secondary unit. Support units may overtake the pursuit using alternate routes with emergency equipment for the purpose of the following:

- clearing intersections,
- deploying tire deflation devices and/or
- cover escape routes.

308.4.7 PURSUIT TRAILING

In the event that the initiating unit from this agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, remain involved in the pursuit to the termination point in order to provide necessary information and assistance for the arrest of the suspect.

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308.4.8 AIRCRAFT ASSISTANCE

When available, aircraft assistance should be requested. Once the air unit has established visual contact with the pursued vehicle, it should assume control over the pursuit. The primary and secondary ground units should consider whether the participation of an aircraft warrants their continued involvement in the pursuit.

The air unit may coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit.

308.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

It is the policy of this department that available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

The field supervisor of the officer initiating the pursuit, or if unavailable, the nearest field supervisor will be responsible for the following:

(a) Upon becoming aware of a pursuit, immediately notify involved officers and Communications Bureau of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established Department guidelines.

(b) Engage in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercise management and control of the pursuit even if not engaged in it.

(d) Ensure that no more than the number of required law enforcement units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Direct that the pursuit be terminated if, in his/her judgment, it is not justified to continue the pursuit under the guidelines of this policy.

(f) Ensure that aircraft assistance is requested if available.

(g) Ensure the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this agency.

(h) Control and manage OVPD units when a pursuit enters another jurisdiction.

308.5.1 SERGEANT RESPONSIBILITIES

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

The Sergeant shall review all pertinent reports for content and forward them through the chain of command.

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308.6 COMMUNICATIONS

Radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher.

308.6.1 COMMUNICATIONS BUREAU RESPONSIBILITIES

Upon notification that a pursuit has been initiated, Communications Bureau will be responsible for the following:

(a) Coordinating pursuit communications of the involved units and personnel.

(b) Notifying and coordinating with other involved or affected agencies as practicable.

(c) Ensuring that a field supervisor is notified of the pursuit.

(d) Assigning an incident number and log all pursuit activities.

(e) Broadcasting pursuit updates as well as other pertinent information as necessary.

308.6.2 LOSS OF PURSUED VEHICLE

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

308.7 INTERJURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

308.7.1 OTHER JURISDICTIONS INVOLVED IN A PURSUIT

If only one unit from another jurisdiction is involved in a pursuit within the Town of Oro Valley, OVPD units may act as secondary units, with the permission of the supervisor. The supervisor shall determine the cause of pursuit and terminate OVPD involvement if it is not within Department policy.

Officers assisting another jurisdiction's pursuit will not continue beyond the Oro Valley town limits unless authorized to do so by the supervisor.

Before entering another jurisdiction, dispatchers shall advise the jurisdiction of the pursuit for information purposes and possible assistance.

308.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, boxing a stationary vehicle, ramming or roadblock procedures.

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308.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

It is imperative that officers act within legal bounds using good judgment and accepted practices.

308.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers shall not utilize firearms during an ongoing pursuit to disable a vehicle (i.e. shooting tires) without supervisor approval. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

308.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(b) STOP Stick Devices may be used to disable a vehicle involved in an authorizedpursuit or to disable a vehicle fleeing from law enforcement. STOP Stick Devices may be deployed after receiving authorization from a supervisor.

1. All marked patrol vehicles will be equipped with STOP Stick Tire Deflation Devices.
2. When setting up a roadblock to deploy a STOP Stick device:
    (a) Locate your vehicle in one lane of traffic with the emergency equipment activated.
    (b) Deploy the STOP Stick devices in the remaning lanes in either deployment method:
        1. DO NOT WRAP THE CORD REEL LINE AROUND ANY PART OF YOUR BODY AT ANY TIME!
        2. Method # 1: If time allows, it is permissible to pre-stage the STOP stick device opposite your position of safety, with the cord extended

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across roadway. Hold cord reel low to the ground ensuring cord lies flat on roadway. When target vehicle approaches, pull STOP stick device into roadway, in front of target vehicle. Once target vehicle drives across, the STOP stick shall be pulled from roadway.

3. Method # 2: From your position of safety, STOP sticks may be deployed in a tactical manner by throwing them directly in front of the target vehicle. Once the target vehicle strikes the STOP stick, the STOP stick shall be immediately pulled from the roadway.

(c) After deploying the STOP Stick, position yourself in a safe location away from the point of contact between the target vehicle and the deployed STOP Sticks.

(c) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

308.8.4 CAPTURE OF SUSPECTS

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

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

308.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations.

(a) The primary officer shall complete appropriate crime/arrest reports.

(b) The supervisor shall complete the appropriate pursuit report. The pursuit report shall briefly summarize the pursuit to the Chief of Police or a designee. The report should minimally contain the following information:

1. Date and time of pursuit.
2. Length of pursuit in distance and time.
3. Involved units and officers.
4. Initial reason and circumstances surrounding the pursuit.
5. Starting and termination points.
6. Alleged offense, charges filed or disposition: arrest, citation or other release.
7. Arrestee information should be provided if applicable.

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8. Injuries and/or property damage.
9. Medical treatment.
10. The outcome of the pursuit.
11. Name of supervisor handling or at the scene.

(c) After receiving copies of reports, logs and other pertinent information, the Chief of Police or a designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.

(d) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

308.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed non-exempt employees will participate in regular and periodic Department training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (AAC § R13-4-111(B)(2)(b)(iv)).

308.9.2 POLICY REVIEW

Certified members of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.

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Officer Response to Calls

309.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

309.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (ARS § 28-624(B)).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ARS § 28-624(B)). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Arizona motor vehicle laws.

Officers should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not responding as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

309.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

309.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Sergeant or the field supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

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309.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency call response to any call is appropriate, the officer shall immediately notify dispatch.

The Sergeant or field supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

309.5 RESPONSIBILITIES OF RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call officers may (ARS § 28-624(B)):

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the prima facie speed limits if the driver does not endanger life or property.

(c) Disregard laws or rules governing the direction of movement or turning in specified directions.

(d) Disregard regulations governing parking or standing when using a warning lamp.

Continuing an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Communications Bureau. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, an officer shall immediately give the location from which he/she is responding.

309.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

(a) Attempt to assign the beat unit closest to the location requiring assistance.

(b) Confirm the location from which the unit is responding.

(c) When required or requested, notify and coordinate outside emergency services (e.g., fire and ambulance).

(d) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

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(e) Control all radio communications during the emergency and coordinate assistance under the direction of the field supervisor or incident commander.

309.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the field supervisor or incident commander 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 practicable.

The field supervisor shall, whenever practicable, 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 an emergency response, the supervisor may do so.

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the field supervisor or incident commander should consider the following:

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

309.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly (ARS § 28-624(C)).

The officer shall notify the Sergeant, field supervisor or Communications Bureau of the equipment failure so that another unit may be assigned to the emergency response.

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Priority / Response Levels Guidelines

310.1 PURPOSE AND SCOPE

The following is a guideline for prioritizing the law enforcement level of response. This guideline should be used to assist the call taker and the radio dispatcher in determining the priority of a call based on the nature of the events occurring.

310.2 DEFINITIONS

Definitions related to this policy include:

Pre-Dispatch Time - The time from when the call taker answers the telephone to the dispatch of a unit to the call.

Travel Time - The time from the dispatch of a unit to a call to the first unit arriving on scene.

Total Response Time - The time from when the call taker answers the telephone to the first unit arriving on scene.

310.3 PRIORITY LEVELS

310.3.1 PRIORITY 1 - EMERGENCY RESPONSE

An incident involving a serious threat to life where injury has occurred or is imminent. A serious offense is in progress or has recently occurred and the immediate response by a field unit is critical.

Pre-dispatch: 1 min

Travel: 4 min

Total Response: 5 min

310.3.2 PRIORITY 2 - CRITICAL RESPONSE

An incident posing a danger to life or the high potential for a threat to life to develop or escalate. This response may also include significant property crimes where a rapid response is needed because the incident is in progress or has recently occurred. A quick response by a field unit may significantly affect the outcome of the incident.

Pre-dispatch: 2 min

Travel: 6 min

Total Response: 8 min

310.3.3 PRIORITY 3 - GENERAL RESPONSE

Other crimes or matters requiring a police response. A small delay will not significantly affect the outcome of the incident.

Pre-dispatch: 5 min

Travel: 10 min

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Total Response: 15 min

310.3.4 PRIORITY 4 - ROUTINE RESPONSE
Routine calls for service or matters requiring a police response but a delay will not significantly affect the outcome of the incident.

Pre-dispatch: 10 min

Travel: 20 min

Total Response: 30 min

310.3.5 PRIORITY 6 - INFORMATION RESPONSE
An information report or information for broadcast. Field units are not specifically assigned to this type of call for most circumstances.

310.3.6 PRIORITY 7 - ON SIGHT ACTIVITY
An incident is generated for an officer's on-sight or self generated activity.

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Canines

311.1 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 (ARS § 11-1025).

311.2 POLICY

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

311.3 ASSIGNMENT

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

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time and then only with the approval of the Sergeant.

311.4 CANINE COORDINATOR

The canine coordinator shall be appointed by and directly responsible to the Special Operations Lieutenant.

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.

Ensuring the canine teams are scheduled for regular training to maximize their capabilities.

311.5 REQUESTS FOR CANINE TEAMS

Department members are encouraged to request the use of a canine teams.

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311.5.1 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.

311.5.2 OUTSIDE AGENCY REQUEST

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

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable.

(c) It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

311.6 APPREHENSION GUIDELINES

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

(a) There is a reasonable belief the suspect poses an imminent threat of violence or danger to the public, any officer or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

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

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

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

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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.

311.6.1 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 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.

311.6.2 REPORTING DEPLOYMENTS, BITES AND INJURIES

Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in a use of force report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

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

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.

Canines used by law enforcement agencies are generally exempt from impoundment and reporting requirements, however the county enforcement agent shall be notified if the canine exhibits any abnormal behavior and will be made available for an examination (ARS § 11-1014(J)). A bite number from Pima County Animal Control shall be obtained.

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311.6.3 PREPARATION FOR DEPLOYMENT

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

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect's known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

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

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

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

311.7 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 officers, the canine or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

(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.

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311.7.1 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.

311.7.2 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.

311.7.3 BOMB/EXPLOSIVE DETECTION

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

(a) Assisting in the search of a building, structure, area, vehicle or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.

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

311.8 HANDLER SELECTION

The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.

(b) Residing in an adequately fenced, single-family residence (minimum 5-foot high fence with locking gates).

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311.9 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 a handler is off-duty for an extended number of days, the assigned canine vehicle should be stored at the Oro Valley Police Department facility.

(d) Handlers shall permit the canine coordinator or Special Operations Lieutenant to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.

(e) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator and Special Operations Lieutenant as soon as possible.

(f) The canine should be permitted to socialize in the home with the handler's family.

(g) Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or Special Operations Lieutenant.

(h) 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 the on-duty supervisor.

(i) 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.

311.9.1 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 dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

311.10 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the Department.

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the memorandum of understanding (29 USC § 207).

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311.11 RETIREMENT OF CANINES

(a) Department canines will be retired when they are no longer physically or medically able to function as a police service canine or the Chief of Police makes that decision.

(b) Department canines may be retired to the handler unless the handler does not want to keep the canine.

(c) Any other person may take ownership of a retired canine with the approval of the Chief of Police.

(d) The handler, or any person who takes ownership of a retired department canine, will be required to sign a release accepting all responsibility for the canine.

311.12 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 Special Operations Lieutenant 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 by the Department.

311.13 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current nationally recognized standards or other recognized and approved certification standards. 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.

All canine training should be conducted while on-duty unless otherwise approved by the canine coordinator or Special Operations Lieutenant.

311.13.1 CONTINUED TRAINING

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

(a) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(b) 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 this department.

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311.13.2 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.

311.13.3 TRAINING RECORDS

All canine training records shall be maintained by the canine handler.

311.13.4 TRAINING AIDS

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

311.13.5 CONTROLLED SUBSTANCE TRAINING AIDS

Officers acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with the Arizona Uniform Controlled Substances Act and federal laws (21 USC § 823(f); ARS § 36-2522(C)).

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

As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from other law enforement agencies.

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

311.13.6 CONTROLLED SUBSTANCE PROCEDURES

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

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected regularly.

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(e) All controlled substance training samples will be stored in locked, airtight and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler's assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and ID Unit or to the dispensing agency.

(h) All controlled substance training samples shall be destroyed when deemed no longer usable for training purposes. The decision to destroy controlled training substances will be made by the canine coordinator and reported to the Special Operations Lieutenant.

311.13.7 EXPLOSIVE TRAINING AIDS

Officers may possess, transport, store or use explosives or destructive devices in compliance with state and federal laws (18 USC § 842; 27 CFR 555.41; ARS § 13-3103).

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 to verify the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.

(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

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Domestic Violence

312.1 PURPOSE AND SCOPE

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

312.1.1 DEFINITIONS

Definitions related to this policy include:

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

312.2 POLICY

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

312.3 OFFICER SAFETY

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

312.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

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(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 Criminal Investigations Unit in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) When appropriate, officers should question involved parties and witnesses regarding the presence of firearms. Any firearms discovered in plain view or pursuant to a consent to search should be temporarily seized for safekeeping if the officer reasonably believes that the firearm presents a risk of serious bodily injury or death if left on the premises (ARS § 13-3601).

    1. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties have independently committed an act of domestic violence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

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

    1. Relationship of suspect and victim.
    2. Whether the suspect lives on the premises with the victim.
    3. Claims by the suspect that the victim provoked or perpetuated the violence.
    4. The potential financial or child custody consequences of arrest.
    5. The physical or emotional state of either party.
    6. Use of drugs or alcohol by either party.
    7. Denial that the abuse occurred where evidence indicates otherwise.
    8. A request by the victim not to arrest the suspect.

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

312.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

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

312.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

312.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's Domestic Violence / Victim Rights Information Form, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

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(h) Seek or assist the victim in obtaining an emergency order if appropriate.

(i) Conduct the lethality assessment program interview and notification when appropriate.

312.6 FOREIGN COURT ORDERS

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

312.7 VERIFICATION OF COURT ORDERS

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

312.8 LEGAL MANDATES AND RELEVANT LAWS

Arizona law provides for the following:

312.8.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An officer should arrest a person if the officer has probable cause to believe that the person to be arrested has committed an act of domestic violence, whether or not the offense was committed in the presence of the officer (ARS § 13-3601(B)). A decision to not make an arrest requires the review and authorization of a supervisor.

(b) An arrest of a person who is 15 years of age or older shall be made in a domestic violence incident involving the infliction of physical injury or involving the discharge, use or threatened exhibition of a deadly weapon or dangerous instrument unless the officer has reasonable

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grounds to believe that the circumstances at the time are such that the victim will be protected from further injury (ARS § 13-3601(B)). A decision to not make an arrest in these circumstances requires the review and authorization of a supervisor.

(c) In order to arrest both parties, an officer must have probable cause to believe that both parties independently have committed an act of domestic violence (ARS § 13-3601(B)).

(d) Officers should not arrest a person for domestic violence when there is reason to believe the act in question qualifies as self-defense and is justified under Chapter 4 of Title 13 of the Arizona Revised Code (ARS § 13-3601(B); ARS § 13-401 et seq.).

(e) A person arrested for domestic violence shall not be released in the field by citation. A physical arrest and booking is required (ARS § 13-3601(B)).

(f) An officer should arrest a person if there is probable cause to believe the person has disobeyed or resisted an order issued in any jurisdiction in this state pursuant to ARS § 13-3602(N) whether or not such violation occurred in the officer's presence.

(g) Emergency Orders of Protection issued under ARS § 13-3624 shall be enforced (ARS § 13-3624(H)).

(h) Whenever a defendant arrested for violating a court order is released from the custody of this department, the releasing officer shall make reasonable efforts to contact the victim or others listed in an order of protection who requested notification upon release of the defendant (ARS § 13-3602(O)).

312.8.2 REPORTS AND RECORDS

(a) If a firearm is seized, the officer shall give the owner or possessor of the firearm a receipt for each seized firearm, which indicates the identification or serial number or other identifying characteristic of each seized firearm (ARS § 13-3601).

(b) An officer investigating a violation of a court order shall ensure any report is forwarded to the appropriate prosecuting agency (ARS § 13-3602(N)).

312.8.3 SERVICE OF COURT ORDERS

(a) An officer should serve orders for protection issued under ARS § 13-3602 and give it priority over other calls for service that do not involve an immediate threat to a person's safety (ARS § 13-3602(R) and AZ ST RPOP Rule 1).

(b) When an officer has reasonable grounds to believe that a victim is in immediate and present danger of domestic violence, the officer may seek and serve an emergency protective order (ARS § 13-3624).

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Search and Seizure

313.1 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 Oro Valley Police Department personnel to consider when dealing with search and seizure issues.

313.2 POLICY

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

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

313.3 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 a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Terry pat

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

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

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

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313.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

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

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. This policy is not intended to delay a frisk for weapons when an officer believes he/she may be in danger. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

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

313.5 DOCUMENTATION

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

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

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

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Temporary Custody of Juveniles

314.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Oro Valley Police Department.

314.2 DEFINITIONS

Definitions related to this policy include:

Adult - A person who is 18 years of age or older (ARS § 8-201(3)).

Child or Juvenile - A person who is under the age of 18 years (ARS § 8-201(6)). For purposes of this policy, it does not include children under the age of 8.

Delinquent Juvenile - A child who is adjudicated to have committed a delinquent act (ARS § 8-201(11))

Guardian - A person, other than a parent or a state or local agency, who is legally responsible for the care, custody or support of a child.

Parent - A natural parent, adoptive parent or stepparent.

314.3 AUTHORITY TO DETAIN

Officers are required or permitted to take juveniles into custody under the following circumstances:

314.3.1 REQUIRED CUSTODY

An officer shall take into temporary custody:

(a) A juvenile pursuant to an order of the juvenile court (ARS § 8-303(B)(1)).

(b) A juvenile pursuant to a warrant (ARS § 8-303(B)(2)).

(c) A juvenile who has committed a criminal act or a delinquent act, which, if committed by an adult, would be a felony or breach of the peace (ARS § 8-303(D)(1)).

(d) A juvenile who has been apprehended in the commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or who was apprehended in fresh pursuit after the commission of these acts (ARS § 8-303(D)(2)).

314.3.2 PERMITTED CUSTODY

An officer may take into temporary custody:

(a) A juvenile who the officer has reasonable grounds to believe has committed a delinquent act or who is incorrigible (ARS § 8-303(C)(1)).

(b) A juvenile who the officer has reasonable grounds to believe has run away from the his/her parents, guardian or other custodian (ARS § 8-303(C)(2)).

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An officer may consider as a mitigating factor in a permitted custody decision the participation of the parent, guardian or custodian in the healthy families program (ARS § 8-303(G)).

314.4 TEMPORARY CUSTODY

A juvenile taken into custody shall be processed and a final disposition completed without undue delay and not longer than six hours.

When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the investigator assigned to the case:

(a) Once the detained juvenile has been placed in secure or nonsecure custody, complete the Juvenile Detention Log.

(b) Without undue delay, notify the juvenile's parent, guardian or a responsible relative that such juvenile is in custody. Provide the location where the juvenile is being held or transferred, whether the complaint will be sent to the juvenile court and the intended disposition (see generally ARS § 8-307(B).

(c) Submit a completed report to the Sergeant for approval (see generally ARS 8-304).

(d) Status offenders, runaways, abused or neglected children may not be detained in jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with in-custody adults at the station.

314.4.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held into temporary custody may have the following made available to them:

(a) Reasonable access to toilets and washing facilities.

(b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, jailer or as directed by a supervisor.

(c) Access to drinking water.

(d) Privacy during visits with family, guardian or lawyer.

314.4.2 NON-CONTACT REQUIREMENTS

Juveniles and adults shall be kept in physically separate sections of the facility and there shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners except as provided in ARS § 8-305 (ARS § 8-303(A)).

Contact between juveniles in temporary custody, both secure and nonsecure, and adult prisoners shall be restricted as follows:

(a) There will be no communication and no sight or sound contact between the juvenile and adult prisoners (ARS § 8-305(B)).

(b) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:

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1. Booking.
2. Medical screening.
3. Movement of persons in custody within the Oro Valley Police Department.

314.5 TYPES OF CUSTODY

The following provisions apply to types of custody and detentions of juveniles brought to the Oro Valley Police Department. Any juvenile who by his/her conduct endangers or could endanger other detained juveniles shall be kept separate and shall not be allowed to intermingle in the facility (ARS § 8-305(E)).

314.5.1 NON-SECURE CUSTODY

All juveniles alleged to be delinquent or incorrigible, may be temporarily detained in the police facility for up to six hours to await transportation. However, the custody must be non-secure (ARS § 8-305(D)).

Nonsecure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed but not to a stationary or secure object. Juveniles shall receive constant in-person visual supervision by law enforcement personnel. Monitoring the juvenile using audio, video or other electronic devices does not replace constant in-person visual supervision.

314.5.2 SECURE CUSTODY

A juvenile who is accused of a criminal offense or who is alleged to be delinquent may be held in secure detention to await transportation provided:

(a) The juvenile is taken into custody on the basis of having committed a criminal law violation.

(b) The juvenile's detention at this facility does not exceed six hours from the time of arrival at the police station when both secure and nonsecure time is combined.

(c) Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents or arrange transfer to a juvenile detention facility or juvenile court.

(d) The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors to consider include:

1. Age, maturity and delinquent history of juvenile.
2. Severity of the offense for which the juvenile was taken into custody.
3. The juvenile's behavior, including the degree to which the juvenile appears to be cooperative.
4. Availability of the staff to provide adequate supervision or protection of the juvenile.
5. The age, type and number of other individuals detained at the facility.

All other conditions for the secure detention of juveniles must also be met.

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314.5.3 FORMAL BOOKING

Juveniles may be booked giving due consideration to the following:

(a) The gravity of the offense.

(b) The past record of the offender.

(c) The age of the offender.

314.5.4 DISPOSITIONS

Juveniles taken into temporary custody pursuant to ARS § 8-303(D) may only be released to the juvenile court, juvenile detention facility, parent, guardian or custodian (ARS § 8-303(E)).

Other appropriate juvenile dispositions, as required or allowed by law, may include:

(a) If the juvenile is going to be transported to the juvenile court or designated juvenile detention facility, it must be done without delay.

(b) Any juvenile not transferred to a juvenile detention facility or released as above, shall be released to one of the following:

1. Parent or legal guardian.
2. An adult member of his/her immediate family.
3. A responsible adult person specified by the parent/guardian.
4. Any responsible adult person willing to sign a parent / paper referral and accept responsibility when the juvenile's parents are unavailable, as approved by the Sergeant.

(c) After an officer has taken a juvenile into temporary custody for a violation of law, the following disposition, if allowed by law, is authorized:

1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken. The juvenile will then be released to a responsible person as described above.

314.6 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers shall make contact with school administration or School Resource Officer first, prior to attempting to locate a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low-profile law enforcement presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a student on campus, the officers should:

1. Refer to the school's School Resource Officer.
2. Follow the guidelines of the school's policy.

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3. If contacted, the selected parent or other responsible adult and school official shall be permitted to be present during any interview unless it would cause an unreasonable delay in the investigation.
    (a) An adult suspected of child abuse or other criminal activity involving the student, or an adult who, in the opinion of the officer, appears to be under the influence of alcohol or drugs or is otherwise unable or incompetent to exercise parental rights on behalf of the student, will not be permitted to be present.
    (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the student, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.
        1. If circumstances dictate the necessity to interview a student without a school official, the student will be taken into custody by the investigating officer.
    (c) Any student who is a suspected victim of child or sexual abuse shall be referred to the detective sergeant for proper course of investigation.

Absent exigent circumstances or authority of a court order, officers should not involuntarily detain a juvenile who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam. In all such cases officers should adhere to guidelines and requirements set forth in the Child Abuse Reporting Policy.

314.7 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

314.7.1 RELEASE OF INFORMATION TO OTHER AGENCIES

Arizona law authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate detective supervisor to ensure that personnel of those bureaus act within legal guidelines.

314.8 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

314.8.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or nonsecure custody, the paramedics will be called. The supervisor shall be notified of the need for medical attention for the juvenile.

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In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as reasonably possible:

(a) The juvenile court.

(b) The parent, guardian or person standing *in loco parentis* of the juvenile.

314.8.2 DEATH OF A JUVENILE WHILE DETAINED

The County Attorney and the Medical Examiner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Support Services Division Commander or a designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Oro Valley Police Department, the following shall apply:

(a) The Chief of Police or a designee shall provide and prepare all reports required by the state.

(b) Upon receipt of a report of death of a juvenile from the Chief of Police or a designee, the state may inspect and evaluate the facility.

(c) A medical and operational review of every incustody death of a juvenile shall be conducted. The review team shall be appointed by the Chief of Police or a designee.

314.8.3 CURFEW VIOLATIONS

Juveniles detained for curfew violations may be released in the field or brought to the station but shall only be released to their parent, legal guardian or a responsible adult.

314.9 INTOXICATED AND SUBSTANCE ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to detention of juveniles at the Oro Valley Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- There is a known history of ingestion or sequestration of drugs in a body cavity.
- The minor is known or suspected to have ingested or sequestrated any substance that could result in a medical emergency.

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- The juvenile is intoxicated or under the influence of drugs to the level of being unable to care for him/herself.
- An intoxicated or under-the-influence juvenile whose symptoms are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

A medical clearance is required before the juvenile is transported to a juvenile detention facility if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

314.9.1 MONITORING INTOXICATED JUVENILES

A juvenile detained and brought to the Oro Valley Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be monitored as outlined below. Once the juvenile no longer displays symptoms of intoxication, these requirements will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy.

An intoxicated juvenile in secure or non-secure detention will be monitored as follows:

(a) Personal observation shall be conducted on a frequent basis while the juvenile is in the custody of the Oro Valley Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present.

  1. All other forms of detention require the officer to maintain constant visual supervision of the juvenile.

(b) Observation of the juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.

(c) Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.

(d) An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(e) The 15-minute checks of the juvenile shall be documented on the Juvenile Detention Log.

Whenever a juvenile displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, convulsions) shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical facility.

Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.

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Vulnerable Adult Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of vulnerable adult abuse. It is the policy of the Oro Valley Police Department to treat reports of violence against vulnerable adults as a high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

315.2 DEFINITIONS

Definitions related to this policy include:

Abuse - Includes (ARS § 13-3623(F)(1), ARS § 46-451(A)(1)):

- Intentional infliction of physical harm
- Injury caused by negligent acts or omissions
- Injury caused by criminally negligent acts or omissions
- Unreasonable confinement
- Unlawful imprisonment as described in ARS § 13-1303
- Sexual abuse or sexual assault

Exploitation - The illegal or improper use of a vulnerable adult or his/her resources for another's profit or advantage (ARS § 46-451(A)(4)).

Neglect - A pattern of conduct without the person's informed consent resulting in deprivation of food, water, medication, medical services, shelter, heating, cooling or other services necessary to maintain minimum physical or mental health (ARS § 46-451(A)(6)).

Vulnerable Adult - An individual who is 18 years of age or older and who is unable to protect him/herself from abuse, neglect or exploitation by others because of a mental or physical impairment (ARS § 13-3623(F)(6)).

315.3 MANDATORY REPORTING REQUIREMENTS

The Oro Valley Police Department is considered a mandated reporter. If during the course of an investigation an officer has reasonable cause to believe that a vulnerable person has been abused, neglected, isolated or exploited by another person in a manner that constitutes a criminal offense under any law, the officer shall take a report and make an investigation as soon as reasonably practicable (ARS § 46-454(A)).

315.3.1 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for the following:

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(a) Providing a copy of the vulnerable adult abuse report to the local office of the Division of Aging and Adult Services or Adult Protective Services as required by state law.

(b) Retaining the original vulnerable adult person abuse report with the initial case file.

315.4 OFFICER'S RESPONSE

All incidents involving actual or suspected vulnerable person abuse shall be responded to immediately, fully investigated and appropriately documented.

315.4.1 INITIAL RESPONSE

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

315.4.2 STABILIZE THE SITUATION

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

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of a vulnerable person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by law enforcement intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the older or vulnerable victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

315.4.3 NOTIFICATION

If a report is taken, the officer shall notify Adult Protective Services as soon as possible and make information regarding the investigation available (ARS § 46-454(F)).

315.4.4 SUPPORT PERSONNEL

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

- Patrol supervisor

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- Investigative personnel
- Evidence collection personnel
- Protective Services Agency personnel

315.4.5 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS

In any situation where an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer shall contact Adult Protective Services and request that they obtain an emergency protective court order against the person alleged to have committed or threatened such abuse.

If Adult Protective Services is unwilling or unable to obtain an emergency court order, the handling officer may attempt to obtain the court order on the victim's behalf. Action taken by the officer shall be documented in any related report.

315.5 VULNERABLE ADULT ABUSE REPORTING

Every allegation of vulnerable person abuse shall be documented. When documenting vulnerable person abuse cases the following information should minimally be included in the report (ARS § 46-454(C)):

(a) The name and address of the adult and any persons having control or custody of the adult, if known.

(b) The name and address of the person responsible for his/her care, if there is one.

(c) The name and address, if available, of the person who is alleged to have abused, neglected or exploited the adult.

(d) The adult's age and the nature and extent of the adult's vulnerability.

(e) The nature and extent of the abuse, injuries, neglect or exploitation of the adult.

(f) Any evidence of previous injuries.

(g) Any information relating to the reporter's belief that might be helpful in establishing the cause of the adult's injuries or physical neglect or exploitation.

Investigations of adult abuse are confidential and will only be released per the Records Release and Security Policy.

315.6 VULNERABLE ADULT ABUSE IN A CARE FACILITY

Officers shall investigate all allegations relating to the abuse, neglect or exploitation of a vulnerable adult in a care facility or under the care of a facility. Officers shall immediately notify Adult Protective Services.

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315.7 STATE INFORMATION

To report the neglect, abuse or exploitation of a vulnerable adult, employees or the public may call the APS hotline at 877-SOS-ADULT (877-767-2385). The public may also use the Arizona online reporting form from:

Arizona Department of Economic Security Division of Aging and Adult Services Adult Protective Services (APS), 1789 West Jefferson Street (950A), Phoenix, AZ, 85007; phone: 877-767-2385, fax: 602-542-6575.

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Discriminatory Harassment

316.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment. Nothing in this policy creates a legal or employment right or duty that is not created by law.

316.2 POLICY

The Oro Valley Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Department will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

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.

316.3 DISCRIMINATION PROHIBITED

316.3.1 DISCRIMINATION

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

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

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

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

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316.3.2 SEXUAL HARASSMENT

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

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.

316.3.3 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC).

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with Town or department rules or regulations, or any other appropriate work-related communications between supervisor and employee.

316.4 RESPONSIBILITIES

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

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

Any member encountering harassment is encouraged to inform the person that his/her actions are unwelcome and offensive. 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.

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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.

316.4.1 SUPERVISOR RESPONSIBILITIES
Each supervisor and manager shall:

(a) Monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Promptly notify the chain of command in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation.

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

(a) Behavior of supervisors and managers should represent the values of the department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can 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 allegation 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.

316.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved members should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination or harassment shall be fully documented and promptly and thoroughly

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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.

316.5.1 SUPERVISORY RESOLUTION

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

316.5.2 FORMAL INVESTIGATION

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

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

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

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

316.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

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

316.6 NOTIFICATION OF DISPOSITION

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

316.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented in a manner designated by the Chief of Police. The outcome of all reports shall be:

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- Approved by the Chief of Police or Human Resources Director if more appropriate.
- Maintained for the period established in the department's records retention schedule.

316.8 TRAINING

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

All employees shall receive periodic 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.

316.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Employees with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor or Human Resources Director.

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Child Abuse

317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Oro Valley Police Department members are required to notify the Arizona Department of Child Safety (DCS) of suspected child abuse.

317.1.1 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 or law enforcement agency (ARS § 13-3620(A)).

317.2 POLICY

The Oro Valley Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCS is notified as required by law.

317.3 MANDATORY NOTIFICATION

Members of the Oro Valley Police Department shall notify DCS when they reasonably believe that a child is or has been the victim of abuse or neglect by a person with care, custody or control of the child (ARS § 13-3620(A) and (H)).

For purposes of notification, abuse or neglect includes physical abuse, sexual abuse, sexual exploitation and other criminal sexual offenses, criminal child abuse under ARS § 13-3623, and denial of necessary care or nourishment (ARS § 13-3620; ARS § 8-201).

A notification to DCS is not required under this section for sexual abuse (ARS § 13-1404) and sexual conduct with a child (ARS § 13-1405) if the conduct only involves those who are 14, 15, 16 or 17 years of age and there is nothing to indicate that the conduct is other than consensual.

317.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ARS § 13-3620(D)):

(a) Notification shall be made immediately by telephone or electronically to DCS.

(b) Notification shall contain at a minimum:

1. The names and addresses of the child and the child's parents or the person or persons having custody.
2. The child's age and the nature and extent of the child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.

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3. Any other information that the person believes might be helpful in establishing the cause of the child abuse, physical injury or neglect.

317.4 INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

317.5 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

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(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).

317.6 PROTECTIVE CUSTODY

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

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

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

Children may only be removed from a parent or guardian in the following situations (ARS § 8-821(B)):

(a) With a court order authorizing the removal of a child

(b) Without a court order if temporary custody is clearly necessary to protect the child because probable cause exists to believe:

1. The child is a victim or will imminently become a victim of abuse or neglect.

2. The child is suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.

    (a) If a child is taken pursuant to this provision, the officer shall immediately have the child examined by a medical doctor or psychologist.

    (b) After the examination the officer shall release the child to the parent or guardian unless the examination reveals abuse or neglect (ARS § 8-821(D)).

3. The child is physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured.

4. DCS has reported the child missing and at risk of serious harm.

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317.6.1 SAFE HAVEN LAW PROVISIONS
A person is not guilty of abuse of a child pursuant to ARS § 13-3623(B) solely for leaving an unharmed newborn infant with a safe haven provider, such as hospital staff and firefighters (ARS § 13-3623.01). The law requires the safe haven provider to notify DCS.

317.7 INTERVIEWS

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

317.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

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

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

317.8 MEDICAL EXAMINATIONS

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

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

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317.9 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.

317.9.1 OFFICER RESPONSIBILITIES

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

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

(b) Notify the Criminal Investigations Unit Supervisor so an interagency response can begin.

317.10 STATE MANDATES AND OTHER RELEVANT LAWS

Arizona law permits the following:

317.10.1 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.

317.10.2 LOCAL PROTOCOL

The Criminal Investigations Unit Supervisor should ensure that any local protocol regarding child abuse investigations is available to department members.

317.10.3 CHILD FATALITY REVIEW

This department will cooperate with any interagency child fatality review team investigation. Records in a pending criminal investigation may be withheld from the team with prosecution approval (ARS § 36-3503).

317.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.

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Missing Persons

318.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

318.1.1 DEFINITIONS

Definitions related to this policy include:

At-risk - Includes persons who are:

(a) 13 years of age or younger.

(b) Regardless of age, believed or determined to be experiencing one or more of the following circumstances:

1. Is out of the zone of safety for his/her chronological age and developmental stage.
2. Has a mental or behavioral disability.
3. Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Has been absent from home for more than 24 hours before being reported to law enforcement as missing.
5. Is in a life-threatening situation.
6. Is in the company of others who could endanger his/her welfare.
7. Is absent in a way that is inconsistent with established patterns of behavior and that cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Is 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 under the age of 18 whose location has not been determined and who has been reported missing, abducted, lost or is a runaway (ARS § 15-829; ARS § 36-339).

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 Arizona Crime Information Center (ACIC).

318.2 POLICY

The Oro Valley Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Oro Valley Police Department gives missing person cases priority over

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property-related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

318.3 REQUIRED FORMS AND EQUIPMENT

The Criminal Investigations Unit supervisor shall ensure the appropriate documentation and equipment is available to properly investigate a missing persons incident.

318.4 ACCEPTANCE OF REPORTS

Any employee 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 employees who do not take such reports or who are unable to give immediate assistance shall promptly dispatch or alert an employee 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.

318.4.1 INVESTIGATIVE RESOURCES AND SUPPORT

Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Any support assistance should be properly briefed and updated on the investigation status.

The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing or endangered person.

318.4.2 ENDANGERED PERSON ALERT SYSTEM

The Department shall prepare the Endangered Person Alert by using the Attempt To Locate (ATL) code on the Arizona Criminal Justice Information System (ACJIS). Write "Endangered Person Alert" in the title of the entry if the following criteria are met:

(a) The missing person is 18 years old or older.

(b) The person is missing under unexplained, involuntary or suspicious circumstances.

(c) The person is believed to be in danger of death or serious injury because of health, a medically diagnosed mental or physical disability, hazardous environmental or weather conditions, being in the company of a potentially dangerous person or facing some other factor that may put him/her in peril.

(d) Information exists and the initial investigation indicates that the public could assist in the safe recovery of the missing person.

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The Public Information Officer or a designee shall be notified to coordinate communications with the media. The Public Information Officer should be constantly updated to utilize the media as much as possible and receive the maximum exposure for the case.

318.4.3 INVESTIGATION DUTY - MISSING CHILD

Upon receiving and verifying a report of a missing child, other than a child who has run away, the Oro Valley Police Department shall immediately enter the information into the ACJIS and the NCIC missing person databases (ARS § 8-810(B)). The Department shall ensure that the state registrar in the state of the child's birth is given notification to flag the child as missing on his/her birth certificate (ARS § 36-339).

If a child is reported missing by his/her parent or guardian, the Department shall notify as soon as appropriate the school the child was attending or the county school superintendent if the child was being instructed at home to flag the child's records pursuant to ARS § 15-829(A).

In conducting an investigation of a missing child, this department shall:

(a) Conduct a preliminary investigation and classify the cause of the disappearance of the child as "runaway," "abducted by parent," "abducted by a stranger" or "cause of disappearance unknown," and shall:

  1. Transmit all available information about the child to the ACIC.
  2. Immediately notify their chain of command and Criminal Investigations Unit sergeant and make such inquiries concerning the missing child as necessary.
  3. Fully comply with the requirements of the National Child Search Assistance Act of 1990, Title XXXVII of Public Law 101647, 104 Stat. 4966.
  4. Enter into NCIC's Missing Person File and the ACIC database as miscellaneous information any person reasonably believed to have unlawfully abducted or detained the missing child, or aided or abetted the unlawful abduction or detention.

(b) Immediately provide NCIC, for entry into its Wanted Person File, any warrant information for the arrest of a person suspected in the child's disappearance or concealment. This includes any identifying and descriptive information concerning:

  1. The suspect.
  2. As miscellaneous information, the missing child.

(c) Cross-reference all information entered pursuant to the investigation with the NCIC Missing Person File and the ACIC.

(d) Upon notice by a parent or guardian that a child reported as missing has been found or returned, this department shall notify NCIC and ACIC.

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318.5 INITIAL INVESTIGATION

Officers or other employees conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at-risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at-risk or may qualify for a public alert, or both (see the Missing Persons and 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 or may be at-risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

1. Immediately when the missing person is at-risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a 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) 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 officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

318.5.1 TRANSMITTING REPORTS TO OTHER JURISDICTIONS

When the Oro Valley Police Department takes a missing person report on a person who lives outside of this jurisdiction, the Criminal Investigations Unit may promptly notify and forward a copy

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of the report to the agency having jurisdiction over the missing person's residence and the agency where the person was last seen.

318.5.2 ACJIS ENTRY NOTIFICATIONS
When a missing person is under the age of 21, Communications Bureau personnel shall send a teletype to the DPS and to NCIC within two hours after accepting the report (42 USC § 5779(a) and 42 USC § 5780(3)). To assist DPS, the entry must note if the case involves an endangered person.

318.5.3 MISSING MORE THAN 45 DAYS
If a person is still missing after 45 days, the detective must check with the appropriate coroner and send to the U.S. Department of Justice a photograph and dental records, and verify and update the record with any additional information as warranted. If dental records are unobtainable, appropriate entries should be made. These actions must be completed no later than 60 days after the report was filed.

318.6 REPORT PROCEDURES AND ROUTING

Employees 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.

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

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

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

318.6.2 RECORDS UNIT RESPONSIBILITIES
The receiving employee shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s residence in cases where the missing person is a resident of another jurisdiction.

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s intended or possible destination, if known.

(d) Forward a copy of the report to the Criminal Investigations Unit.

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318.7 CRIMINAL INVESTIGATIONS UNIT FOLLOW-UP

The investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified as soon as practicable if the missing person is a juvenile (ARS § 15-829).

(b) Shall notify the state registrar in the state of the child's birth. This notification shall include the child's name, date of birth and county of birth (ARS § 36-339).

(c) Should recontact 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.

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update ACIC, the NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

(g) Shall maintain a close liaison with the NCMEC if the missing person is under the age of 21 (42 USC § 5780).

(h) Should make appropriate inquiry with the coroner or medical examiner.

(i) Should obtain and forward medical records, photos, X-rays and biological samples, as applicable.

(j) Should attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of Public Safety (DPS).

(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

318.8 WHEN A MISSING PERSON IS FOUND

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

Upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to NCIC, ACIC and DPS.

(b) A missing child's school is notified.

(c) The state registrar in the state of the child's birth is notified (ARS § 36-339).

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(d) Entries are made in the applicable missing person networks.

(e) When a person is at-risk the fact that the person has been found shall be reported within 24 hours to NCIC, ACIC and DPS.

(f) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

318.8.1 UNIDENTIFIED PERSONS

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

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

318.9 CASE CLOSURE

The Criminal Investigations Unit supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Oro Valley or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal of civil warrant.

318.10 TRAINING

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

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors

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4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

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Missing Persons and Public Alerts

319.1 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.

319.2 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 (e.g. social media, Reverse 911) 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.

319.3 RESPONSIBILITIES

319.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Oro Valley Police Department should notify their supervisor, Sergeant or Criminal Investigations Unit 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.

319.3.2 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 chain of command 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) Update 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 Public Alert Reporting Officer

319.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police shall designate a Public Alert Reporting Officer who is responsible for:

(a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.

(b) Activating, maintaining and cancelling all public alerts.

(c) Being the point of contact with the Arizona AMBER Alert Oversight Committee.

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(d) Ensuring the Department has AMBER Alert plan representatives who have completed appropriate training. Training may be provided by the Arizona Department of Public Safety (DPS) or suggested by the Arizona AMBER Alert Oversight Committee.

(e) Presenting a briefing to the Arizona AMBER Alert Oversight Committee at the next scheduled meeting following the activation of an Arizona AMBER Alert.

319.4 AMBER ALERTS

The Arizona AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted or missing under emergency circumstances and the child may be in danger of serious bodily harm or death.

319.4.1 CRITERIA

LAW ENFORCEMENT CHECKLIST - MUST MEET ALL CRITERIA

(a) Is the abducted child under 18 years of age? If yes, answer question B. If no, do not activate the Arizona Amber Alert.

(b) Does the abduction pose a credible threat of immediate danger of serious bodily injury or death to the child? If yes, answer question C. If no, do not activate the Arizona Amber Alert.

(c) Has the law enforcement agency determined the child is not a runaway and has not been abducted as a result of a child custody dispute? (Unless the dispute poses a credible and/or specific threat of immediate danger of serious bodily harm or death to the child). If yes, answer question D. If no, do not activate the Arizona Amber Alert.

(d) Is there sufficient descriptive information about the child, the abductor and the circumstances surrounding the abduction to indicate that activation of the alert will help locate the child and/or apprehend the suspect? If yes, activate the Arizona Amber Alert. If no, do not activate the Arizona Amber Alert.

The alert must contain a complete description of the child and the relevant details of the incident for release to the general public.

319.4.2 PROCEDURE

An employee who receives a report of an abduction of a child should advise the Public Alert Reporting Officer or the authorized designee without delay. The Public Alert Reporting Officer will review the information to ensure that alert criteria are met and will be responsible for:

(a) Calling the AMBER Alert Hotline at the Arizona DPS Duty Office.

(b) Calling the appropriate AMBER Alert broadcast station and provide the necessary information to activate the EAS.

(c) Entering the appropriate information into the AMBER Alert system.

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1. The information entered into the system may be updated by DPS or the Public Alert Reporting Officer.

(d) Promptly entering the missing child and crucial information surrounding the AMBER Alert and an AMBER Alert flag into the National Crime Information Center (NCIC) system.

(e) Promptly forwarding the alert information to all Arizona law enforcement agencies through the Arizona Law Enforcement Telecommunications System (ALETS) or other appropriate database.

(f) Ensuring that the appropriate telephone numbers for contact and follow-up are entered, including:

1. A telephone number for the public to provide tips and information on the missing child.
2. A confidential number restricted to other law enforcement agencies and the media to contact the Public Information Officer for follow-up and updates as an alternative to the 9-1-1 system.
3. A confidential number restricted to other law enforcement agencies to quickly provide information that could be crucial to the investigation or the safety of the victim.

(g) Obtaining a photograph of the missing person and/or suspect as soon as practicable and disseminating it to the appropriate entities.

The Public Information Officer should be constantly updated in order to utilize the media as much as possible and obtain the maximum exposure for the case.

Involved personnel will continually provide the Public Alert Reporting Officer or the authorized designee and the Public Information Officer with any updated information.

319.5 ENDANGERED PERSON ALERTS

The Endangered Person Alert is a voluntary partnership between law enforcement and local broadcasters designed to rapidly disseminate information about missing and endangered persons to law enforcement agencies, broadcasters and the public.

319.5.1 CRITERIA

Certain criteria must exist before an Endangered Person Alert will be issued:

(a) The missing person is 18 years old or older.

(b) The person is missing under unexplained, involuntary or suspicious circumstances.

(c) The person is believed to be in danger of death or serious bodily injury because of his/her health, a medically diagnosed mental or physical disability, the environment or weather conditions, because he/she is in the company of a potentially dangerous person, or some other factor that may put the person in danger.

(d) There is information that could help the public to assist in the recovery of the missing person.

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319.5.2 PROCEDURE

An employee who receives a report of a missing and endangered person should advise the Public Alert Reporting Officer or the authorized designee without delay. The Public Alert Reporting Officer or a reviewing supervisor will review the information to ensure the alert criteria are met and will be responsible for:

(a) Preparing or assigning preparation of the Endangered Person Alert using the Attempt to Locate (ATL) code on the Arizona Criminal Justice Information System (ACJIS). The words “Endangered Person Alert” should be included in the title of the entry.

(b) Entering the information into NCIC using the proper message key: Missing (MNP), Endangered (EME), Involuntary (EMI).

(c) Obtaining a photograph of the missing person and/or suspect as soon as practicable and disseminating it to the appropriate entities.

The Public Information Officer should be constantly updated in order to utilize the media as much as possible and obtain the maximum exposure for the case.

Involved personnel should continually provide the Public Alert Reporting Officer or the authorized designee and the Public Information Officer with any updated information.

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Emergency Notification System

320.1 PURPOSE

The following policy has been created to establish guidelines governing the use of the Town of Oro Valley's Emergency Notification System.

320.2 POLICY

The Emergency Notification System may be used for both crisis and non-crisis situations to notify citizens of the Town of Oro Valley by telephone. Examples of information that may be communicated through the Emergency Notification System are:

- Missing person alerts
- Emergency evacuations
- Crime alerts to specific areas
- Natural disaster alerts
- Weather related safety warnings
- Hazardous material leaks
- Neighborhood emergency situations
- Homeland Security alerts
- Information about road closings, water main breaks, or other issues affecting specific addresses

320.3 RESPONSIBILITY AND AUTHORIZATION

The Emergency Notification System for the Town of Oro Valley shall be activated only when the message meets the criteria and has been approved by the authorized supervisor for the Town Department requesting the launch.

The Emergency Notification System will not be used for a non-governmental purpose.

The Communications Manager will serve as System Coordinator to oversee the operation of the Emergency Notification System, including resolving operational issues, ensuring that users are properly trained, and ensuring the system is tested regularly.

320.4 LAUNCHING MESSAGES

Requests for a launch should be forwarded to the Communications Bureau. Approved messages will be created and launched immediately for emergency messages and in a timely fashion for non-emergency messages. Non-emergency messages will only be sent between the hours of 8:00 a.m. and 8:00 p.m.

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Victim and Witness Assistance

321.1 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.

321.2 POLICY

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

321.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Oro Valley Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

321.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

321.5 VICTIM INFORMATION

The Records Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

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(g) Notice regarding U-Visa and T-Visa application processes. See U.S. Immigration support for more information.

(h) Resources available for victims of identity theft.

(i) A place for the officer's name, badge number and any applicable case or incident number.

(j) Information regarding the rights of victims as contained in Crime Victims' Rights (ARS § 13-4401 et seq.) and the Victims' Rights for Juvenile Offenses (ARS § 8-381 et seq.)

(k) A multicopy victim rights form as mandated in ARS § 13-4405 and ARS § 8-386, which includes, in part:

1. The Victims' Bill of Rights under Article II, § 2.1, Arizona Constitution.
2. The procedures and resources available for the protection of a victim of domestic violence specifically set forth in ARS § 13-3601.
3. The availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to ARS § 13-1414.

(l) Contact information for the local Crime Victim Compensation Board (ARS § 41-2409).

(m) Information for domestic violence victims as to where the victim may verify the registration and conditions of a release order of the arrestee (ARS § 13-3624).

(n) An explanation of court-ordered victim restitution.

(o) Contact information for the Arizona Attorney General's Office of Victim Services.

321.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

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Hate or Prejudice Crimes

322.1 PURPOSE AND SCOPE

The Oro Valley Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this State. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

322.1.1 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice (DOJ) with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

322.2 DEFINITIONS

Definitions related to this policy include:

Hate or Prejudice Crime - Willfully committing a crime against another because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator.

322.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

(a) Making 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.

(c) Educating community and civic groups relating to hate crime laws.

322.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

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(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once “in progress” aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as “Hate or Prejudice Crimes” and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., a possible Temporary Restraining Order through the courts or County Attorney or Town Attorney).

322.5 CRIMINAL INVESTIGATIONS UNIT RESPONSIBILITIES

If a case is assigned to the Criminal Investigations Unit, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

(a) Coordinating further investigation with the County Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals as needed.

(c) Maintaining statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

322.5.1 STATE HATE CRIME REPORTING

This department shall submit hate crime information and offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Arizona Department of Public Safety (DPS). This shall be conducted by the Records Supervisor or assigned to the Criminal Investigations Unit (AAC § R13-1-301(A)).

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322.5.2 FEDERAL HATE CRIME REPORTING

The Records Supervisor should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records Unit procedures and in compliance with (28 USC § 534 (a)).

322.6 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation, and will attend periodic training that incorporates a hate and prejudice crime training component.

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Medical Marijuana

323.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer or transportation of marijuana under Arizona's medical marijuana laws (ARS § 36-2801).

This policy is meant to provide guidance regarding the application of department resources related to medical marijuana laws.

323.1.1 DEFINITIONS

Allowable amount of marijuana (ARS § 36-2801):

(a) 2 1/2 ounces of usable marijuana; and

(b) If the registry identification card is endorsed for marijuana cultivation, 12 marijuana plants contained in an enclosed, locked facility.

Cardholder - A qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card (ARS § 36-2801).

Designated caregiver - A person who is at least 21 years of age, has agreed to assist with a patient's medical use of marijuana, has not been convicted of an excluded felony offense and assists no more than five qualifying patients (ARS § 36-2801).

DHS - Arizona Department of Health Services

DHS verification system - A secure, password-protected, web-based system established and maintained by Arizona DHS. It is available to law enforcement personnel and nonprofit medical marijuana dispensary agents on a 24-hour basis for verification of registry identification cards (ARS § 36-2801).

Enclosed, locked facility - A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder (ARS § 36-2801).

Medical use of marijuana - The acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition (ARS § 36-2801).

Qualifying patient - A person who has been diagnosed by a physician as having a debilitating medical condition, whether or not the person has registered with the Arizona DHS. (ARS § 36-2801).

Registry identification card - A document issued by Arizona DHS that identifies a person as a registered qualifying patient, registered designated caregiver or a registered nonprofit medical marijuana dispensary agent (ARS § 36-2801).

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Usable marijuana - The dried flowers of the marijuana plant and any mixture or preparation thereof. It does not include the seeds, stalks and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink (ARS § 36-2801).

Visiting qualifying patient - A person who is not a resident of Arizona or who has been a resident of Arizona less than 30 days, and who has been diagnosed with a debilitating medical condition by a person who is licensed with authority to prescribe drugs to humans in the state of the person's residence or, in the case of a person who has been a resident of Arizona less than 30 days, the state of the person's former residence.

323.2 POLICY

It is the policy of the Oro Valley Police Department to prioritize resources to avoid making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

Arizona medical marijuana laws are intended to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest, prosecution, and property forfeiture if such patients engage in the use of marijuana for medical purposes. However, Arizona medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Oro Valley Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Arizona law and the resources of the Department.

323.3 INVESTIGATION

Investigations involving the possession, delivery or production of marijuana generally fall into one of two categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

323.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery or production of marijuana where no person claims that the marijuana is for used for medicinal purposes, the officer should proceed with reasonable enforcement action. A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

323.3.2 INVESTIGATIONS INVOLVING A CARDHOLDER

There is a presumption that a cardholder is engaged in the medical use of marijuana if he/she possesses an allowable amount of marijuana. When this presumption is met, no arrest should be made for the acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer or transportation of marijuana. However, enforcement action may be taken when there is probable cause to believe the marijuana is not for the purpose of treating or alleviating the

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qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Officers should not arrest a person for providing a registered qualifying patient, a registered designated caregiver or a registered nonprofit medical marijuana dispensary with marijuana paraphernalia for purposes of a qualifying patient's medical use of marijuana. Nor should a person be arrested merely for being in the presence or vicinity of the medical use of marijuana.

Medical use and possession of marijuana authorized under the Arizona medical marijuana statutes does not support the forfeiture of property as set forth in the Asset Forfeiture Policy.

Mere possession of, or application for, a registry identification card may not constitute probable cause or reasonable suspicion, nor may it be used to support the search of the person or property of the person possessing or applying for the registry identification card. However, the possession of, or application for, a registry identification card does not preclude the existence of probable cause if probable cause exists on other grounds.

323.3.3 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana:

(a) Marijuana that is incidental to medical use but is not usable marijuana as defined in this policy, shall not be counted toward a qualifying patient's or designated caregiver's allowable amount of marijuana (ARS § 36-2801).

(b) There is no presumption of neglect or child endangerment for conduct permitted by Arizona’s medical marijuana laws unless the person's behavior creates an unreasonable danger to the safety of the minor as established by clear and convincing evidence (ARS § 36-2813).

(c) A registered qualifying patient may not directly, or through his/her designated caregiver, obtain more than 2 1/2 ounces of marijuana from registered nonprofit medical marijuana dispensaries in any 14-day period (ARS § 36-2816).

(d) The equivalent of a registry identification card issued under the laws of another state that allows a visiting qualifying patient to possess or use marijuana for medical purposes in that state has the same force and effect when held by a visiting qualifying patient as a registry identification card issued by DHS. A visiting qualifying patient is not authorized to obtain marijuana from a nonprofit medical marijuana dispensary (ARS § 36-2804.03)

(e) Marijuana plants are not required to be in an enclosed, locked facility if the plants are being transported because the qualifying patient is moving (ARS § 36-2801).

(f) Arizona’s medical marijuana laws do not require any person or establishment in lawful possession of property to allow a guest, client, customer or other visitor to use marijuana on or in that property (ARS § 36-2814).

(g) A registered nonprofit medical marijuana dispensary or its agents are not subject to prosecution, search or inspection except by DHS pursuant to ARS § 36-2806 (ARS § 36-2811(E).

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(h) Because enforcement of medical marijuana laws can be complex, time consuming and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

323.4 DHS VERIFICATION SYSTEM

DHS has developed a web-based verification system for use on a 24-hour basis. The verification system allows law enforcement personnel to enter a registry identification number and verify whether the number corresponds with a current, valid identification card.

Officers may use the verification system in conjunction with legitimate investigations only. Officers shall not disclose any information obtained from the verification system to the public or any person without a legitimate law enforcement purpose (ARS § 36-2807).

323.4.1 EXCEPTIONS

This policy does not apply to the following offenses. Officers may take enforcement action if the person is (ARS § 36-2802):

(a) Undertaking any task under the influence of marijuana that would constitute negligence or professional malpractice.

(b) Possessing or engaging in the medical use of marijuana on a school bus, on the grounds of any school, college, child care facility or in any correctional facility (ARS § 36-2802; ARS § 36-894; ARS § 15-108).

(c) Smoking marijuana on any form of public transportation or in any public place.

(d) Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while under the influence of marijuana. A registered qualifying patient shall not be considered to be under the influence of marijuana solely if the concentration of metabolites or marijuana components is not enough to cause impairment (A registered qualifying patient shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment).

(e) Using marijuana except as authorized under Arizona's medical marijuana laws.

323.5 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation with federal law enforcement authorities when information is requested by federal law enforcement authorities or

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whenever the officer reasonably believes federal law enforcement authorities would request the information if the authorities were aware of the information.

323.6 PROPERTY SUPERVISOR RESPONSIBILITIES

The Property and ID Unit Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed. The Property and ID Unit supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forego prosecution, or upon the dismissal of charges or an acquittal, Property and ID Unit Supervisor shall, as soon as practicable, return to the person from whom it was seized, any useable marijuana, plants, drug paraphernalia or other seized property.

The Property and ID Unit Supervisor may destroy marijuana that was alleged to be for medical purposes upon receipt of a court order.

The Property and ID Unit Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Criminal Investigations Unit Supervisor.

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Automated License Plate Readers (ALPR)

324.1 PURPOSE AND SCOPE

Automated License Plate Reader (ALPR) technology, also known as License Plate Reader, provides automated detection of license plates. ALPRs are used by the Oro Valley Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. ALPRs may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

324.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Support Services Division Commander. The Support Services Division Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

324.3 ALPR OPERATION

Use of an ALPR is restricted to the purposes outlined below. Department personnel shall not use, or allow others to use the equipment or database records for any unauthorized purpose.

(a) An ALPR shall only be used for official and legitimate law enforcement business.

(b) An ALPR may be used in conjunction with any patrol operation or criminal Department investigation. Reasonable suspicion or probable cause is not necessary before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing Department-approved training.

(e) If practicable, the officer should verify an ALPR response through the Arizona Law Enforcement Telecommunication System (ALETS) before taking enforcement action that is based solely upon an ALPR alert.

(f) No ALPR operator may access ALETS or National Law Enforcement Telecommunications System (NLETS) data unless authorized to do so.

324.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by an ALPR are for the official use of the Oro Valley Police Department. Because such data may contain confidential ALETS information, it is not open to

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public review. ALPR information gathered and retained by this department may be used and shared with prosecutors or others only as permitted by law.

The Support Services Division Commander is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in department vehicles to the department server on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by Department records retention schedule and thereafter may be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

324.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The Oro Valley Police Department will observe the following safeguards regarding access to and use of stored data:

(a) All non-law enforcement requests for access to stored ALPR data shall be referred to the Records Supervisor and processed in accordance with applicable law. For any confidential data a stated purpose for access must be provided.

(b) All ALPR data downloaded to the mobile workstation and server shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time.

(c) Persons approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(d) Such ALPR data may be released to other authorized and verified law enforcement officials and agencies at any time for legitimate law enforcement purposes.

(e) ALPR system audits should be conducted on a regular basis.

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Report Preparation

325.1 PURPOSE AND SCOPE

The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

325.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of 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 delay submission of 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 delayed.

Handwritten reports must be prepared legibly. If the report is not prepared legibly, 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.

325.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor.

325.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, a crime has been reported or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim does not desire prosecution is not an exception to documentation. The following are examples of required documentation:

(a) In every instance where a crime has been reported or observed, the documentation shall take the form of written documentation.

(b) In every case where any force is used against any person by police personnel.

(c) All incidents involving family violence or the threat of violence.

(d) All arrests (minor traffic offenses may be documented on the citation itself).

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325.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Shooting Policy)

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and 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

325.2.3 DEATH REPORTS

Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

325.2.4 INJURY OR DAMAGE BY TOWN PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a Town employee. Additionally, reports shall be taken involving damage to Town property or Town equipment.

325.2.5 MISCELLANEOUS INJURIES

Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or 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.

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325.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

325.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should state the reasons for rejection. The original report should be returned to the reporting employee. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

325.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit 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 Unit may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

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News Media Relations

326.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

326.2 RESPONSIBILITIES

The authority and responsibility for the release of information to the media shall remain with the Chief of Police or designee. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Lieutenants, Sergeants and designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

326.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police or designee.

326.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

    1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Department Public Information Officer or other designated spokesperson.

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(c) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

326.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137). All requests for TFR should be routed through the Sergeant.

326.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

326.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will provide details about significant law enforcement activities to media representatives through the Records Supervisor. This log will consist of data classified as public and should generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

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(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Identifying information pertaining to a juvenile arrestee charged as an adult shall be publicly released unless a court of competent jurisdiction finds a clear public interest in confidentiality (Ariz. Const. Art. 4, Pt 2, § 22(3)).

At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim (Ariz. Const. Art. 4, Pt 2, § 22(3)).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or the notification is otherwise cleared through the Medical Examiner.

All requests will generally be processed in accordance with the provisions of the Arizona Public Records Law (ARS § 39-101, et seq.).

326.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (See the Records Release and Security Policy and the Peace Officer Personnel Files Policy). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) The identities of involved officers only when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer and as otherwise required by law.

(b) Photographs of an officer without his/her permission except as provided in ARS § 39-123(C).

(c) Copies of traffic collision reports except to those authorized pursuant to ARS § 28-667.

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation (ARS § 36-3503(B)).

(e) Information pertaining to pending litigation involving this department.

(f) Information obtained in confidence.

(g) Any information that is otherwise privileged or restricted under state or federal law.

326.4.2 FEDERAL RESTRICTED INFORMATION

Information protected by the National Driver Privacy Protection Act is restricted under federal law (18 USC 2721 (c)).

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Court Appearance and Subpoenas

327.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

327.1.1 DEFINITIONS

Definitions related to this policy include:

On Call - When an employee has appeared in court or is on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager.

Standby - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

Mandatory Appearance - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

327.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

Sworn employees of this department shall serve any subpoena delivered to him/her for service in this county, either on behalf of the State of Arizona or a defendant (ARS § 13-4072(F)).

327.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by:

(a) Delivering a copy of the subpoena to the employee.

(b) Delivering a copy to the usual place of residency.

(c) Delivering a copy of the subpoena to the Department subpoena clerk or a designee.

(d) Reading the subpoena in the hearing or case where the officer is present.

(e) Electronically transmitting a copy of the subpoena to the officer requiring an acknowledgment of receipt.

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(f) Mail delivery requiring an acknowledgement of receipt.

(g) Oral delivery, including telephonic communications, with proper proof of service and acknowledgment of receipt.

(h) Delivering a copy of the court notice or subpoena from a prosecutor or other government attorney to the employee's work station or mail box. Employees shall check for delivery of such documents during each shift worked.

327.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served.

327.2.3 ACCEPTANCE OF SUBPOENA

(a) Unless served at the employee's residence, only the employee named in a subpoena may accept service. Such service may be performed by any person who is 18 years of age or older (ARS § 13-4072(A)). A subpoena may be served by delivering a copy to the witness, by certified mail or first class mail. Any employee accepting a subpoena shall immediately provide a copy of the subpoena to the Department subpoena clerk. The subpoena clerk shall maintain a chronological log of all Department subpoenas.

(b) Proof of service is by filing either:

1. The witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena.
2. A statement by the person who made the service stating the date, time, manner of service and the name of the person served.

327.2.4 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform the subpoena clerk or the Sergeant of the expected absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should tell the process server to serve directly to the named witness. If the named witness is not on-duty, the supervisor must inform the process server of the next available duty dates for the witness.

327.2.5 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Department. Employees are required

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to notify the Department within 24 hours of any change in residence address or home telephone number, and to provide an accurate and reasonably reliable means or method for contact.

If an employee on standby changes location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is on trial. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

327.2.6 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Oro Valley Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through the immediate supervisor.

327.2.7 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

327.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current memorandum of understanding. In such situations, the Department will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Department will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Department.

327.3.1 PROCEDURE
To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

327.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the employee or the Department is not a party without properly posted fees pursuant to applicable law.

327.3.3 PARTY MUST DEPOSIT FUNDS
A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.

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327.4 OVERTIME APPEARANCES

If the employee appeared on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding.

The overtime on such appearance will be paid from the time the employee left his/her residence until he/she returned.

327.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

327.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

327.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Business attire is guided by the following standards:

(a) Casual shirts and pants that are conservative in nature.

(b) Shoes of an inconspicuous color and design will be worn.

(c) All items, including belt, holster, cartridge case, and handcuff case shall be plain black or brown. The trouser belt should be wide enough to support the officer's weapon and equipment comfortably.

(d) Jewelry in good taste may be worn.

(e) Officers on special assignment may dress and arm themselves as required by their supervisors.

(f) Female officers, while not strictly subject to the above standards, shall dress conservatively.

327.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

All members shall be prepared to give testimony on cases in which they are involved. Members shall be attentive and respectful to all officers of the Court. They shall speak calmly in an audible tone, giving testimony with the strictest accuracy and confining them to the case before the court. Circumstances of the case shall not be overstated or suppressed; members shall answer questions for both the prosecution and defense in a respectful, impartial manner.

327.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than

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the State of Arizona, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify his/her immediate supervisor without delay. The supervisor will then notify the Chief of Police and the prosecutor's office as may be indicated by the case.

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

(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

327.8 PRE-TRIAL INTERVIEWS

Members shall cooperate with defense attorneys in all criminal cases. When such notice is required, a member shall notify the Deputy County Attorney or the Town Prosecutor assigned to the criminal case, prior to responding to the defense counsel's request for an interview.

(a) The member shall establish the place for an interview, either at the prosecuting attorney's office or the police department. The date and time for the interview should be at the convenience of the member and during the member's on-duty hours if at all possible.

(b) The member may ask to have a Deputy County Attorney or Town Prosecutor present at any interviews with the defense counsel.

(c) The member may terminate an interview with an attorney, provided there are reasonable grounds to do so.

(d) Members may request not to be recorded during an interview with the attorney.

(e) As a witness, the member shall not be partial to either the prosecution or the defense.

(f) Whenever possible, officers should arrange interviews to occur during their work-time. It will be the officer's responsibility to make contact with the specific attorney as soon as practicable.

(g) Each time contact is made with a particular law firm or attorney, the member shall maintain a log of each contact and alleviate attorneys claiming their calls were not being returned.

(h) Reasonable hours for defense interviews have been determined to be between 0800 - 1800 hours Monday through Friday.

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327.9 FIREARMS IN COURTROOM

Firearms may be worn at the Oro Valley Magistrate and Pima County Justice Court unless the trial judge indicates otherwise. Officers not on duty and not in uniform are prohibited from wearing firearms at the Pima County Superior and Juvenile Courts. Gun-lockers will be available at both facilities.

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Outside Agency Assistance

328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible, in accordance with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

The Department may establish an agreement with another law enforcement agency by action of the Town (ARS § 13-3872):

(a) Assist other peace officers in the line of their duty and within the course of their employment.

(b) Exchange Department peace officers with peace officers of another agency on a temporary basis.

328.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the on-duty supervisor for approval. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under ARS § 13-3872 exists.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other agency facilities.

When such assistance is rendered, a case number will be issued to report action taken by Oro Valley Police Department personnel.

328.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance.

328.2 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID

The Arizona Division of Emergency Management may be summoned to assist and coordinate emergency services such as on-scene command and control (http://www.dem.azdema.gov/). The Incident Commander is charged with making an immediate appraisal of the situation and its potential. Responders should:

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- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform fire fighting, rescue, emergency medical and other critical life-saving response activities in accordance with the Town of Oro Valley emergency plan manual.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Department should clarify if it is requesting assistance only or complete scene management.

Officers should contact the Arizona Department of Transportation Traffic Operations Center to request assistance at hazardous material emergencies on the roadways (602-712-6591).

328.3 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the equipment list should be maintained by the grants manager.

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Registered Offender Information

330.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Oro Valley Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

330.2 POLICY

It is the policy of the Oro Valley Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

330.3 REGISTRATION

In compliance with state law, the Pima County Sheriff's Department registers and classifies sex offenders appropriately.

Upon conclusion of the initial classification process, the investigator shall ensure that the registration information is provided to the Arizona Department of Public Safety (DPS) and the Chief of Police, if any, of the place where the person resides, within three days in accordance with (ARS §13-3821).

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 (ARS § 13-3824).

330.3.1 CONTENTS OF REGISTRATION

The registration of offenders and duties of the Department shall be performed in compliance with ARS § 13-3821 and in accordance with any department procedures for registrations.

(a) The steps to process a registrant include:

1. Fingerprinting the registrant.
2. Photographing the registrant.
3. Registrant must sign or affix his/her electronic fingerprint to a statement containing information required by DPS, including (ARS § 13-3821):
    - (a) All names by which the person is known.
    - (b) Any required online identifier and the name of any website or Internet communication service where the identifier is being used.
    - (c) The physical location of the person's residence and the person's address, including a post office box number and location, if used.

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(d) If the address and physical location are not the same, the registrant shall also provide the name of the owner of the residence if the residence is privately owned and not offered for rent or lease.

(e) If the person does not have an address or a permanent residence, the registrant shall provide a description and physical location of any temporary residence and shall register as a transient not less than every 90 days with the Sheriff in whose jurisdiction he/she is physically present.

4. If the registrant has been convicted of an offense in another jurisdiction that would require registration if committed in this state, the registrant is required to provide a sufficient sample of blood or other bodily substance for DNA testing (ARS § 13-3821).

5. Within three days of registration, the employee processing the registrant will ensure that copies of the statement, fingerprints and photographs are sent to DPS and the appropriate Chief of Police if the person resides within the jurisdiction of a local police department. If a blood sample has been obtained, the blood sample will also be transferred to DPS.

(b) Processing a change in registration requires the following steps be taken within three days of a change in registration, excluding weekends and holidays.

(a) For a change of name or residence:

(a) Forward the change to the Arizona DPS and the appropriate law enforcement agency for the jurisdiction from which the registrant has moved (ARS § 13-3822).

(b) Forward a copy of the statement, fingerprints and photograph of the registrant to the local law enforcement agency in whose jurisdiction the registrant now resides.

(c) If the registrant is subject to community notification requirements, notify the local law enforcement agency of the county where the registrant now resides (ARS § 13-3822).

(b) For a change of online identifier, forward the new identifier to the Arizona DPS (ARS § 13-3822).

330.4 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Unit supervisor shall categorize each registered sex offender into an appropriate notification level (I, II or III) based on a risk assessment of the registrant (ARS 13-3825). The supervisor shall submit a report through the chain of command to the Chief of Police or the authorized designee that includes a synopsis of the risk assessment. The Chief of Police or the authorized designee shall make the final determination regarding an offender's risk level and may choose a different level than the one recommended.

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(a) The following steps shall be taken when determining the notification level of a registrant:

1. Review items such as the sex offender registration form, parole and corrections materials, the risk assessment completed by the agency that had custody or responsibility for supervising the person, and Arizona Criminal Justice Information System (ACJIS) information.
2. Interview the offender.
3. Assemble and review any other relevant resources or reports.

The Criminal Investigations Unit supervisor shall ensure that the registrant is notified, either in person or in writing, of his/her notification level.

330.5 MONITORING OF REGISTERED OFFENDERS

The Criminal Investigations Unit 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 the Arizona DPS website.

(c) If applicable, contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Arizona DPS.

The Criminal Investigations Unit supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Oro Valley Police Department personnel, including timely updates regarding new or relocated registrants.

330.6 COMMUNITY NOTIFICATIONS

The State of Arizona has established the Community Notifications Guidelines Committee, which is responsible for the adoption and oversight of guidelines for processing registrants and when making notifications regarding the presence of registrants in the community (ARS § 13-3826(E)). The Department shall disseminate sex offender information in accordance with these guidelines (ARS § 13-3825).

(a) Community notification of Level II and Level III registrants shall be made to the surrounding neighborhood, area schools, appropriate community groups and prospective employers within 45 days and shall include (ARS § 13-3825):

1. A flyer containing the offender's photograph and address.
2. A summary of the offender's status and criminal background.

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(b) Campus notification and notification to the administration of an institution of post-secondary education shall be made that an individual required to register as a sex offender is enrolled as a student or is employed or carries on a vocation within the institution (ARS § 13-3825(G)).

A press release with the above information should be sent to the local media for registrants categorized as Level II or Level III offenders.

Employees will not unilaterally make community notification regarding 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 Chief of Police, if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the Arizona DPS website or the Arizona Sex Offender Compliance Team.

The Records Supervisor shall release local registered offender information to residents in accordance with ARS § 13-3825 and in compliance with Arizona public records law request (ARS Title 39, Ch. 1, Articles 1 and 2).

330.6.1 RELEASE NOTIFICATION

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.

330.6.2 DISCRETIONARY DISSEMINATION

Level I offender information shall be maintained by this department. The Chief of Police may authorize dissemination to (ARS § 13-3826):

(a) Other law enforcement agencies.

(b) People with whom the offender resides.

The Chief of Police may authorize any updated information obtained from DPS to be disseminated to any other persons or entities that the Chief of Police determines warrant such notification (ARS § 13-3823).

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The Chief of Police may also authorize community notification of any information regarding circumstances or persons who pose a danger to the community, even if that notification is not specifically listed in the guidelines or in ARS § 13-3825.

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Handcuff Policy

331.1 PURPOSE AND SCOPE

This procedure provides guidelines for handling situations involving handcuffing during detentions and arrests. This policy is also applicable to Flexi-Cuffs which are considered synonymous with handcuffs for the purposes of this policy.

331.1.1 PHILOSOPHY

The handcuffing of a person by an officer shall only occur when it reasonably appears necessary to gain control of the person while in the performance of the officer's lawful duties or while effecting an arrest.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting officers with the authority to use lawful and reasonable force and to protect the public welfare requires a careful balancing of all human interests.

331.1.2 DEFINITIONS

Definitions related to this policy include:

Reasonable - An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident.

Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions with limited information in circumstances that are tense, uncertain and rapidly changing.

331.2 USE OF FORCE POLICY

It is the policy of this department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively control an incident.

Given that no policy can realistically predict every possible situation an officer might encounter in the field, it is recognized that each officer must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires an officer to actually sustain physical injury before applying reasonable force.

331.2.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

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

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(b) Officer and subject factors, including, but not limited to age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue and number of officers versus subjects.

(c) The influence of drugs/alcohol (mental capacity).

(d) The proximity of weapons.

(e) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances).

(g) The seriousness of the suspected offense or reason for contact with the individual.

(h) The training and experience of the officer.

(i) The potential for injury to citizens, officers and suspects.

(j) The risk of escape.

(k) Prior knowledge of the offender's propensity for violence.

(l) Whether the conduct of the individual being confronted no longer poses an imminent threat to the officer or others.

(m) Other exigent circumstances.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may influence his/her decision.

While the type and degrees of force vary, each officer is expected to use only that amount of force that reasonably appears necessary under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

Circumstances may arise in which officers reasonably believe that it would be impracticable or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practicable to improvise their response to rapidly unfolding conditions. In such circumstance, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the extent that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

331.3 HANDCUFFING OF ARRESTEES

The arresting officer should consider the circumstances leading to the arrest, the attitude of the arrested person, and the age, gender and health of the person before handcuffing. It must be recognized that officer safety is the primary concern. The decision whether to handcuff should be objectively reasonable in view of the totality of the circumstances presented to the officer at the time. When deciding whether to handcuff a detainee, officers should carefully balance officer safety concerns with factors including, but not limited to, the following:

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

It is not the intent of the Department to dissuade officers from handcuffing all persons they believe warrant that degree of restraint, nor is it the intent of this policy to create the atmosphere that in order to avoid risk, an officer should handcuff all persons regardless of the circumstances. In most situations handcuffs should be applied with the hands behind the person. Handcuffs should be removed as soon as the arrested person is safely confined within the jail and has been searched, unless circumstances reasonably indicate otherwise.

331.3.1 IMPROPER USE OF HANDCUFFS

Handcuffing is never done to punish, to display authority or as a show of force. Persons are handcuffed to restrain their hands to ensure officer safety. While it is recognized that handcuffs are not designed for comfort, officers should make reasonable efforts to ensure that handcuffs are applied in a manner that will not intentionally inflict unreasonable pain or discomfort. When practicable, handcuffs shall be double-locked to prevent tightening that may cause undue discomfort or injury to the hands or wrists.

331.3.2 JUVENILES

Juveniles arrested for criminal-type offenses are subject to the same security requirements as adults and may be handcuffed or otherwise restrained, as necessary, during transport and processing.

331.3.3 HANDCUFFING OF DETAINEES

Situations may arise where it may be reasonable to handcuff an individual who may, after subsequent investigation, be released rather than arrested. Such a situation is considered a detention, rather than an actual arrest. Unless arrested, the use of handcuffs on detainees at the scene of a search warrant should continue for only as long as is reasonably necessary to assure the safety of officers and others.

When an individual is handcuffed and released without an arrest, a written report of the incident shall be made to document the details of the detention and need for the use of handcuffs.

331.4 AUXILIARY HANDCUFF RESTRAINT DEVICES

Auxiliary handcuff restraint devices are intended for long-term restraint and transportation of prisoners and to provide additional security and safety without impeding breathing, while permitting adequate movement, mobility and comfort of a prisoner. Auxiliary handcuff restraint devices

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include transport belts, waist or belly chains, transportation chains, leg irons and other similar devices.

Only Department-authorized devices may be used by personnel and only after completion of Department-approved training in the use of the specific device. Use of the devices as more restrictive immobilization devices, or to bind or immobilize legs, should only occur in compliance with the Leg Restraint Device Policy. A prisoner in restraints should be monitored as reasonably appears necessary

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Major Incident Notification

331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

331.2 POLICY

The Oro Valley Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

331.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Division Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty (see Officer-Involved Shooting and Deaths Policy for special notifications) and vehicle pursuits that are extended or prolonged
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Oro Valley official
- Arrest of Department employee or prominent Oro Valley official
- Aircraft, boat, train or bus crash with major damage and/or injury or death
- In-custody deaths
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Any other incident, which has or is likely to attract significant media attention

331.4 SERGEANT RESPONSIBILITIES

The Sergeant is responsible for making the appropriate notifications. The Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Sergeant shall attempt to make the notifications as soon as practicable.

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331.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Chief of Police shall be notified along with the affected Division Commander and the Criminal Investigations Unit Division Commander if that division is providing assistance.

331.4.2 DETECTIVE NOTIFICATION

If the incident requires that an officer or investigator respond from home, the immediate supervisor of the appropriate detail shall be contacted.

331.4.3 TRAFFIC UNIT NOTIFICATION

In the event of a traffic fatality or major injury, the traffic sergeant shall be notified, who will then contact the appropriate investigator. The traffic sergeant will notify the Special Operations lieutenant.

331.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of the staff have been notified that it appears the media may have a significant interest in the incident.

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Firearm Injury Reporting

332.1 PURPOSE AND SCOPE

Investigation of cases involving firearm injuries is important to the State of Arizona and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Department takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

332.2 INVESTIGATION

All bullet wounds, gunshot wounds, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall be thoroughly investigated by this department upon receipt of any report made pursuant to ARS § 13-3806 or that otherwise is reported to the Department.

Information or reports received from health care professionals shall also be investigated but the identity of the reporter shall remain confidential as allowed by law.

Employees investigating firearm injuries should contact a supervisor as soon as reasonably possible if further guidance or additional resources are necessary.

332.3 HUNTING OR SPORT SHOOTING INJURIES

When investigating a firearm injury, the handling employee shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with hunting or sport shooting, shall immediately conduct a detailed investigation into the facts surrounding the incident.

If requested, all reports or investigations under this section may be forwarded to the Arizona Game and Fish Department, if allowed by law.

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Death Investigation

333.1 PURPOSE AND SCOPE

The investigation 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 appear to be initially. The thoroughness of death investigations cannot be emphasized enough.

333.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). A supervisor shall be notified in all death investigations.

333.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner or alternate Medical Examiner shall be promptly called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to (ARS § 11-593):

(a) Death when not under the current care of a health care provider (ARS § 36–301).

(b) Death resulting from violence.

(c) Death occurring suddenly when in apparent good health.

(d) Death occurring in a prison or the death of a prisoner.

(e) Death occurring in a suspicious, unusual or unnatural manner.

(f) Death from disease or accident believed to be related to the deceased's occupation or employment.

(g) Death believed to present a public health hazard.

(h) Death occurring during, in association with or as a result of anesthetic or surgical procedures.

(i) Unidentifiable bodies.

If there is no Medical Examiner or alternate Medical Examiner appointed and serving within the county, the officer shall notify the sheriff, who shall secure a qualified and licensed physician to perform the death investigation (ARS § 11-593).

333.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a body known to be dead.

An officer may be permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purposes of identification or for information identifying

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the individual as a donor. If a donor document is located, the Medical Examiner shall be promptly notified.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner.

The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the deceased's immediate vicinity that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (ARS § 11-595(B)).

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.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Medical Examiner.

The name and address of this person shall be included in the narrative of the death report.

333.2.3 DEATH NOTIFICATION

Should a human death result from a fire, this department may notify the state or Town fire marshal or as allowed by law.

When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner should be advised if notification has already been made.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

333.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a "John Doe" or "Jane Doe" number for the report.

333.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body should be forwarded to the appropriate agency for entry into the Arizona state database and the NCIC file.

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333.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

In addition, an officer shall complete an infant death investigation checklist during any unexplained infant death investigation and before any autopsy is conducted (ARS § 36-3506).

The Department shall retain the original infant death investigation checklist and immediately forward a copy to the Medical Examiner and the Department of Health Services (ARS § 36-3506).

333.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Criminal Investigations Unit supervisor shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Sergeant or Criminal Investigations Unit supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

333.2.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, may ensure that the nearest office of the Arizona Division of Occupational Safety and Health (ADOSH) is notified with all pertinent information.

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Identity Theft

334.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

334.2 REPORTING

(a) Upon request from a victim, officers presented with the crime of identity theft shall complete a report for crimes occurring in this jurisdiction or for victims who reside or are located within this jurisdiction irrespective of where the crime occurred, pursuant to ARS § 13-2008.

(b) For any crime not occurring in this jurisdiction with a victim who does not reside within this jurisdiction, the officer may complete a courtesy report to be forwarded to the agency where the crime was committed or, if the location is unknown, to the victim's residence agency.

(c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).

(d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Arizona Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.

(f) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

334.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law.

334.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. Additional information may be found at the U.S. Department of Justice (DOJ) website.

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Private Persons Arrests

335.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to ARS § 13-3884.

335.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

When requested, officers shall advise citizens of the right to make a private person's arrest as allowed by state law (ARS § 13-3889). The advice shall include how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. 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.

(c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (ARS § 13-3900).

335.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (ARS § 13-3884):

(a) For a misdemeanor amounting to a breach of the peace, or a felony, committed in his/her presence.

(b) When a felony has been in fact committed and he/she has reasonable grounds to believe the person to be arrested has committed it.

335.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

    1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.

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2. Absent probable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is probable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

335.5 REPORTING REQUIREMENTS

The officers shall complete a narrative report regarding the circumstances and disposition of the incident.

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Anti-Reproductive Rights Crimes

336.1 PURPOSE AND SCOPE

This policy shall establish a procedure for reporting and documenting Anti-Reproductive Rights Crimes.

336.2 DEFINITIONS

Definitions related to this policy include:

The following acts would be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting toward a minor child or ward:

(a) By force, threat of force or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate or interfere with any person or entity because that person or entity is a reproductive health services client, provider or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.

(b) By non-violent physical obstruction, intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, any person or entity because that person or entity is a reproductive health services client, provider or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant.

(c) Intentionally damages or destroys the property of a person, entity or facility, or attempts to do so, because the person, entity or facility is a reproductive health services client, provider, assistant or facility.

336.3 REPORTING

Officers shall investigate all ARRC thoroughly using available resources as necessary. The appropriate criminal section will be used based upon the elements of the crime.

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Communications with Persons with Disabilities

337.1 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.

337.1.1 DEFINITIONS

Definitions related to this policy include:

Auxiliary aids - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

Deaf or hard of hearing - An individual who has or is regarded as having substantially limited hearing with or without assistance.

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 shall have a valid license of competency authorized by the Commission for the Deaf and the Hard of Hearing (ARS § 12-242).

337.2 POLICY

It is the policy of the Oro Valley Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

337.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, Department employees should be alert to the possibility of communication problems. They should exercise special care in the use of all gestures and with verbal and written communications to minimize initial confusion or misunderstanding when dealing with any individual with known or suspected disabilities or communication impairments.

337.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Services Division Commander or the authorized designee.

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The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the Town ADA coordinator regarding the Oro Valley Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Sergeant and Communications Manager. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

337.3.1 FIELD RESOURCES

Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing-impaired individual.

(b) Facing an individual who uses lip reading, and speaking slowly and clearly.

(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual.

337.3.2 AUDIO RECORDINGS AND ENLARGED PRINT

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, employees may elect to read aloud a Department form or document, i.e., reading a citizen complaint form to a visually impaired individual or utilizing a photocopier to enlarge printed forms for a visually impaired individual.

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337.3.3 TELEPHONE INTERPRETER SERVICES
The Communications Manager will maintain a list of qualified interpreter services, to be contacted at Department expense and upon approval of a supervisor, to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity. The interpreter should be available to respond within a reasonable time, generally not to exceed three hours.

337.3.4 TTY AND RELAY SERVICES
Individuals who are deaf or hearing-impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by this department.

337.3.5 COMMUNITY VOLUNTEERS
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as those who are proficient in American Sign Language (ASL). Sources for these individuals may include local businesses, banks, churches, neighborhood leaders and school officials. In addition to sources that may be developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

337.3.6 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL
While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).

337.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

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(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.

337.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

To provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to alleged criminal activity or other emergencies, this department has designated its 9-1-1 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources.

While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this department.

337.4.2 QUALIFIED INTERPRETER REQUIRED IN ARRESTS

An officer who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, and before an interrogation or taking a statement, shall inform his/her supervisor of the arrest and ensure a qualified interpreter as specified by law is available at public expense.

The arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time and at the place of detention. The officer shall, with the assistance of the interpreter, explain all charges filed and all procedures relating to the person's detainment and release.

Prior to an interrogation or taking a statement, the arresting officer shall make available a qualified interpreter to assist throughout the interrogation or taking of a statement. The interpreter shall assist with all other communications, including those relating to the need for medical attention (ARS § 12-242(C)).

Any interrogation or interview of a deaf or hearing-impaired person should be video- and audio-taped with a qualified sign interpreter. The video must show the sign language from the hearing-impaired person's and the interpreter's point of view so a third party, if necessary, can verify the conversation.

337.4.3 CUSTODIAL INTERROGATIONS AND BOOKINGS

To ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, Department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

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Employees providing such assistance shall also be aware of the inherent impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is under the control of Department personnel. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications or the need to segregate the arrestee from other prisoners, Therefore it is important for this department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices, such as a wheel chair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

(c) Whenever a deaf or hearing-impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body to allow the individual to sign or write notes.

337.4.4 QUALIFIED INTERPRETER REQUIRED FOR PROPERTY

If the property of a person is seized incident to a lawful arrest or search, the seizing officer shall, upon request, make available to the person at the earliest possible time a qualified interpreter to assist the person in understanding the possible consequences of the seizure and the person's rights.

337.4.5 FIELD ENFORCEMENT AND INVESTIGATIONS

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 disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary. Therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must assess each situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

337.4.6 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses

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and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

337.5 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 Oro Valley Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

337.6 TYPES OF ASSISTANCE AVAILABLE

Oro Valley Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

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A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

337.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

337.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

337.9 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 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.

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The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

337.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

337.11 FAMILY AND FRIENDS

While family or friends of a disabled or impaired individual 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 disabled individual 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.

337.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

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337.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

337.13.1 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.

337.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

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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.

337.14.1 QUALIFIED INTERPRETER REQUIRED IN ARRESTS

Upon the arrest of a deaf or hard of hearing person, the arresting officer or supervisor shall make a qualified interpreter available to properly interpret (ARS § 12-242):

(a) *Miranda* warnings.

(b) The interrogation of the deaf or hard of hearing person.

(c) The deaf or hard of hearing person's statements.

337.15 ARRESTS AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

337.16 COMPLAINTS

The Department shall ensure that individuals who are disabled who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

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Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used for any interview with a disabled individual during an investigation should not be members of this Department.

337.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

337.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Coordinator 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 should receive refresher training at least once every two years thereafter. The Training Coordinator 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.

337.18.1 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.

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Training should be mandatory for all Communications Bureau members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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School Employee Arrest Reporting

338.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher or non-teacher, has been arrested under certain circumstances.

338.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse or sexual abuse offense, the Chief of Police or a designee should report the arrest as follows:

338.2.1 ARREST OF A PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the superintendent of the school district employing the teacher or give written notice of the arrest to the superintendent, or designee, of schools in the county where the person is employed.

338.2.2 ARREST OF A PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the superintendent of the school district employing the non-teacher or may give written notice of the arrest to the governing board of the school district employing the person.

338.2.3 ARREST OF A PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the private school or licensed day-care authority employing the teacher or may give written notice of the arrest to the private school authority employing the teacher.

338.2.4 ARREST OF A PRIVATE SCHOOL OR LICENSED DAY-CARE EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the private school or licensed day-care authority employing the non-teacher or may give written notice of the arrest to the private school authority employing the person.

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Pupil Arrest Reporting

339.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

339.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall ensure the chief administrative officer of the school or the appropriate designee is ultimately notified of the arrest of a pupil.

339.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school, may reduce disruption to school operations and other students.

339.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

339.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

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DNA Samples

340.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under Arizona law (ARS § 13-610).

The principal purpose of the DNA database is to assist a federal, state or local criminal justice agency in the investigation or prosecution of offenses in which biological evidence is recovered.

340.1.1 DEFINITIONS

Definitions related to this policy include:

Biological Evidence - Samples obtained in a sexual assault examination kit or any item that contains blood, semen, hair, saliva, skin, tissue or other identifiable biological material on physical evidence or preserved on a slide or swab if such evidence relates to the identification of the defendant.

340.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances, members of this department are only authorized to obtain DNA samples from the following individuals, absent other lawful means (e.g. consent or a search warrant).

Only those qualifying individuals whose DNA information is not currently on file with the Arizona Department of Public Safety (DPS) may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection flag on the individual's criminal history record or, during regular business hours, by calling DPS. All DNA collection flags should be verified by contacting DPS prior to the collection of the sample (ARS § 13-610(G)).

Any person arrested for offenses listed under ARS § 13-610(O)(3)), whether originally arrested by this department, transferred to a Oro Valley Police Department facility, released on bail, released on their own recognizance, or is a juvenile ordered by the court to submit DNA, shall be required to provide a sample (ARS § 13-610(K) and (L) and ARS § 8-238(A)).

340.2.1 QUALIFYING OFFENSES FOR DNA SAMPLE COLLECTION

(a) The qualifying offenses applicable to adult and juvenile arrestee DNA sample collection are as follows:

- Any offense in Title 13 Chapter 11 - Homicide
- 13-1402 - Indecent exposure
- 13-1403 - Public sexual indecency
- 13-1404 - Sexual abuse
- 13-1405 - Sexual conduct with a minor
- 13-1406 - Sexual assault

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- 13-1410 - Molestation of a child
- 13-1411 - Bestiality
- 13-1417 - Continuous sexual abuse of a child
- 13-1507 - Burglary in the second degree
- 13-1508 - Burglary in the first degree
- Any serious offense pursuant to 13-604 involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or the intentional or knowing infliction of serious physical injury

(b) Additional qualifying offenses applicable only to adult arrestees are as follows:

- 13-3208 - Keeping or residing in a house of prostitution; employment in prostitution
- 13-3214 - Prostitution
- 13-3555 - Portraying an adult as a minor
- 13-3608 - Incest

340.2.2 SEX REGISTRANTS

Any adult or juvenile who is a convicted felon or required to register as a sex offender is required to submit a DNA sample unless a sample has already been given.

At the time that any such registrant registers, updates registration or is notified by DPS or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples if no such sample has already been provided.

340.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under Arizona law, a trained employee shall obtain DNA samples in accordance with this policy and proper protocol.

If a sample is required, proof of compliance by this department shall be provided to the court prior to the initial appearance of the arrestee (Ariz. R. Crim. Proc. Rule 4.1(e)).

If the court does not receive proof of compliance, the Department may be ordered by the court to secure a sample (Ariz. R. Crim. Proc. Rule 4.2(a)(9)).

340.3.1 BLOOD SAMPLES

A blood sample shall be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a paramedic, a qualified medical technician, a licensed physician, qualified phlebotomist or other person licensed by the state for this purpose.

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340.3.2 BUCCAL SWABS
Buccal swab samples (taken from the inside of the mouth) should be procured by employees who have successfully completed approved training in the collection of buccal swabs and with the use of DPS buccal swab collectors.

The subject submitting to the test may swab his/her own cheek for the DNA sample if supervised by a qualified Department employee.

340.3.3 REFUSAL TO SUBMIT SAMPLE
If, after an oral and written request, a qualified person refuses to provide any or all of the required DNA samples, the Department shall petition the appropriate court to permit the taking of a sample. Once the court order is obtained, a copy will be provided to the subject prior to the taking of a sample (Ariz. R. Crim. Proc. Rule 2.6, and Ariz. Juv. Ct. Rules of Proc. Rule 23(H)).

340.3.4 USE OF FORCE TO OBTAIN SAMPLES
An authorized employee may use force against an individual who is required to provide a DNA sample when and to the degree the employee reasonably believes force is immediately necessary to collect the sample.

If, after a written or oral request, a qualified person refuses to provide any or all of the required DNA samples, an authorized employee of this department may use reasonable force to obtain such sample under the following conditions:

(a) Prior to the use of reasonable force, the authorized employee shall take and document reasonable steps to secure voluntary compliance.

(b) Prior to the use of reasonable force, the authorized employee shall notify the supervisor, which shall minimally include that the individual was asked to provide the sample and refused.

For the purpose of this section, the "use of reasonable force" shall be defined as the force that an objective, reasonable, trained and competent authorized employee faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

340.4 PROCESSING DNA SAMPLES
All DNA samples and related materials shall be forwarded to the DNA lab using appropriate packaging (ARS § 13-610(H)).

340.4.1 NOTICE OF A REJECTED SAMPLE
In the event that DPS notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to DPS (ARS § 13-610(N)).

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340.4.2 FOLLOW-UP NOTICE TO DPS

Within three years of submitting any DNA specimen, sample or impression to DPS, this department shall notify DPS if the individual remains a suspect in a criminal investigation. It shall be the responsibility of DPS to thereafter purge samples of any individual who is no longer a suspect in any criminal investigation.

340.4.3 RECORDS AND RETENTION

The DPS State Combined DNA Index System (CODIS) Laboratory shall also maintain a DNA sample and record as required by statute and according to approved CODIS laboratory procedures.

340.5 RECORD SECURITY

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes.

340.6 LITIGATION

The Chief of Police or a designee shall immediately notify the DPS DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

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Child and Dependent Adult Safety

341.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or adult abuse investigation. These are covered in the Child Abuse and the Adult Abuse policies.

341.1.1 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Oro Valley Police Department will endeavor to create a strong cooperative relationship with local community-based child social services to ensure an effective, collaborative response that addresses the needs of affected dependents.

341.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Oro Valley Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

341.2.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered minor children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of minor 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. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of minor children and dependent adults with a responsible party.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place dependent children or adults with a nonarrested parent or guardian.

(b) Provide for the immediate supervision of minor children or dependent adult until an appropriate caregiver arrives.

(c) Notify Child Protective Services or the Division of Aging and Adult Services of the Arizona Department of Economic Security if appropriate.

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(d) Notify the field supervisor and Criminal Investigations Unit Sergeant of the disposition of minor children or dependent adults when appropriate.

If children or dependent adults are at school or a known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be included in the associated report.

341.2.2 REPORTING

(a) For all in custody arrests where children are present or living in the household, the reporting employee will document the following information:

1. Names.
2. Gender.
3. Age.
4. How, where and with whom or which agency the child was placed.

(b) For all in custody arrests where dependent adults are present or living in the household, the reporting employee should document the following information about the dependent adult:

1. Identity.
2. Whether he/she reasonably appears able to care for him/herself.
3. Disposition or placement information if he/she is unable to care for him/herself.

341.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

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Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

341.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify the Department of Child Safety or the Division of Aging and Adult Services of the Arizona Department of Economic Security if appropriate.

(d) Notify the field supervisor or Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

341.3.2 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

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child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

341.3.3 SUPPORT AND COUNSELING REFERRAL
If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

341.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

341.5 TRAINING

The Training Coordinator is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.

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Service Animals

342.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Oro Valley Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

342.2 SERVICE ANIMALS

The ADA and Arizona law define 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; ARS § 11-1024).

342.2.1 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 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.

342.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Oro Valley Police Department affords to all members of the public.

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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer 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. 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 this department are expected to provide all services as are reasonably available to an individual with a disability (ARS § 11-1024).

If it is apparent or if an officer 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 officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the 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 questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers 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.

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Unmanned Aerial System (UAS) Operations

343.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

343.1.1 DEFINITIONS

Definitions related to this policy include:

Unmanned Aerial System (UAS) - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

343.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

343.3 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.

343.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- 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 authorization of the Chief of Police or the authorized designee, depending on the type of mission.

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- Developing an 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.
- Developing a 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.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

343.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS use is restricted to the following circumstances:

(a) To provide aerial surveillance during search and rescue operations.

(b) To provide aerial surveillance capabilities supporting efforts of officers on the ground actively searching for suspect(s) believed to have committed a felony or believed to be a danger to the public or to searching officers.

(c) To photograph or aerially inspect a crime or crash scene.

Any uses outside the above-listed circumstances must be approvede by the Chief of Police or designee.

343.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

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- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

343.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

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Off-Duty Law Enforcement Actions

344.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Oro Valley Police Department with respect to taking law enforcement action while off-duty.

344.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any certified member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (ARS § 13-3883).

344.3 FIREARMS

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

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medication or any combination thereof that would tend to adversely affect the officer's senses or judgment.

344.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

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(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

344.4.1 INTERVENTION PROCEDURE

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

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Oro Valley Police Department officer until acknowledged. Official identification should also be displayed.

344.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

344.4.3 RESPONSIBILITIES

Civilian members 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.

344.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

344.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Oro Valley Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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Chapter 4 - Patrol Operations

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Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Oro Valley, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, federal laws when authorized or empowered by agreement or statute and respond to emergencies 24 hours a day, seven days a 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 and community presentations.

(c) Calls for service, both routine and emergency.

(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 and other divisions within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

(j) Disasters, civic unrest and natural emergencies.

(k) Assist in the service of civil papers.

400.1.2 TERRORISM

It is the goal of the Oro Valley Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism.

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Criminal Investigations Unit supervisor in a timely fashion. The Criminal Investigations Unit supervisor shall review all terrorism-related reports as soon as practicable and contact the Arizona

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Counter Terrorism Information Center (ACTIC) (877-2-SAVE-AZ) when there is a reasonable suspicion that a terrorism threat exists.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the Oro Valley Police Department.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. Criminal information and reports can be submitted to the Records Unit for distribution to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants shall share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These may include:

- Briefing Book
- Safety Bulletin
- Reports Clipboard
- Daily Schedule Board
- Memo Board
- Other Agency Bulletins

400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or

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responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Officers may consider the current No Trespass Public Notice List established by the Secretary of State when responding to complaints by an employer of unlawful picketing, assembly or mass picketing on an employer's property (ARS § 23-1321; ARS § 23-1326). If the property is identified on the list, officers may not require any additional documentation from the employer to establish the employer's property rights.

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Racial/Bias Based Profiling

401.1 PURPOSE AND SCOPE

The Oro Valley Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other inherent differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law.

401.2 DEFINITIONS

Definitions related to this policy include:

Racial/Bias Profiling - Reliance by an employee upon the race, ethnicity or national origin of a person as a factor in initiating action when the race, ethnicity or national origin of the person is not part of an identifying description or factor.

401.3 POLICY

The practice of racial/bias-based profiling will not be tolerated by this department.

(a) It is the responsibility of every member of this department to prevent, report and respond appropriately to clear discriminatory or biased practices.

(b) No retaliatory or punitive action may be taken against any officer who discloses information concerning racial profiling.

(c) Every member of this department engaging in a non-consensual detention shall be prepared to articulate sufficient reasonable suspicion to justify the detention independent of the individual's membership in a protected class.

1. To the extent that documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the contact.

2. Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

3. While the practice of racial profiling is strictly prohibited, it is recognized that race or ethnicity may be legitimately considered by an officer in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

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401.4 TRAINING

(a) All newly sworn peace officers hired by this department shall initially receive a copy of this policy, and regularly thereafter, as designated by the Professional Development and Training.

(b) Members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of our community.

401.5 COMPLAINTS

The Department will maintain educational pamphlets at the front desk regarding the complaint process.

The Oro Valley Police Department will investigate all complaints of alleged racial/bias-based profiling against its members, just as any other complaint is investigated.

On the commencement of an investigation regarding a complaint in which a video or audio recording was made, the Department may provide a copy of the recording to the officer on written request.

401.5.1 CORRECTIVE ACTION

Employees found to be in violation of this policy are subject to discipline in accordance with this department's Disciplinary Policy and shall receive additional training and instruction by the Professional Development and Training except when disciplinary action results in termination.

401.6 ADMINISTRATION

Annually, the Department shall review its efforts to prevent racial/bias-based profiling and submit an overview, including public concerns, to the Chief of Police. This overview shall not contain any identifying information regarding any specific complaint, citizen or officers.

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Briefing Training

402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct briefing. However, officers may conduct briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers 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 officers of changes in schedules and assignments.

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

402.2 PREPARATION OF MATERIALS

The supervisor conducting briefing, or the officer if the supervisor is unable to participate in a group briefing session, is responsible for collection and preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his/her absence or for training purposes.

402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Coordinator for inclusion in training records, as appropriate.

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Crime and Disaster Scene Integrity

403.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

403.2 CRIME SCENE RESPONSIBILITIES

The first officer at the scene of a crime or major incident is generally responsible for the preservation of the scene. Officers shall also consider officer safety and public safety issues, including rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, it shall be maintained until the officer is relieved by a supervisor.

403.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Identify hazards or dangerous conditions to responding personnel.

(e) Secure the inner perimeter with crime scene tape.

(f) Protect items of apparent evidentiary value.

(g) Start a chronological log noting critical times and personnel allowed access.

403.2.2 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (ARS § 36-183.03).

403.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once officers 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. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

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403.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

403.4 SCENE CLEAN UP

Scene clean up on public property will be requested through the fire department or other public agency. Private property owners should be advised to contact their insurance carrier or the State's Crime Victim Compensation Program for submitting a claim for reimbursement for a crime scene clean up (AAC § R10-4-107).

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Pima Regional Special Weapons and Tactics

404.1 PURPOSE AND SCOPE

The mission of the Pima Regional SWAT Team is to support member agencies in tactical situations that are beyond the scope of regular patrol officers and requiring special tactics, weapons and equipment to reach an appropriate, lawful and safe solution. The Pima Regional SWAT Team is the primary tactical team for all areas within Pima County, with the exception of the City of Tucson. Additionally, the Pima Regional SWAT Team is committed to supporting all public safety agencies in Southern Arizona as part of counter terrorism operations along the U.S./Mexico border.

404.2 POLICY

Refer to the Pima Regional S.W.A.T. Standard Operating Procedures.

404.3 OPERATIONAL GUIDELINES FOR PIMA REGIONAL SPECIAL WEAPONS AND TACTICS

404.3.1 MULTIJURISDICTIONAL SWAT OPERATIONS

The Pima Regional SWAT team, including specialized units and supporting resources, have developed protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

404.3.2 MOBILIZATION OF PIMA REGIONAL SPECIAL WEAPONS AND TACTICS

The on-scene supervisor shall make a request to Pima County Sheriff's Department Communications Center and request that the SWAT Commander be notified of the request.

Situations where SWAT should be used:

(a) Hostage Situations: The holding of any person (s) against their will by an armed suspect(s) or a suspect(s) who is believed to be armed with a weapon or dangerous instrument.

(b) Barricaded Subjects: The stand-off created by an armed or potentially armed suspect(s) in any location, whether fortified or not, who is refusing to comply with arrest commands. Or in situations where a person is barricaded in a structure threatening suicide and is known or believed to be armed, and refuses to surrender for medical evaluation.

(c) High Risk Search/Arrest Warrants: The service of search/arrest warrants for criminal investigations involving suspect(s) that are known or believed to be dangerous and pose a specific threat of serious physical injury or death when confronted by law enforcement.

(d) High Risk Arrests: The SWAT Team may be utilized in the arrest of suspect(s) in a criminal case where the suspect(s) pose a substantial risk to arresting officers. These situations may or may not involve an arrest warrant.

(e) Jail Disturbances: The SWAT Team may be utilized in the suppression of inmates that are involved in acts of violence or disruptive activity that is beyond the capabilities of the

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Corrections Bureau to control. The team may also be deployed for any hostage situation or barricade at the jail or to retake any portion of the facility under the control of inmates.

(f) Personnel Protective Details: The SWAT Team may be utilized for the protection of special persons, such as VIPs, witnesses or suspects, based on threat or potential threat to the well being of those persons.

(g) Terrorist Incidents: The SWAT Team may be utilized in a broad variety of capacities during any act of terrorism. This could include hostage rescue, warrant service, immediate response, security, and bomb squad support, among others.

(h) Any other situation where the SWAT Team Commander deems it appropriate based on the circumstances.

Certain prerequisites must be met before the team should be deployed. Following are some guidelines that should be met before SWAT will deploy:

(a) A crime has been committed and the suspect is believed to be contained inside a structure.

(b) Patrol personnel have attempted to make the arrest and the suspect(s) has refused to comply with commands.

(c) The suspect(s) are known or believed to be armed.

(d) A barricaded suicidal subject has committed an act that would result in an involuntary committal in a mental hospital, and is known or believed to be armed.

(e) In any case where the use of SWAT is determined to be the safest and best option to solve the problem.

The field supervisor shall notify chain of command of the incident as soon as practical.

404.3.3 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Pima Regional Special Weapons and Tactics team, the Incident Commander shall brief the Pima Regional SWAT lieutenant and team supervisors. Prior to transferring responsibility to SWAT, it will be the Incident Commander's decision, with input from the Pima Regional SWAT lieutenant, whether to deploy the Pima Regional Special Weapons and Tactics team. Once the Incident Commander authorizes deployment, the Pima Regional SWAT lieutenant 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 Pima Regional Special Weapons and Tactics team. The Incident Commander and the Pima Regional SWAT lieutenant or a designee shall maintain communications at all times.

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Ride-Along Policy

405.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

405.1.1 ELIGIBILITY

The Oro Valley Police Department ride-along program is offered to Citizen Academy participants, potential recruits, interns and those employed within the Town. Oro Valley Police Department officers may request his/her supervisor's permission to have a civilian ride along during a duty shift. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

405.1.2 AVAILABILITY

The ride-along program is available any day of the week, at any hour.

405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Sergeant. The participant will complete and sign a ride-along waiver form. Information requested will include name, date of birth, address and telephone number.

The Sergeant will schedule a date, based on availability.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: cadets, explorers, Citizen Volunteer Assistants Program (CVAP), chaplains, reserves and police applicants with approval of the Sergeant.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle

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at a given time. When practicable, ride-alongs who request multiple opportunities to participate in the ride-along program should be rotated among officers.

Ride-along requirements for police cadets are covered in the Police Cadets Policy.

405.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty ride-alongs by officers of this department are restricted as follows:

(a) Off-duty officers of this department shall not be permitted to ride-along with other on-duty officers of this department.

(b) Off-duty officers of this department may ride-along with on-duty peace officers of another agency.

Off-duty peace officers of other law enforcement agencies will not be permitted to ride-along with on-duty officers without the express consent of the Sergeant.

In the event that such a ride-along is permitted, the off-duty peace officer shall not be considered on-duty and shall not participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 CIVILIAN EMPLOYEE RIDE-ALONGS

Off-duty civilian employees of this department may ride-along with on-duty officers. Off-duty civilian members of other law enforcement agencies will not be permitted to ride-along with on-duty officers without the express consent of the Sergeant.

In the event that such a ride-along is permitted, the off-duty civilian member shall not be considered on-duty and shall not participate in any law enforcement activity except as emergency circumstances may require.

405.2.5 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Criminal History System check prior to approval (provided that the ride-along is not an employee of the Oro Valley Police Department).

405.3 OFFICER’S RESPONSIBILITIES

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit, and if feasible let the participant out of the vehicle in a well-lighted place

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of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

Conduct by a person participating in a ride-along that results in termination of the ride or is otherwise inappropriate should be immediately reported to the Sergeant.

The Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the Sergeant with any comments that may be offered by the officer.

405.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(e) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

(g) Ride-alongs shall be returned to his/her home, the place of the ride origin or to the station when the ride-along is terminated.

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Hazardous Material Response

406.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees as a result of their exposure. To comply with Arizona law, the following represents the policy of this department.

406.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - Includes, without limitation, hazardous material, a regulated substance, a pollutant, a contaminant or as outlined in ARS § 26-301(8).

406.2 HAZARDOUS MATERIAL RESPONSE

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards. Responders should not perform tasks or use equipment absent proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous material. Identification can be determined by placard, driver's manifest or statements from the person transporting the material.

(b) Notify the appropriate fire department to establish ICS.

(c) Notify DPS if on public roadway.

(d) Provide first aid to injured parties if it can be done safely and without contamination.

(e) Begin evacuation of the immediate and surrounding areas dependent on the material. Voluntary evacuation should be considered. Depending on the shelter material, mandatory evacuation may be necessary.

(f) Responders should remain uphill and upwind of the hazard until a zone of entry and a decontamination area is established.

406.3 REPORTING EXPOSURE

Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an officer's report, which shall be forwarded via chain of command to the Division

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Commander. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a crime report or incident report.

406.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through the Department. Safety items not maintained by the Department will be obtained through the appropriate fire department.

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Hostage and Barricade Incidents

407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

407.1.1 DEFINITIONS

Definitions related to this policy include:

Barricade situation - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

Hostage situation - An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

407.2 POLICY

It is the policy of the Oro Valley Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

407.3.1 EMERGENCY COMMUNICATIONS

Should the Incident Commander determine that an emergency situation exists that involves immediate danger of death or serious physical injury to any person and that such may be averted by interception of wire, electronic or oral communications, the Incident Commander should contact the County Attorney and request authorization for an emergency interception (ARS § 13-3012; ARS § 13-3015).

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407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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(k) Establish a command post.

407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate non-injured persons in the immediate threat area if it is reasonably safe to do so.

(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt or obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

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407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Pima Regional SWAT response if appropriate and apprising the Pima Regional SWAT 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 Town during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Communications Bureau.

(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.

407.6 INCIDENT COMMANDER RESPONSIBILITIES

It will be the Incident Commander's decision, with input from the Pima Regional SWAT Commander, whether to deploy the Pima Regional SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the Pima Regional 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 Pima Regional SWAT. The Incident Commander and the Pima Regional SWAT Commander or the authorized designee shall maintain communications at all times.

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407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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Response to Bomb Calls

408.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response toincidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

408.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) The device should not be touched or transported to any other location.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(c) A perimeter should be secured for a minimum of 300 feet around the location, or an otherwise safe distance depending on the surrounding physical environment and allowing for an entrance for support personnel. Perimeter may be adjusted in size as determined by bomb squad personnel.

(d) As much initial information as possible should be relayed to the supervisor without touching the device, including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction).

(e) Officers should not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility of evacuation if a device is located within a building.

(f) An additional perimeter should be secured around any suspected device.

(g) Officers should give consideration for the ingress/egress of additional support personnel, such as paramedics and fire department personnel.

(h) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.

(i) Explosive or military ordinance of any type shall be handled only by bomb squad technicians.

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(j) Call for assistance from the bomb squad supervisor.

(k) Fireworks, any variety, shall be evaluated on a case by case basis.

408.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront an officer. As in other catastrophic incidents, a rapid response will help to minimize such things as further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the following concerns may confront the officer:

- Injury to victims
- First aid
- Evacuation of victims

408.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Fire department and/or state fire marshal

(b) Bomb squad

(c) Additional officers

(d) Field supervisor

(e) Investigators

(f) Property and ID

(g) Department of Public Safety

(h) Emergency management

408.3.2 CROWD CONTROL

Scene access should be restricted to those with a legitimate public safety purpose.

408.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a wide area. Evidence may be imbedded in nearby structures or hanging in trees and bushes. ICS should be established.

408.4 BOMB THREATS AT POLICE FACILITY

This procedure shall be followed should a bomb threat be received at a police facility and a search initiated for a destructive device.

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408.4.1 BOMB THREATS RECEIVED BY TELEPHONE
The following questions shall be asked if a call of a bomb threat is received at a Police facility:

- When is the bomb going to explode?
- When did you place the bomb?
- What would cause the bomb to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? To avoid possible termination of the call, this should be asked after the preceding questions.

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these prior questions. Additionally, during this time, document the following:

- Time of the call
- Exact words of the person as accurately as possible
- Estimated age and gender of the caller
- Speech patterns and/or accents
- Background noises

If the threat is received at a police facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Department evidence procedures.

408.4.2 RESPONSIBILITIES
As soon as a bomb threat has been received, the field supervisor will be advised and fully informed of the details. The field supervisor will then direct and assign officers as required for coordinating a general building search or evacuation as deemed appropriate.

408.5 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY
This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Department is informed of the threat.

408.5.1 BOMB THREAT RESPONSE OPTIONS
The person in charge of the facility's options are generally:

(a) No search and no evacuation.

(b) Search without evacuation.

(c) Evacuation without search.

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(d) Evacuation and search.

(e) If a suspected hazard is found, personnel shall order an evacuation for the proximate area.

408.5.2 REQUEST FOR ASSISTANCE

Should the person in charge of the facility request assistance, the field supervisor shall be notified and will make the decision whether the Department renders assistance and to what level. Should the information and circumstances indicate a reasonably apparent imminent threat to safety, a more active approach, including law enforcement control over the facility, may be considered.

408.5.3 EVACUATION OR SEARCH ASSISTANCE

Should the field supervisor determine that the Department will assist or control a bomb threat incident, the Sergeant will determine:

(a) The level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search.

(d) The appropriate support necessary.

(e) Secondary sweep of evacuated areas.

Considerations regarding the involvement of the facility staff in searching and evacuating is important. A search or evacuation can be difficult without a working familiarity of the facility. The person in charge of the facility should be made aware of the possibility of damage to the facility as a product of a search. The safety of all participants is the paramount concern.

Consideration for additional support resources should include notification and response, or standby notice, for fire, medical and ambulance.

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Civil Commitments

409.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (ARS § 36-525).

409.2 POLICY

It is the policy of the Oro Valley Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

409.3 AUTHORITY

An officer may take a person into custody based upon probable cause to believe that the person is a danger to him/herself or others, and that during the time necessary to complete the prepetition screening procedures, the person is likely, without immediate hospitalization, to suffer serious physical harm, serious illness or to inflict serious physical harm on another person (ARS § 36-525).

The officer shall transport the person to a screening or evaluation agency (ARS § 36-525).

An officer shall also take a person into custody and transport the person to the evaluation agency upon the request of authorized medical admission personnel who advise that sufficient grounds exist for protective custody (ARS § 36-524; ARS § 36-525).

If the person is taken into custody at or near his/her residence, the officer shall take reasonable precautions to safeguard the premises, unless the premises are in the possession of a responsible relative or guardian (ARS § 36-525).

409.3.1 MENTAL HEALTH PETITIONS

An officer is also authorized to take persons into protective custody under the following conditions:

(a) Upon receipt of a signed court order (ARS § 36-540).

(b) Upon the written request of the medical director when patient's outpatient treatment has been rescinded (ARS § 36-540(E)(4)).

(c) Upon the oral or written request of the medical director of a mental health treatment facility, when a patient who is absent without proper authorization from the facility into custody for transport to the facility (ARS § 36-544).

Upon receipt of an Application for Emergency Admission for Evaluation:

(a) The Application for Emergency Admission for Evaluation must be notarized

(b) The individual who has completed the Application shall be present / accessible to officers

(c) The officer shall read the Application over the phone verbatim to the admitting psychiatrist

(d) If the admitting psychiatrist finds that there is Reasonable Cause to believe an emergency examination is necessary, the officer will then transport the subject to a mental health facility

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(e) In the event that the person named in the Application is not on scene, the person applying for the Evaluation should be directed to Superior Court to obtain a court order.

409.3.2 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for a civil commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers 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) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

409.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(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 officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

409.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer may have Communications Bureau notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Sergeant approval is required before transport commences.

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409.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

409.7 DOCUMENTATION

A family member or other involved party, should be asked to complete a written application for emergency admission whenever possible. Otherwise, the officer should complete the application for emergency admission. The application shall be provided to the facility staff member assigned to the individual and retain a copy of the application for inclusion in the case report.

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

409.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a civil commitment should resolve the criminal matter by issuing a notice to appear, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(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 a civil commitment.

(c) Facilitate the individual's transfer to jail.

(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 be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

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409.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A warrant may also be needed before searching for or seizing weapons.

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

409.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.

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Citation Releases

410.1 PURPOSE AND SCOPE

Arizona law permits law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor or petty offenses with certain exceptions (ARS § 13-3903(B)).

410.2 STATUTORY REQUIREMENTS

Release by citation for misdemeanor or petty offenses can be accomplished by issuing a notice to appear from a citation book or an electronic device (ARS § 13-3903(A)).

410.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the Town, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On duty officers who discover felony criminal activity outside the jurisdiction of the Town should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

410.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with Arizona law.

Although case law may limit arrest to full custody situations, ARS 13-3903 does not affect an officer's authority to conduct a lawful search incident to arrest even though the arrested person is released before being taken to a station, booking facility or magistrate (ARS § 13-3903(G)).

410.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be cited and released provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

410.3.2 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor or petty offense may be released on a notice to appear unless one of the following situations is present (ARS § 13-3903):

(a) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

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(b) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically stated.

(c) When the person is arrested for a domestic violence offense (ARS § 13-3601B); violation of an order of protection against domestic violence (ARS § 13-3602); disobeying or resisting an injunction prohibiting harassment (ARS § 12-1809) or workplace harassment (ARS § 12-1810); or disobeying or resisting a preliminary injunction or temporary order relative to dissolution of marriage, legal separation, annulment (ARS § 25-315).

410.3.3 OTHER REASONS FOR NON-RELEASE
Such reasons for non-release may include:

(a) Previous failure to appear is on record.

(b) The person lacks ties to the area, such as a residence, job or family.

(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

410.4 JUVENILE CITATIONS

Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and certain local misdemeanor ordinance violations.

All misdemeanor violations for juveniles shall be documented with a case number. Cases not closed by citation should be referred to the Criminal Investigations Unit, if necessary, for further investigation and diversion or prosecution.

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Diplomatic and Consular Contacts

411.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website, http://www.travel.state.gov.

411.1.1 DEFINITIONS

Definitions related to this policy include:

Foreign National - Is anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

411.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

411.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

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411.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

411.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are currently two permanent consulates in Arizona: the Canadian Consulate General and the Consulate of Mexico.

411.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

Honorary consuls include Austria, Belgium, Bolivia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, France, Finland, Germany, Guatemala, Great Britain, Honduras, Iceland, Japan, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Romania, Spain, Sweden, Switzerland and Tanzania.

411.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and are issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying foreign service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the identification card, foreign service personnel should also have a driver license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which, in most circumstances, replaces the operator's license issued by the state.

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411.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates but may have Arizona license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "U.S." as the state, if the officer has reason to question the legitimate possession of the license plate.

411.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals.

411.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant.

(b) As soon as practicable, contact DOS to verify the driver's status and immunity (ARS § 28-1652(1)).

(c) Record all relevant information from any driver license or identification card, including a driver license or identification card issued by DOS (ARS § 28-1652(2)).

(d) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.

(e) Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice to appear. The word "Refused" shall be entered in the signature box and the violator shall be released.

(f) Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(g) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(h) All other claimants are subject to the provisions of policy and procedures outlined here.

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(i) The violator shall be provided with the appropriate copy of the notice to appear.

(j) Within five working days after the date of the traffic stop, forward all of the following to the Arizona DPS (ARS § 28-1652(3)):

1. If the driver is involved in a vehicle accident, forward the vehicle accident report.
2. If a citation was issued to the driver, forward a copy of the citation.
3. If a citation was not issued to the driver, forward a written report of the incident.

411.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the officer or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Telephone verification with DOS. Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Department personnel should use the following numbers in order of preference:

Office of Foreign Missions

Chicago, IL

(312) 353-5762

(0800-1645 CST)

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Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver's License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Arizona Consular Corps, local law enforcement agencies, the foreign embassy or consulate, a driver license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The officer shall either complete a notice to appear or a written report documenting the incident.

This department shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this department shall send to the Bureau of Diplomatic Security, OFM of the DOS a copy of the notice to appear and any collision or other

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written report documenting the incident. The DOS will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the Department.

411.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver's License, issued by the DMVO, shall have "D" coded in the license "class" box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M), along with the claimant's title, country and type of identification presented, should be recorded in the narrative portion of the report. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5.

411.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

411.6.2 REPORTS

A photocopy of each Traffic Collision Report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The Sergeant/ supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating officer, along with any supervisor's notes, materials and/or logs, to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure the notification of DOS and all necessary follow-up occurs.

411.7 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/ detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact Communications Bureau as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide Communications Bureau with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age

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- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Communications Bureau with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website (Canada and Mexico are not mandatory countries).

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Rapid Response And Deployment Policy

412.1 PURPOSE AND SCOPE

The purpose of this policy is to identify guidelines that will assist officers implement rapid response and deployment to such situations.

412.2 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

When deciding on a course of action officers should consider the following:

(a) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.

(b) Whether the officers have the ability to effectively communicate with others in the field.

(c) Whether planned tactics can be effectively deployed.

(d) The use of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(e) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should adjust their tactics appropriately.

(f) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, wherever possible, to stop the threat presented by the suspect while calling for additional assistance.

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Reporting Law Enforcement Activity Outside of Jurisdiction

413.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Oro Valley Police Department.

413.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE TOWN

When an officer is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Sergeant. If the request is of an emergency nature, the officer shall notify Communications Bureau before responding and thereafter notify a supervisor as soon as practicable.

413.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE TOWN

The supervisor shall determine if a case report or other documentation of the officer's activity is required.

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Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Oro Valley Police Department for investigating and enforcing immigration laws.

414.1.1 DEFINITIONS

Definitions related to this policy include:

Detentions - A detention occurs when an officer intentionally, through words, actions or physical force causes a reasonable individual to believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual contacts - A consensual contact occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

414.2 POLICY

It is the policy of the Oro Valley Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

Consensual contacts with consenting individuals are encouraged by the Oro Valley Police Department to strengthen community involvement, community awareness and problem identification. Officers should be consistent about when they ask such consenting individuals for identification in order to avoid the perception of disparate treatment based on race, color or national origin.

414.3 ENFORCEMENT

An officer may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. An officer should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

414.3.1 CIVIL VERSUS CRIMINAL OFFENSES

An individual who enters into the United States illegally has committed a misdemeanor (8 USC § 1325(a)). Generally, an alien who initially made a legal entry into the United States but remains beyond what is a legal period of time has committed a federal civil offense.

Reasonable suspicion that a criminal immigration violation has occurred shall not be based on race, color, national origin or any other generalization that would cast suspicion on or stigmatize

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any person, except to the extent permitted by the United States or Arizona Constitutions. Instead, the totality of circumstances shall be used to determine reasonable suspicion, and shall include factors weighing for and against reasonable suspicion.

Factors that may be considered in determining reasonable suspicion that a criminal immigration violation has occurred may include, but are not limited to:

(a) An admission that the person entered the United States illegally.

(b) Reason to suspect that the person possesses immigration documentation that is forged, altered or otherwise indicative that the person is not legally present in the United States.

(c) While a lack of English proficiency may be considered, it should not be the sole factor in establishing reasonable suspicion. When practicable, reasonable effort should be made to accommodate persons with limited English proficiency.

(d) Proximity to a United States border or known routes for illegal entry into the United States.

(e) Other factors based upon training and experience, particularly those identified by Arizona Peace Officer Standards and Training (POST) material.

414.3.2 DETERMINING IMMIGRATION STATUS DURING STOPS AND DETENTIONS

Unless it would hinder an investigation, officers shall, when practicable, make a reasonable attempt to determine the immigration status of any person lawfully stopped or detained in the enforcement of any state or local law or ordinance where reasonable suspicion exists that the person is unlawfully present in the United States (ARS § 11-1051).

Attempts to determine the immigration status of a detained person should not prolong the detention beyond the time it takes to complete the original investigation or other valid enforcement action.

A person is presumed to be lawfully present in the United States if the person provides any of the following (ARS § 11-1051):

(a) A valid Arizona driver license or a valid Arizona non-operating identification license

(b) A valid tribal enrollment card or other form of tribal identification

(c) Any valid federal, state or local government-issued identification where proof of legal presence in the United States was required before issuance

If appropriate documentation has been presented to the officer, no obligation exists to pursue further investigation unless additional reasonable inquiry is warranted.

Circumstances may arise that make reasonable attempts to determine the immigration status of a stopped or detained person impracticable (ARS § 11-1051). Examples of these circumstances include, but are not limited to, time limitations, availability of personnel or other resources, issues of officer safety and communication capabilities. Officers do not need a supervisor’s approval to forgo such attempts in these circumstances but are expected to make reasonable decisions in good faith and based upon the totality of the circumstances presented at the time. Officers who determine that no inquiry regarding a detained person’s immigration status is warranted should

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notify a supervisor and document the reason for no inquiry or for an incomplete inquiry in an associated dispatch log or report.

414.3.3 IMMIGRATION CHECKS
Immigration status may be determined through any of the following sources:

(a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)

(b) Immigration and Customs Enforcement (ICE)

(c) U.S. Customs and Border Protection (CBP)

An officer shall verify from a 287(g) certified officer, ICE or CBP whether the person's presence in the United States relates to a federal civil violation or a criminal violation.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the officer should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

An officer is encouraged to forgo detentions made solely on the basis of a misdemeanor offense when time limitations, availability of personnel, issues of officer safety, communication capabilities or the potential to obstruct a separate investigation outweigh the need for the detention.

414.3.4 SUPERVISOR RESPONSIBILITIES
When notified that an officer has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

(a) Confirm that the detained person's immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:

    1. Transfer to federal authorities.

    2. Lawful arrest for a criminal offense or warrant.

414.4 ARRESTS

Any person who is arrested shall have his/her immigration status checked. Unless the arrestee continues to be suspected of some crime for which he/she may be held, custody should not be prolonged for the immigration inquiry. The result of an immigration inquiry should be documented, even if the arrestee has been released (ARS § 11-1051).

Supervisor notification is required prior to any arrest or vehicle impound related to or based upon a person's immigration status.

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414.5 U-VISA/T-VISA NON-IMMIGRANT 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)). A law enforcement certification for a U visa may be completed by an officer in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by an officer in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Criminal Investigations Unit supervisor assigned to oversee the handling of any related case. The Criminal Investigations Unit 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.

414.6 PROCEDURES FOR IMMIGRATION COMPLAINTS

Reasonable options when a person reports immigration violations include referrals to ICE and/or the Arizona Attorney General's office if the report relates to employment violations.

414.7 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, 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, to ICE or other federal agencies.

414.8 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 without regard to race, color or national origin in any way that would violate the United States or Arizona Constitutions.

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414.9 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 ICE

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state or local government entity

(d) Members will not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law (ARS § 11-1051).

414.9.1 IMMIGRATION HOLDS

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.

414.10 TRAINING

The Training Coordinator shall ensure that all applicable employees receive appropriate immigration training supplied by Arizona POST.

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Emergency Utility Service

415.1 PURPOSE AND SCOPE

The Town has personnel available to handle emergency calls 24 hours per day, seven days a week. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

415.1.1 BROKEN WATER LINES

The Town'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. The Town's Water Department can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the Town side of the meter, emergency personnel should be called as soon as practicable by Communications Bureau.

415.1.2 ELECTRICAL LINES

The Town does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or the Town's Public Works Department should be promptly notified, as appropriate.

415.1.3 RESERVOIRS, PUMPS AND WELLS

The Town's Water Department 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.

415.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Communications Bureau.

415.2 TRAFFIC SIGNAL MAINTENANCE

The Town of Oro Valley maintains all traffic signals within the Town, other than those maintained by the Arizona Department of Transportation (ADOT).

415.2.1 OFFICER’S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal, the officer will advise Communications Bureau of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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Aircraft Crashes

416.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft crashes/incidents including responsibilities of personnel, making proper notification and documentation.

416.2 RESPONSIBILITIES

In the event of an aircraft crash, the employee responsibilities are as follows:

416.2.1 OFFICER RESPONSIBILITY

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers such as live ordinance 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 officer at the scene of an aircraft crash include the following:

(a) Determine the extent of the crash.

(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 traffic and crowd control and other assistance until directed otherwise by a supervisor.

(f) Notify the traffic supervisor and ensure the appropriate 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 reasonably 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 practicable.

The fire department will be responsible for control of the crash scene until the injured parties are cared for and the crash scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency 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.

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416.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating crashes involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the crash did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities. If the NTSB is not responding for an on-site investigation, removal of the wreckage shall be at the discretion of the pilot or the owner.

416.2.3 COMMUNICATIONS BUREAU RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft crash has been reported. The notifications will vary depending on the type of crash, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft crash has occurred.

(a) Fire department.

(b) The affected airport tower.

(c) Closest military base if a military aircraft is involved.

(d) Ambulances or other assistance as required.

When an aircraft crash is reported to the Police Department by the airport tower personnel, the dispatcher receiving such information should verify that the tower personnel will contact the Arizona Department of Transportation Aeronautics and Aviation Section, Federal Aviation Administration (FAA) Flight Standards District Office and NTSB. In the event that airport personnel are not involved, the dispatcher should notify the Arizona Department of Transportation Aeronautics and Aviation Section, the FAA and the NTSB.

416.2.4 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the Arizona Department of Transportation Aeronautics and Aviation Section and the NTSB if requested.

(b) Forward a copy of the report to the Field Services Division Commander and the manager of the affected airport.

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416.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES

The Police Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or a designee.

(b) When practicable, the Department Public Information Officer should coordinate with the FAA Press Information Officer on preparing a press release and distributing it to the media.

Information released to the press regarding any aircraft crash should be handled by the Department Public Information Officer or in accordance with existing policy.

416.3 DOCUMENTATION

Any aircraft crash within the Town, regardless of whether injuries or deaths occur, shall be documented.

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Field Training Officer Program

417.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Oro Valley Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

417.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

417.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Off probation.

(c) Demonstrated ability as a positive role model.

(d) Evaluation by supervisors and current FTOs.

417.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a Field Training Officer's course approved by the Department prior to being assigned as an FTO.

417.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be selected from the rank of sergeant or above by the Field Services Division Commander or a designee and should have completed supervisory probation.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.

(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

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(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.

417.4 TRAINEE DEFINED

Trainee (OIT - Officer In Training) - Any entry level or lateral police officer newly appointed to the Oro Valley Police Department.

417.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

417.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Oro Valley Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Oro Valley Police Department.

417.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to the FTO program supervisor on a daily basis.

(b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.

(c) An end-of-phase evaluation summary on the assigned trainee shall be completed by the FTO at the end of each phase of training.

(d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

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417.6.2 TRAINEE

At the completion of the Field Training Program, the trainee shall be provided the opportunity to provide feedback on each of his/her FTOs and of the Field Training Program.

417.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) All other signed documentation from their field training manual.

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Obtaining Air Support Assistance

418.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

418.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

418.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, Communications Bureau will call the closest agency having air support available. The dispatcher will apprise that agency of the specific details of the incident prompting the request.

418.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

(f) Pre-planned events or actions that require air support.

(g) When the Sergeant or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.

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Detentions and Photographing Detainees

419.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to the officer at the time of the detention.

419.2 DEFINITIONS

Definitions related to this policy include:

Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview (FI) - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

419.3 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to:

(a) The appearance or demeanor of an individual that suggests he/she is part of a criminal enterprise or is engaged in a criminal act.

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(b) The actions of the suspect that suggest he/she is engaged in a criminal activity.

(c) Whether the hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

419.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer’s suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Oro Valley Police Department to strengthen our community involvement, community awareness and problem identification.

419.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

(a) Identifying 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, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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419.3.3 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place where the detention was first affected unless the detainee is arrested.

419.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to, the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

When reasonably possible, pat-down searches should be performed by officers of the same gender as the suspect.

419.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

419.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

419.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

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All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

419.6 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. Access to field photographs shall be strictly limited to law enforcement purposes.

419.7 DISPOSITION OF PHOTOGRAPHS

All photographs must be adequately labeled and submitted following standard evidence procedures.

419.7.1 PURGING THE FIELD PHOTO FILE

The Property and ID Unit Supervisor will be responsible for ensuring that photographs maintained by the Property and ID Unit are purged and destroyed as required by the Department records retention schedule. No record may be destroyed unless done in compliance with such a schedule unless ordered by a court or pursuant to other applicable statute. Photographs that continue to serve a law enforcement purpose may be retained longer provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes and personnel.

419.8 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this department during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the Chief of Police or designee, who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below.

419.8.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or a designee will permit the individual to appear in person. Any minor must be accompanied by a parent or legal guardian for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within a timely manner. If a delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or a designee to discuss the matter.

After carefully considering the information available, the Chief of Police or a designee will determine whether the photograph/FI was obtained in accordance with existing law and Oro Valley

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Police Department policy and, even if properly obtained, whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or a designee determines that the photograph/FI was obtained in accordance with existing law and Department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or a designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Oro Valley Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to Department policy and applicable law.

If the Chief of Police or a designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original FI was not obtained in accordance with established law or Oro Valley Police Department policy, the original FI may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor).

If the Chief of Police or a designee determines that any involved Oro Valley Police Department personnel violated existing law or Department policy, the Chief of Police or a designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employee.

The person photographed/FI'd will be informed in writing of the Chief of Police’s determination whether the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.

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Criminal Intelligence Systems

420.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Oro Valley Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

420.1.1 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.

Gang Unit - Criminal Investigations Unit.

Gang Unit Supervisor - Criminal Investigations Unit Supervisor.

420.2 POLICY

The Oro Valley Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

420.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

420.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open

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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 Unit. Any supporting documentation for an entry shall be retained by the Records Unit 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 Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

420.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved 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.

420.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and ID Unit, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, Communications Bureau 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 souces or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

420.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

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420.4.3 INQUIRY BY PARENT OR GUARDIAN

When an inquiry is made by a parent or guardian as to whether a juvenile's name is in the street gang participant's file, such information shall be provided by the gang unit supervisor unless the release of such information can be clearly shown to jeopardize an ongoing criminal investigation.

Employees must strictly comply with the procedures governing the release of information from a Department-approved gang intelligence database.

420.4.4 RIGHT TO REQUEST REVIEW OF CRIMINAL INFORMATION

When the parent or guardian of a juvenile who is documented as a criminal gang member submits a written request challenging the accuracy of the information contained within that file, the Chief of Police or a designee shall review the information in the file. If, after conducting a review of the information it is determined the information, is not accurate, all records shall be destroyed.

420.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Coordinator to train members to identify information that may be particularly relevant for inclusion.

420.6 CRIMINAL STREET GANGS

The Criminal Investigations Unit supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(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.

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420.7 TRAINING

The Training Coordinator 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.

420.8 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

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Bicycle Patrol Unit

421.1 PURPOSE AND SCOPE

The Oro Valley Police Department has established the Bicycle Patrol Unit for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation 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.

421.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow. When feasible, officers may ride in pairs.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Sergeant.

421.3 SELECTION OF PERSONNEL

When a position is available, interested certified members, who are off probation, shall submit a memorandum of interest via chain of command. A copy will be forwarded to the Bicycle Patrol Unit 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 they pertain to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

421.3.1 BICYCLE PATROL UNIT SUPERVISOR

The Bicycle Patrol Unit supervisor will be selected by the Field Services Division Commander or a 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 the performance of bicycle officers.

(e) Coordinating activities with the Field Services Division.

(f) Other activities as required to maintain the efficient operation of the unit.

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421.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers may be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves. Failure to attend training may result in removal from unit.

421.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the long-sleeved uniform shirt.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

421.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, one battery and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps. Lamps and reflectors must meet legal requirements.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

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Each bicycle gear bag shall include a tire pump, repair tool and tire tube. These items are to remain with/on the bicycle at all times.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a repair is needed, the officer will notify the program supervisor and will have an approved technician repair the bicycle.

Each bicycle will have scheduled maintenance as required, to be performed by a Department-approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of the bicycle supervisor or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

421.7 OFFICER RESPONSIBILITIES

Officers are not exempt from operating the bicycle in compliance with Arizona law while performing their routine duties unless in response to an emergency call or situation (ARS § 28-815 and ARS § 28-624). Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment (ARS § 28-817).

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Foot Pursuit Policy

422.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

422.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

422.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

(a) Containment of the area.

(b) Canine search.

(c) Saturation of the area with patrol personnel.

(d) Aerial support.

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(e) Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

422.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with Communications Bureau or with backup officers.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

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(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

(p) The officer loses visual contact with the suspect, the officer shall be cautious of potential ambush situations.

422.4 RESPONSIBILITIES IN FOOT PURSUITS

422.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Number of suspects and description.

(e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify Communications Bureau of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

422.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.

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Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

422.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

422.4.4 COMMUNICATIONS BUREAU RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, Communications Bureau personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, Communications Bureau personnel are also shall:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing officer as needed.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as indicated.

(f) Coordinate response of additional resources to assist with the foot pursuit.

422.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

    1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.

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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may advise the initiating officer that he/she need not complete a supplemental report in conjunction with the report normally required to document the incident.

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Public Recording of Law Enforcement Activity

423.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

423.2 POLICY

The Oro Valley Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

423.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present.

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer's effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

423.4 OFFICER RESPONSE

Officers should promptly request a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

423.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

423.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

    1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

    1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

    2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible.

Recording devices and media that are seized will be submitted within the guidelines of the Property and ID Unit Policy.

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Chapter 5 - Traffic Operations

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Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions, create a safe traffic environment and address citizen concerns. This may be achieved through the application of such techniques as geographic/temporal 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 collision data, enforcement activity records, traffic volume, citizen concerns and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Oro Valley Police Department. Information provided by the Arizona Department of Transportation (ADOT) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of increased incidence and at the locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at locations where there is a high incidence of collisions.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

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500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.

500.3.2 TRAFFIC CITATIONS
Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at 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

(d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION
An officer who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation occurred (ARS § 28-1552 and ARS § 28-1558).

500.3.4 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (ARS § 28-121):

(a) Negligent homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit-and-run resulting in serious injury or death.

(d) Hit-and-run resulting in damage to any vehicle or property.

500.4 HIGH-VISIBILITY VESTS
The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 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 employee.

500.4.1 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 (23 CFR 634.3). Examples of when high-visibility vests should be worn include traffic control duties,

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collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

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Commercial Motor Vehicle

501.1 PURPOSE AND SCOPE

The primary function of Commercial Motor Vehicle Enforcement is to conduct safety inspections of Commercial Motor Vehicles (CMV) that travel through the Town of Oro Valley, with the intent that such inspections ensure a safer driving environment for the citizens of Oro Valley.

501.2 GENERAL PROCEDURES

All Arizona Revised Statutes (A.R.S.), Federal statutes adopted by the State of Arizona from the Federal Motor Carrier Safety Administration (FMCSA) and Oro Valley Town Codes as they pertain to Commercial Vehicles will be enforced to ensure a safe driving environment. It is the policy of the Oro Valley Police Department that a certified CMV Inspector, per A.R.S. 28-5204(C), needs no further reason to stop a CMV other than to conduct a commercial motor vehicle inspection.

501.3 COMMERCIAL VEHICLE INSPECTOR QUALIFICATIONS

In order to meet the requirements of the CVSA (Commercial Vehicle Safety Alliance), and to maintain the integrity of the enforcement, all officers conducting safety inspections shall have successfully completed Parts A and B of the North American Standard training courses taught by the Arizona Department of Public Safety (DPS). To meet the demands of this enforcement, all officers SHALL remain current on their certifications per the current DPS policy.

An officer shall not conduct inspections unless he/she is currently certified. The CMV Enforcement Coordinator responsible for direct contact with the DPS Commercial Vehicle Enforcement Bureau shall monitor the performance of all Commercial Vehicle Inspectors within OVPD to ensure all certification requirements are maintained.

501.4 INTER-AGENCY OPERATIONS

The Oro Valley Police Department, with the assistance of DPS and/or other local agencies, may at times conduct CMV checkpoints/deployments within the Town of Oro Valley to ensure Motor Carriers are in compliance with FMCSA, state and/or local guidelines. Likewise, any certified inspector may assist in other agency checkpoints/deployments outside the jurisdiction of Oro Valley, with the authorization of the CMV Enforcement Coordinator.

501.5 OUT OF SERVICE VIOLATIONS AND TOWING CMV'S

If a violation of the current CVSA out-of-service criteria is observed, the CMV Inspector shall complete a Driver Vehicle Inspection Report (DVIR) and the driver/vehicle shall be placed out-of-service.

A CMV Inspector may tow a CMV for any out-of-service violation that may not be repairable at the scene and as such may create a public safety hazard. The vehicle may also be moved to a nearby parking lot and placed out of service at the discretion of the CMV inspector. If a CMV is

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to be towed, the CMV Inspector shall document the reason on the inspection report or a basic case report.

501.6 CMV LOAD INSPECTION

A CMV Inspector shall inspect all load areas of a CMV to determine if the load is properly secured per FMCSA 393.100 – 393.136. It may be necessary for a CMV Inspector to break a seal of the load in order to make entry. In that case, the inspector shall document on the DVIR that the seal was broken/removed and shall replace with a seal documenting the new seal number on the DVIR as well. Prior to breaking any lock or seal, the inspector shall ask the driver if he/she can open the lock or seal. If a CMV Inspector needs to check a fully covered load area, the officer shall have a secondary officer present during the inspection of the area.

501.7 SAFETY CONSIDERATIONS

It is strongly recommended that all undercarriage Level I inspections have a secondary officer on scene for safety reasons.

501.8 FORWARDING INSPECTIONS TO DPS

All inspection reports shall be forwarded to the DPS Commercial Vehicle Enforcement division in the timeframe required by DPS.

501.9 COLLISIONS INVOLVING CMV'S

Any commercial motor vehicle involved in a collision should be inspected by a certified commercial vehicle inspector whenever possible.

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Traffic Collision Response and Reporting

502.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity. The Oro Valley Police Department prepares traffic collision reports in compliance with Arizona law. As a public service the Oro Valley Police Department makes traffic collision information available to the public.

502.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries or unknown injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

502.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a collision, should consider the following:

(a) The most appropriate route to the incident.

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene.

(c) Potential for involvement of hazardous materials.

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HazMat, ambulance, tow vehicles and airship landing).

(e) Provide first aid to any injured parties if it can be done safely, and obtain medical assistance as necessary.

(f) Provision of traffic control and protection of the scene.

(g) Clearance of the roadway.

502.3 COLLISION INVESTIGATION

Investigation of traffic collisions should include, as a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) Determination if any crime or civil traffic violation has occurred and taking appropriate enforcement action.

(d) Identify and protect items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.

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502.4 TAKING ENFORCEMENT ACTION

After a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Arizona law led to the collision, officers may issue a traffic citation or a misdemeanor citation to the offending driver.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be throughly investigated and appropriate enforcement action should be taken. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

502.5 TRAFFIC COLLISION REPORTING

502.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize traffic collision reporting forms prepared by the Arizona Department of Transportation (ARS § 28-669). All traffic collision reports taken by members of this department shall be forwarded to the Traffic Unit for approval and data entry into the Records Management System.

Department members who investigate a motor vehicle collision shall complete a written report pursuant to ARS § 28-667(A) and ARS § 28-667(B).

502.6 REPORTING SITUATIONS

502.6.1 COLLISIONS INVOLVING DEATH TO DRIVERS

An officer who investigates an collision that involves the death of one or more drivers shall promptly notify the county medical examiner (ARS § 28-668(A)).

502.6.2 TRAFFIC COLLISIONS INVOLVING TOWN VEHICLES

Traffic collision investigation reports shall be taken when a Town-owned vehicle is involved in a traffic collision on 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 Town vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs and recorded interviews of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.6.3 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Oro Valley Police Department and it results in a serious injury or fatality, the Chief of Police may request an outside agency complete an investigation and report.

The term serious injury is defined as any injury that may result in a fatality.

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502.6.4 TRAFFIC COLLISIONS WITH OTHER TOWN EMPLOYEES OR OFFICIALS
The Traffic Sergeant may request assistance from another outside agency for the investigation of any traffic collision involving any Town official or employee where a serious injury or fatality has occurred.

502.7 NOTIFICATION OF TRAFFIC UNIT

In the event of a serious injury, high liability incidents or death-related traffic collision, the supervisor shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit.

502.8 TRAFFIC COLLISION REVIEW BOARD

The Board shall meet to review facts and circumstances related to traffic collisions and occurrences resulting in damage to Department vehicles.

(a) A Traffic Collision Board of Inquiry shall be convened when:

1. The on-scene supervisor cannot determine fault.
2. The member involved in the collision requests a Board of Inquiry.
3. The member involved in the collision protests the findings of the supervisor.
4. Clarification on a point in the investigation is needed.
5. The Chief of Police determines that a Board of Inquiry is needed.

(b) The Board shall be appointed within 10 days of the incident and shall be comprised of a supervisor and two commissioned officers.

(c) The Board shall report its findings and recommendation to the Chief of Police (or designee) within 10 working days of having concluded its investigation.

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Motorcycle Operations

503.1 PURPOSE AND SCOPE

Motorcycle officers provide the Oro Valley Police Department with an effective means of traffic enforcement, education and traffic control. Officers assigned to the Motor Unit are responsible for general traffic enforcement, collision investigation/prevention and response to citizen complaints and concerns. Improving traffic safety is the primary concern of all police motorcycle operations.

503.2 MOTOR UNIT SELECTION

Officers wishing to be considered for the Motor Unit shall be non-probationary commissioned personnel who have demonstrated consistent proactivity in traffic enforcement.

503.2.1 PROCESS

The selection process shall consist of a practical exercise followed by evaluation of the officer's suitability for this assignment.

(a) The practical exercise will be administered by a current member of the Motor Unit. Failing the practical exercise will eliminate the applicant from further consideration. The practical exercise shall consist of the following:

1. Ability to sit astride the motorcycle in a static position and balance it.
2. To walk the motorcycle forward and backward while sitting astride the motorcycle.
3. To lift a downed motorcycle to an upright position.

(b) The selection process will evaluate the officer's suitability for assignment as a motor officer. It may consist of an oral board, written exams, executive review or review of an officer's past performance with an emphasis on proactive police work.

503.3 MOTOR UNIT TRAINING

503.3.1 INITIAL TRAINING

An officer will complete an approved Basic Police Motor Academy. Upon completion of the Basic Motor Academy, the officer shall successfully complete the current Motor Field Training program.

Upon successful completion of the Field Training program, an officer will be assigned as a solo motor officer.

Due to decreased visibility and the difficulty of hazard recognition/surface appraisal at night, new motor officers will not be assigned to shifts that have an end time later than 1800 hours until they have completed six months as a full time, solo motor officer.

503.3.2 CONTINUED TRAINING

Motor officers shall complete all ongoing Department required motorcycle training. Training should be conducted on a quarterly (or more frequent) basis. Unless an officer is on light duty or extended leave, all motorcycle officers shall complete at least three quarterly training sessions per year.

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503.3.3 REMEDIAL TRAINING

Failure to successfully complete required qualification or proficiency skills at scheduled training will require the officer to complete remedial training. The officer must then perform the skill or qualification to the appropriate standard upon completion of remedial training. If the officer does not perform at a satisfactory level upon the completion of remedial training, the officer will be removed from the Motor Unit. The officer will complete the remedial training process within 30 days of the failed initial training.

503.4 MOTORCYCLE OPERATIONS

The Motor Unit functions largely as a traffic enforcement detail and shall direct their enforcement efforts toward identified traffic-related issues such as:

- Response to reported traffic collisions
- High traffic volume intersections and roadways
- High collision rate intersections and roadways
- Response to community requests and complaints
- School zone enforcement
- Special enforcement issues and other identified traffic related problems
- DUI Enforcement

The Motor Unit also provides support to the Patrol Bureau and assists with special events.

503.4.1 MOTORCYCLE

Officers assigned to the Motor Unit will ride the Department approved motorcycle. Officers shall ride their issued motorcycle for their assigned shifts unless a supervisor authorized the officer to use another vehicle.

503.4.2 OPERATORS

The only authorized operators of a department motorcycle are those officers that are currently certified in the operation of a police motorcycle, or officers in police motorcycle training. Operators of department motorcycles shall be in uniform, unless participating in training or otherwise authorized by a supervisor. The operator shall wear approved boots, protective eye wear, gloves and an approved helmet while operating a department motorcycle. Operators shall obtain an Arizona motorcycle endorsement on their driver’s license upon completion of the Basic Police Motorcycle Academy.

503.4.3 WHITE LINING

White lining is defined as passing of a vehicle in the same lane on or adjacent to the painted lane divider. ARS 28-903 prohibits such actions in general but provides an exception for peace officers in the performance of their official duties. This maneuver may only be done at slow speeds when passing stopped or slow moving traffic.

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503.4.4 OPERATION ON SIDEWALKS, SHARED USE PATHS, ETC.

Police motorcycles may be operated on sidewalks, shared use/multi-purpose paths and other locations where motor vehicles are typically not allowed. The police motorcycle may only operate in these locations when in the performance of official duties and with the due regard for safety of the public. The police motorcycle shall be operated at slow speeds in these locations.

503.4.5 PURSUITS

A police motorcycle may initiate or participate in a pursuit under circumstances described in the Vehicle Pursuit Policy. The police motorcycle shall be replaced with marked patrol vehicles as soon as practical. Police motorcycles must use extreme caution in any situation in which tire-deflation devices may be deployed.

503.4.6 MAINTENANCE

A thorough inspection of the police motorcycle will enhance its performance and potentially avoid injury to its operator. Therefore an officer will inspect the following items on a daily basis:

- Oil Level
- Tire air pressure and tire wear
- Proper functioning of emergency and safety equipment/horn.
- Lights

It is the responsibility of the motor officer to keep the motorcycle clean and washed. Motor maintenance time will be provided on a weekly basis for the upkeep of the motor. Use of this time in contingent on calls for service, staffing and supervisor discretion.

Maintenance for the department motorcycle shall follow factory recommended specifications and guidelines. Maintenance will be conducted by a Department approved facility. The motorcycle shall not be operated more than 250 miles past the scheduled maintenance mileage without the prior approval of the unit supervisor.

Only Department approved items may be mounted or attached to the police motorcycle.

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Vehicle Towing and Release Policy

504.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Oro Valley Police Department, Town of Oro Valley Town Code and under the authority of ARS § 28-872 and ARS § 28-3511.

504.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows:

504.2.1 COMPLETION OF VEHICLE IMPOUND REPORT

Department members requesting towing and storage of a vehicle shall do both of the following (ARS § 28-872(D)):

(a) Provide the tow truck operator with a vehicle impound report signed by the member that includes (ARS § 28-872(D)(1)):

1. The vehicle identification number.
2. A number that identifies this department and the officer ordering the tow.
3. The year, make and model of the vehicle.
4. The license plate number if available.
5. The date and time the vehicle was towed.
6. The address from which the vehicle was towed.
7. The name, address and telephone number, if known, of the registered owner and the primary lien holder of the vehicle to permit the towing company to notify the registered owner or the primary lien holder.

(b) Provide a copy of the removal report to the Communications Bureau and:

1. The name and telephone number of the person towing the vehicle.
2. All the information provided to the tow truck operator.

Communications personnel shall promptly record information from the completed vehicle impound report as prescribed by the Arizona Department of Public Safety (DPS) including entry into the National Insurance Crime Bureau (NICB) Impound/Stored Vehicle File (ARS § 28-872(F)).

504.2.2 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 officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Communications Bureau.

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If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then conduct an inventory and store the vehicle using a Vehicle Removal Report.

504.2.3 DRIVING A NON-TOWN VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police 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.

504.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

504.2.5 TOWING RECOVERED STOLEN VEHICLES

When a member has recovered a confirmed stolen vehicle, a Vehicle Recovery Report shall be completed and an ID Technician shall process the vehicle, unless otherwise directed by a supervisor.

Stolen vehicle cases originating in Oro Valley:

(a) If the vehicle is drivable, an attempt shall be made to contact the registered owner to have them respond and take custody of the vehicle. A Property Invoice and Receipt Form shall be completed and the registered owner shall sign the Evidence Control portion prior to taking custody of the vehicle.

(b) If the vehicle is not drivable, the vehicle shall be towed to a privately owned facility. The owner shall be notified of the storage location.

(c) If the owner cannot be reached, the vehicle shall be stored in a privately owned storage facility.

504.3 TOWING SERVICES

The Town of Oro Valley periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms 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.

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(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 of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

504.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by towing the arrestee's vehicle subject to the exceptions described below. However, a vehicle shall be towed 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 towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

There may be situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition.In such cases, the handling employee shall inform the person responsible for the vehicle that the Department will not be responsible for theft or damages.

504.5 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle removal form. This includes the trunk and any compartments or containers, even if they are closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practicable in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while the owner is in police custody, to provide for the safety of officers and the public, and to protect the Department against fraudulent claims of lost, stolen or damaged property.

504.6 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, an officer should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that 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, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property.

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Vehicle Impound Hearings

505.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to ARS § 28-3514.

505.2 NOTICE

Within three business days after immobilization or impoundment, excluding weekends and holidays, the Department shall mail or personally deliver notice of immobilization or storage to the owner/lien holder of the vehicle.

The notice of immobilization or storage shall include all of the following information:

(a) A statement that the vehicle was immobilized or impounded.

(b) The address and telephone number to contact at this department regarding the immobilization or storage.

(c) The name, address and telephone number of the entity that will provide an immobilization or post storage hearing.

(d) The location of the place of storage and a description of the vehicle including the manufacturer, model, license plate number and mileage of the vehicle if available.

(e) A statement that in order to receive an immobilization or post storage hearing the owner, the spouse of the owner, the owner's agent or the person identified in the department's records as having an interest in the vehicle shall within ten days after the date on the notice request an immobilization or post storage hearing by contacting this department in person or in writing.

505.3 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Oro Valley Police Department, a hearing will be conducted upon the request of the owner or operator of the vehicle to determine if probable cause existed for the removal and placement of the vehicle.

The vehicle owner, spouse of the owner or other person having an interest in the vehicle shall have an opportunity for a single post storage hearing for the release of the vehicle by either this department or a justice court but not both (ARS § 28-3514(I)).

The hearing shall be conducted within five business days, excluding weekends and holidays, after the Department receives the request (ARS § 28-3514(F)). The hearing officer must be a person other than the person who directed the storage or impound of the vehicle.

The post storage hearing may be (ARS § 28-3514(A)):

(a) Conducted within this department's jurisdiction.

(b) Conducted telephonically.

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(c) Transferred to a law enforcement agency in the jurisdiction in which the owner, spouse of the owner, the owner's agent or any person identified as having an interest in the vehicle resides.

505.3.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone, within 10 days of the date appearing on the notice (ARS § 28-3514(G)). The Records Unit will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.

(a) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Department's expense.

(b) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Department.

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Impaired Driving

506.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

506.2 POLICY

The Oro Valley Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Arizona's impaired driving laws.

506.2.1 TESTING OF CONSCIOUS SUSPECT AT A HOSPITAL

Based on probable cause the officer should place the hospitalized but conscious suspect under arrest in the presence of hospital personnel and advise the attending physician of the intention to administer a chemical test to the suspect. Unless the person under arrest refuses to submit to the test designated by the arresting officer, the blood or urine samples will be collected in the prescribed manner (ARS § 28-1321(D)).

506.2.2 TESTING OF UNCONSCIOUS DRIVER AT A HOSPITAL

The officer shall advise the attending physician of the intention to collect a sample of the suspect's blood as evidence when there is probable cause to believe the following:

(a) That an unconscious driver is under the influence.

(b) There is no method of informing the individual of the arrest.

(c) Verbal consent for testing is not practicable.

If the physician does not object based on medical reasons, the blood will be collected in the prescribed manner (ARS § 28-1321(C)).

506.2.3 COLLECTING BLOOD EVIDENCE

Only a qualified phlebotomist, licensed physician, nurse or other individual authorized by ARS § 28-1321 may withdraw a blood sample. The withdrawal of the blood sample shall be witnessed by an officer.

506.2.4 WITHDRAWAL OF BLOOD BY WARRANT

A search warrant may be should be sought when an arrestee's refuses consent or under other appropriate circumstance.

To obtain a warrant for a blood withdrawal and to complete service of an issued blood draw warrant:

(a) Complete an affidavit with the duplicate and original search warrant.

(b) Contact the judge to obtain a telephonic search warrant. If granted, obtain a blood sample following appropriate procedures.

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(c) Blood draws may only be performed by a physician, registered professional nurse, qualified technician, chemist, licensed vocational nurse or qualified phlebotomist.

(d) A duplicate copy of the original Search Warrant and Return Inventory must be placed with the arrestee's property.

506.2.5 COLLECTING URINE AS EVIDENCE

If the arresting officer chooses a urine test, he/she shall promptly transport the arrestee to an appropriate facility. The officer shall follow the directions listed on the container instruction sheet. Whenever practicable, sample collection should be collected by a person of the same gender.

The collection kit shall then be marked accordingly with the suspect's name, offense, Department, case number and the name of the witnessing officer. The collection kit shall be placed in the evidence refrigerator to await transportation to the crime laboratory.

506.3 INVESTIGATIONS

All officers are expected to enforce DUI laws with due diligence.

506.4 FIELD TESTS

The DUI Sergeant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

506.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (ARS § 28-1321):

(a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs.

(b) The arresting officer has reasonable grounds to believe the person is under 21 years of age and has any amount of alcohol in his/her body.

(c) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal.

(d) An officer has reasonable grounds to believe that the person was involved in a traffic accident that resulted in death or serious physical injury and has probable cause to believe that the person caused the accident (ARS § 28-673).

506.5.1 BREATH SAMPLES

The DUI Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the DUI Sergeant.

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506.5.2 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples (ARS § 28-1388). The withdrawal of the blood sample should be witnessed by the assigned officer.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she may not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

506.5.3 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, Oro Valley Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

506.6 REFUSALS

When a person refuses to provide a chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (ARS § 28-1321).

(b) Audio-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

506.6.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of suspension upon the person and take possession of any Arizona-issued license or permit to operate a motor vehicle that is held by that person. If the person's license is surrendered, the officer shall issue the person a 15-day temporary driving permit. If the person's license or permit is not surrendered, the officer should include the reason why in his/her report (ARS § 28-1321).

506.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test and:

(a) A search warrant has been obtained (ARS § 28-1321); or

(b) If the officer has probable cause to believe that the person has violated the state's impaired driving laws and a sample of blood, urine or other bodily substance has been taken from

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that person for any reason, the officer may request a portion of that sample for analysis (ARS § 28-1388).

506.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

506.7 ARREST AND INVESTIGATION

506.7.1 STATUTORY WARNING

An officer arresting a person for DUI shall provide the person with the mandatory statutory warning provided by ARS § 28-1321(B).

506.7.2 ADDITIONAL TESTING

The person tested shall be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of the person's own choosing to administer a test or tests, in addition to any administered at the direction of an officer (ARS § 28-1388).

506.7.3 RESULTS FROM HEALTH CARE INSTITUTION

An officer who has reasonable grounds to believe that a person is DUI may request a copy of any written or electronic report of the person’s blood alcohol concentration that is in the possession of a health care institution (ARS § 28-1390).

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506.7.4 IGNITION INTERLOCK DEVICE

A person arrested for DUI, who is also under a previous court order to have a certified ignition interlock device (IID) on his/her motor vehicle, shall submit to any test chosen by an officer (ARS § 28-1464).

506.7.5 OFFICER RESPONSIBILITIES

The arresting officer shall file a certified report of a person's refusal, the surrendered license and copies of the notice of suspension and temporary permit with the Arizona Department of Transportation (ADOT) within five days. The certified report shall contain (ARS § 28-1321):

(a) The officer's reasonable grounds to believe that the arrested person was driving or in actual physical control of a motor vehicle:

  1. While under the influence of intoxicating liquor or drugs.

  2. Or was under 21 years of age and had alcohol in his/her body.

(b) The manner in which the person refused to submit to the test or tests.

(c) That the person was advised of the consequences of refusal.

506.7.6 ORDER OF SUSPENSION

If a person refuses to submit to a test, the officer shall, on behalf of ADOT, serve an order of suspension on the person. The order of suspension is effective 15 days after the date it is served and shall be accompanied by printed forms that the person can use to request a hearing regarding the suspension. The order shall notify the person that (ARS § 28-1321; ARS § 28-1385):

(a) He/she may submit a written or online request for a hearing.

(b) The request for a hearing must be received by ADOT within 15 days after the date of the notice, or the order of suspension will become final.

(c) The person's license or permit to drive or right to apply for a license or permit will be suspended.

(d) The person's driving privilege may be reinstated following the period of suspension only if the person completes alcohol or other drug screening.

(e) Unless the person has surrendered his/her license or permit, the person's request for a hearing will not be accepted without a certifying statement that the license or permit is lost or destroyed.

506.7.7 PRELIMINARY TESTS

An officer who has reasonable suspicion to believe that a person is in violation of ARS § 28-1381 (DUI) or ARS § 28-1382 (extreme DUI) may request that the person submit to a preliminary breath test before arrest (ARS § 28-1322).

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506.8 RECORDS UNIT RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

506.9 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to ADOT.

506.10 TRAINING

The Training Coordinator should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Coordinator should confer with the prosecuting attorney's office and update training topics as needed.

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Traffic Citations

507.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

507.2 RESPONSIBILITIES

Employees of this department shall use the state of Arizona uniform traffic ticket and complaint form for traffic complaints (ARS § 28-1557(A) and 17C ARS, et seq.).

The Records Unit shall be responsible for the issuance and accounting of all traffic citations provided to employees of this department pursuant to ARS § 28-1557(B). Citations will be kept in a secure location and issued to officers by Records Unit staff. Officers will sign for the citation books when issued and the Records Unit will maintain a receipt for each book issued.

Officers shall return to the Records Unit (ARS § 28-1558(C)):

(a) Each traffic citation issued to an alleged violator of a traffic law or ordinance.

(b) Copies of each traffic citation that is spoiled or on which any entry has been made and not issued to an alleged violator.

507.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Traffic Sergeant for chain of command review. Upon a review of the circumstances involving the issuance of the traffic citation, the chain of command may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.

Should an officer determine that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Field Services Division Commander for review.

Only the court has the authority to dismiss a citation that has been deposited with a court (ARS § 28-1558(B)).

507.4 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. The citation and copies shall then be forwarded to the Records Unit.

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507.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and an amendment form to the prosecutor.

507.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to the Records Unit.

507.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Arizona law.

507.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

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Disabled Vehicles

508.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

508.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

508.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

508.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

508.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

508.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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Abandoned Vehicle Violations

509.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of Oro Valley Town Code and ARS § 28-4834.

509.1.1 DEFINITIONS

Definitions related to this policy include:

Abandoned Vehicle - A vehicle, trailer or semitrailer that is subject to registration, whether lost, stolen, abandoned or otherwise unclaimed and that has been abandoned on a public highway, public property or elsewhere, including private property. Evidence that a vehicle was left unattended for a period of 48 hours within the right-of-way of any highway, road, street or other public thoroughfare or for a period of 72 hours on public or private property or elsewhere is prima facie evidence of abandonment (ARS § 28-4801).

509.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Arizona abandoned vehicle laws shall be marked with an unattended vehicle tag.

509.2.1 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle removal report shall be completed by the officer authorizing the storage of the vehicle as specified in the Vehicle Towing and Release Policy. Stored vehicles shall be entered into Arizona Crime Information Center (ARS § 28-872(F)).

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Chapter 6 - Investigation Operations

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Investigation and Prosecution

600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed by completing, at a minimum, the following:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for possible evidence.

(b) If information indicates a crime has occurred, the officer 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) assistance is necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or Sergeant.
4. Interview all available victims, informants, complainants, witnesses and suspects.
5. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
6. Collect any evidence.
7. Take any appropriate law enforcement action.
8. 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.

An employee who is not an officer assigned to any preliminary investigation is responsible for all investigative steps except making any attempt to locate, contact or interview a suspect or take any enforcement action. Should an initial investigation indicate those steps are required, the assistance of an officer shall be requested.

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600.3 RECORDING OF CUSTODIAL INTERROGATIONS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety, as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without proper authorization. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

600.4 PERSONS WITH COMMUNICATIONS DISABILITIES

Upon the arrest of a person with a communications disability and before interrogation or the taking of his/her statement, the officer, shall make a qualified interpreter available to assist with communications (ARS § 12-242(C)).

600.5 FOLLOW-UP INVESTIGATIONS

Follow-up investigations on all non-traffic cases are evaluated and assigned by the Criminal Investigations Unit supervisor based upon caseload, case assignment and an evaluation of case solvability factors.

600.5.1 CASE SOLVABILITY FACTORS

Case solvability factors include, but are not limited to, the following:

(a) Reliability of witnesses.

(b) Suspect is named.

(c) Suspect is described.

(d) Suspect's location is known.

(e) Suspect is identified.

(f) Suspect has been previously seen.

(g) Suspect vehicle is described.

(h) Suspect vehicle is identified.

(i) Property is traceable.

(j) *Modus operandi* is significant.

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(k) There is usable physical evidence.

(l) There was limited opportunity for anyone other than the suspect to commit the crime.

(m) The case may be solved with reasonable additional investigative effort.

(n) Other factors that should be considered:

1. The case is of significant importance to the community.
2. There is potential imminent danger to victims or witnesses.
3. The seriousness of offense.
4. There is a characteristic pattern, frequency or *modus operandi* related to the case.
5. Management decisions to pursue a case regardless of solvability factors.

600.5.2 COLD CASE REGISTER

The Department shall maintain a confidential cold case register for offenses including homicides and felony sexual offenses that have remained unsolved for more than one year. As reasonably practicable, cold cases shall be revisited periodically for new information.

Maintenance of the cold case register and proper notification of the victim, victim's family or appropriate representative shall be in accordance with Arizona law (ARS § 13-4271).

600.5.3 PHOTO IDENTIFICATION FORM

The Technical Services supervisor shall be responsible for the development and maintenance of a photographic lineup identification form consistent with this policy.

The form, at minimum, shall contain the following:

- The date, time and location of the lineup procedure
- The name and identifying information of the witness
- The name of the investigator administering the lineup procedure
- The names of all of the individuals present during the lineup
- An admonishment that the suspect's photograph may or may not be among those in the lineup and that the witness need not make an identification
- A signature line where the witness acknowledges that he/she understands the lineup procedures and instructions

The photo identification form should be reviewed at least annually and modified when necessary.

600.5.4 THEFT NOTIFICATION WEBSITE REGISTRATION

The Criminal Investigations Unit supervisor shall ensure that this department is registered with the free theft notification website and reports stolen items via the website to recycling operations and other law enforcement agencies within a one hundred mile radius of a theft (ARS § 44-1641.02; ARS § 44-1641.05).

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600.6 TRAINING

Officers shall receive training in preliminary investigations prior to assignment to any investigative duties. Officers assigned to any follow-up or advanced investigations, or upon assignment to investigations, shall receive training in follow-up investigations.

600.7 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practical.

Evidence or facts are considered material if there is a reasonable probability that they may impact the result of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. An officer who is uncertain whether evidence or facts are material should address the issue with a supervisor.

Supervisors uncertain about the materiality of evidence or facts 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.

600.8 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS

When practicable, the employee composing the line up should not be employee administering the photo lineup. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

The following precautions should be taken by any employee presenting a photographic lineup:

(a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.

(b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.

(c) If presenting individual photographs to a witness, the employee should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.

(d) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.

(e) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.

(f) An admonishment should be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness need not make an identification.

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The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photographic lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should also be quoted in the appropriate report.

When practicable, the presentation should be audio and/or video recorded.

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Computers and Digital Evidence

601.1 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. This policy also establishes procedures 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.

601.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone 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, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Log all computer items into the Property and ID Unit. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:

    1. Where the computer was located and whether it was in operation.

    2. Who was using it at the time.

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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 (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g. Apple keyboard and mouse) and necessary for examination of the associated media.

601.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

601.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and ID Unit 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 they 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.

601.4 SEIZING PCDS

Personal communication devices such as cellular 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 including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

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(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 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 they can be examined. If the batteries go dead all the data may be lost.

601.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure its integrity and admissibility.

601.5.1 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.

601.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) As soon as reasonably possible following the collection of digital evidence, the device operator shall download into the department's evidence management program and complete the property evidence paperwork.

(b) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

601.5.3 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is related to case documentation and held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

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Sex Crime Victims' Rights

602.1 PURPOSE AND SCOPE

This policy will establish a procedure by which the identity of sex crime victims can remain private, and will provide the victim with information regarding other rights afforded by The Victims' Bill of Rights Ariz.Const. Art. 2 § 2.1 and ARS § 13-4401 et seq.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim confidential.

The Department shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct.

602.2.2 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex offense shall inform the victim of the following rights:

(a) Provide to the victim, or designated representative, a Victims' Rights Form (ARS § 13-4405, ARS § 13-4403).

1. If the sexual crime involves domestic violence, provide the victim in writing with rights, procedures and resources for the protection of the victim (ARS 13-3601(J)).
2. To information regarding the nearest crisis intervention service, crime victim assistance program or other resource.
3. To be informed of and participate in the prosecution process if an offender is charged, including the right to request restitution.

602.3 MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIMS

Officers investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim, request a medical examination of the victim.

If a sexual assault is not reported within 96 hours of the offense, the Department may still request a medical examination of the victim provided consent is given by the victim or a person authorized to act on behalf of the victim.

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Asset Forfeiture

603.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

603.1.1 DEFINITIONS

Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Oro Valley Police Department seizes property for forfeiture or when the Oro Valley Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member, assigned by the Chief of Police, who is responsible for reviewing all forfeiture cases and acting as the liaison between the Department and the prosecutor.

Property subject to forfeiture - Property, including all interests in such property, described in a statute providing for its forfeiture. This may include, but is not limited to (ARS § 13-4304):

(a) The following items used or intended for use in drug offenses in violation of ARS § 13-3401 et seq. (ARS § 13-3413):

1. Property, equipment, containers, materials, money, etc.
2. Vehicles to facilitate the transportation, sale or receipt of, or in which is contained or possessed, any item or drug (with exceptions addressed below).

(b) The following property (ARS § 13-3413):

1. Proceeds traceable to a drug offense in violation of ARS § 13-3401 et seq. committed for financial gain.
2. All proceeds seized in this state and traceable to an offense that:
   (a) Is committed outside Arizona but is equivalent to an Arizona drug offense under ARS § 13-3401 et seq.
   (b) Is punishable by imprisonment for more than one year.
   (c) Involves prohibited drugs, marijuana or other prohibited chemicals or substances.
   (d) Is committed for financial gain.

(c) Property utilized in or proceeds from racketeering offenses (ARS § 13-2314).

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(a) Property or interests in property acquired or maintained by an individual in violation of ARS § 13-2312.

(b) Any interest in, security of, claims against, or property, office, title, license or contractual right of any kind affording a source of influence over any enterprise or other property which an individual has acquired or maintained an interest in, or control of, or conducted or participated in the conduct of in violation of ARS § 13-2312.

(c) Proceeds traceable to an offense included in the definition racketeering (ARS § 13-2301(D)(4)) and held by an individual, and all monies, negotiable instruments, securities and other property used or intended to be used by an individual in any manner or part to facilitate commission of the offense and that an individual either owned or controlled for the purpose of that use (racketeering includes an expansive list of applicable offenses).

(d) Any other property of equivalent value to other property subject to forfeiture for racketeering above.

(e) Any property or interest in property acquired or maintained by an individual in violation of ARS § 13-2312.

(d) Vehicles used in a drive-by shooting (ARS § 13-1209).

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.

603.2 POLICY

The Oro Valley Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any individual's due process rights.

It is the policy of the Oro Valley Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

603.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

603.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer (ARS § 13-4305):

(a) Property subject to forfeiture identified in a search warrant or court order.

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(b) Property subject to forfeiture not identified in a search warrant or court order when any of the following are true:

1. Property is legally seized incident to an arrest or search as evidence of an offense.
2. The officer has probable cause to believe the property qualifies as property subject to forfeiture.

Whenever practicable, obtaining a search warrant or 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.

603.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the prosecutor's current minimum forfeiture thresholds should not be seized.

(b) A vehicle, when it appears that the owner or other person in charge of the vehicle did not consent to the use of the vehicle for the relevant offense or know of the offense (ARS § 13-4304).

(c) A vehicle unlawfully in the possession of an individual other than the owner in violation of the criminal laws of this state or of the United States (ARS § 13-4304).

(d) Property or vehicles used for a drug offense involving unlawful substances that do not meet the threshold amounts of ARS § 13-3401 and are not possessed for financial gain (ARS § 13-4304).

603.3.3 SEIZED BOATS AND MOTOR VEHICLES
Vehicles seized subject to forfeiture will be taken to a designated secure storage facility in a manner consistent with the Vehicle Towing and Release Policy. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the boat or motor vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be operated, a tow truck, or trailer will be used to tow the boat or motor vehicle to the storage facility. Personal property located in a seized boat or motor vehicle shall be removed and booked into Property as either evidence, for safekeeping or left on-scene, secured inside the residence.

603.4 MAINTAINING SEIZED PROPERTY

The Property and ID Unit 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.

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(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used by the Department unless the forfeiture action has been completed.

603.5 FORFEITURE REVIEWER

The Chief of Police will appoint a forfeiture reviewer.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly ARS § 13-4301 et seq. and the forfeiture policies of the prosecutor.

(b) Serving as the liaison between the Department and the prosecutor and ensuring prompt legal review of all seizures (ARS § 13-4306).

(c) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(d) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement personnel 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.

(e) Ensuring that those who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(f) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized as in the case file.

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2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (ARS § 13-4306; ARS § 13-4307).
4. Property is promptly released to those entitled to its return.
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(g) Ensuring that a written plan is available that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information is available for other law enforcement personnel and attorneys who may assist in these matters.

(h) Ensuring that the process of selling or adding forfeited property to department inventory is in accordance with all applicable laws and consistent with the use and disposition of similar property.

(i) Upon completion of any forfeiture process, ensuring that no property is retained by the Oro Valley Police Department unless the Chief of Police authorizes in writing the retention of the property for official use.

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 Town financial directives.

603.6 DISPOSITION OF FORFEITED PROPERTY

Property that is allocated for official use may not be assigned for use by any person who supervised or exercised discretion in its forfeiture unless the use is approved in writing by the Chief of Police (ARS § 13-4315).

Any funds from the county anti-racketeering revolving fund administered by the county attorney shall be used for purposes specified in ARS § 13-2314.03 (e.g., gang prevention, substance abuse prevention, witness protection or any other purpose permitted by federal law related to forfeited money transferred to a law enforcement agency).

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Asset Forfeiture

No member of this department may use property that has been seized for forfeiture until the forfeiture action has been completed and the Chief of Police has given written authorization to retain the property for official use. No department member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

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Confidential Informants

604.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Oro Valley Police Department and the officers using informants it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

604.2 INFORMANT FILE SYSTEM

The Criminal Investigations Unit supervisor or a designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

604.2.1 FILE SYSTEM PROCEDURE

The informant files shall be maintained in a secure area within the Criminal Investigations Unit. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant and minimize incidents that could be used to question the integrity of investigators or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, a Division Commander, the Criminal Investigations Unit Supervisor or their designees.

604.3 USE OF INFORMANTS

Before using an individual as a confidential informant, an officer must receive approval from the Criminal Investigations Unit supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, including age, maturity and risk of physical harm.

604.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 years is prohibited. The use of any juvenile informant between the ages of 13 and 17 is only authorized with written consent of the parent or guardian and with a Pima County Juvenile Prosecutor's authorization.

604.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Department Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing and audio recorded by the unit supervisor before being finalized with the confidential informant.

604.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Oro Valley Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential

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informant. Members of the Oro Valley Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.

(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Oro Valley Police Department and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Criminal Investigations Unit supervisor.

(g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer. Officers may meet informants alone in an occupied public place such as a restaurant. When contacting informants for the purpose of making payments officers shall have the presence of another officer.

(h) In all instances when department funds are paid to informants, a voucher shall be completed, itemizing the expenses.

604.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a professional manner. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

604.5.1 PAYMENT PROCEDURE

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

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The level of risk taken by the informant
- Other factors that may motivate the informant

The Criminal Investigations Unit supervisor will discuss the above factors with the chain of command and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police or a designee.

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604.5.2 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signatures of the Chief of Police or a designee and the Town Manager or a designee are required for disbursements over $500. The disbursement of money shall be handled in accordance with established State law and Town Policies, Ordinances and protocols.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Oro Valley Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case.

604.5.3 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

If funds distributed exceed $600 in any reporting year the confidential informant should be provided an IRS 1099 Form (26 CFR § 1.6041-1), unless such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3).

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as “other income,” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

604.5.5 AUDIT OF PAYMENTS

The Chief of Police or a designee shall conduct a thorough audit of all informant funds for accountability and security of the funds. The funds petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.

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Eyewitness Identification

605.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

605.1.1 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.

605.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

605.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

605.4 EYEWITNESS IDENTIFICATION FORM

The Criminal Investigations Unit supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

605.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

605.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to suspect to avoid causing him/her to unreasonably stand out.

In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

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The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

605.5.2 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. If independent probable cause exists to arrest a suspect, a photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) Officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

605.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

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Chapter 7 - Equipment

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Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly write an officer's report through the chain of command, any loss, damage to or unserviceable condition of any Oro Valley Police Department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate investigation and forward the officer's report through the chain of command that shall include the result 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, damage or unserviceable condition.
2. A review by the staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

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700.2.2 RETURN OF DEPARTMENT PROPERTY
When members resign, are discharged or in any way terminate their association with the Department, they shall surrender all Department property in their possession.

700.3 USE OF PERSONAL PROPERTY

With the exception of knives, the carrying of personal equipment on-duty or its use in the performance of duties requires prior approval by the Chief of Police or appropriate Division Commander. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties that is not a weapon are excluded from this requirement.

700.3.1 DEFINITIONS
Definitions related to this policy include:

Personal Property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

700.3.2 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 receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Division Commander that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT
A verbal report shall be made to the employee’s immediate supervisor as soon as circumstances permit.

An officer's 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

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes

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to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably 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 was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the Town of Oro Valley, 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 reasonably 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.

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Mobile Data Computer Use

701.1 PURPOSE AND SCOPE

The Mobile Data Computer (MDC) accesses confidential records from the State and national databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

701.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Department or public are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice.

It will be the member's responsibility to ensure that proper sign-on and sign-off procedures are followed. No public access will be allowed. Members will protect and ensure the security of their own passwords.

Use of the MDC by other than an Oro Valley member is prohibited. Members from other agencies shall not be allowed access without prior supervisory approval.

701.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

701.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity should be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

701.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be accurate and transmitted verbally over the police radio or through the MDC system.

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701.2.4 EMERGENCY ACTIVATION ON MDC

If the emergency button is depressed on the MDC, the dispatcher will call the officer and ask whether the officer needs assistance. If the officer answers that no additional assistance is required all officers will resume normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available officers to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit as an emergency call response.

(b) Notify the Sergeant of the incident without delay.

Officers not responding to the emergency call shall refrain from transmitting on the radio until there is a Code 4, unless they are also handling an emergency.

701.3 MDC CONSIDERATIONS

701.3.1 NON-FUNCTIONING MDC

Whenever reasonably possible, officers will not use units with malfunctioning MDCs. Whenever officers must drive a unit in which the MDC is not working, they shall notify Communications Bureau.

MDCs shall only be used for the manufacturers intended purposes. Due to the fragile nature of the equipment, they shall not be used as writing pads, tables, etc.

701.3.2 BOMB CALLS

Officers should not transmit on any equipment that produces radio frequency energy within 300 feet. Consideration should be given to the possibility of evacuation if a device is located within a building.

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Portable Audio Recorders

702.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio recording devices by members of this department while in the performance of their duties. Portable audio recording devices include all audio-only recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to lawful surreptitious audio/video recording, interception of communications for authorized investigative purposes or to mobile audio recordings (see the Investigation and Prosecution and Mobile Audio Video policies).

702.2 POLICY

The Oro Valley Police Department may provide members with access to audio portable recorders for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

702.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in an official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

702.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder, issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording.

702.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

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702.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Arizona law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (ARS § 13-3012).

Members may surreptitiously record any conversation during the course of an investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

702.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

702.5.3 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

702.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Audio or video recording devices shall not be used in department locker rooms, restroom or any other place where there would be a reasonable expectation of privacy.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

702.7 RETENTION OF RECORDINGS

Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and

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transfer the file in accordance with current procedure for storing digital files and document the existence of the recording in the related case report.

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

702.7.1 RETENTION REQUIREMENTS
All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule.

702.8 REVIEW OF RECORDINGS

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

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Personal Communication Devices

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Department-issued mobile telephones and personal communication devices, and the on-duty use of such devices owned by personnel.

Because of technical advances and varying manufacturer nomenclature, this policy will generically refer to all Personal Communication Devices (PCD) as such, but is intended to include all mobile telephones, Personal Digital Assistants (PDA) and other such wireless two-way communications and/or portable Internet access devices.

703.1.1 PRIVACY POLICY

Any employee utilizing any computer, Internet service, telephone service or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communications utilizing such service might otherwise have, including as to the content of any such communications. The Department also expressly reserves the right to access and audit any and all communications (including content) sent, received and/or stored using such service at any time.

703.2 DEPARTMENT ISSUED PCD

Depending on an employee's assignment and needs of the position, the Department may, at its discretion, issue a PCD. Such devices shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without reason.

703.2.1 INDIVIDUALLY OWNED PCD

Employees may carry their own PCD while on-duty subject to the following conditions:

(a) Carrying an individually owned PCD is optional.

(b) The device shall be purchased, used and maintained solely at the employee's expense.

703.2.2 USE OF PERSONAL COMMUNICATION DEVICES

The use of any PCD, whether personal, Department or a hybrid shared-use funded by both the employee and the Department, shall occur only with the understanding that any and all messages transmitted or received from the start through the conclusion of any work assignment are subject to disclosure to, and review by, the Department, without cause.

PCDs, whether provided by the Department or personally owned, should only be used by on-duty employees for legitimate Department business except as provided for below. Employees may use a PCD to communicate with other personnel in those situations where the use of the radio is either impracticable or not feasible. PCDs should not be used to replace regular radio communications.

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(a) PCDs may not be used to conduct personal business while on-duty, except when brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours). While employees may use personally owned PCDs for personal business during authorized breaks, such usage should be limited as much as practicable to areas where the communication will not be seen or heard by the public.

(b) The on-duty use of PCDs, including personally owned PCDs, for purposes other than what is specifically permitted within this policy is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Department for any charges incurred as a result of personal use.

703.2.3 USE WHILE DRIVING

Caution shall be used when operating a motor vehicle and using a cell phone or other PCD's as it is the member's responsibility to only answer, initiate and continue cell phone calls and conversations when it does not affect their ability to safely operate the vehicle.

703.2.4 OFFICIAL USE

The use of PCDs may be appropriate in the following situations:

(a) Barricaded suspects.

(b) Hostage situations.

(c) Mobile Command Post.

(d) Catastrophic disasters, such as plane crashes, earthquakes and floods.

(e) Major political/community events.

(f) Investigative stakeouts where regular telephone usage is not practicable.

(g) Emergency contact with outside agency or an outside agency field unit equipped with PCDs.

(h) When immediate communication is needed and the use of the radio is not appropriate and other means are not readily available.

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Vehicle Maintenance

704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible.

704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons 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 Department vehicles for emergency purposes and to perform routine duties.

704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit, CPR mask
- 1 IFAK on passenger head rest
- 1 blanket
- 1 fire extinguisher
- 1 blood borne pathogen kit, including protective gloves and NIOSH particulate respirator mask

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- spare tire
- jack and handle
- rolatape
- traffic cones
- shovel

704.3.2 UNMARKED VEHICLES
An employee driving an unmarked Department vehicle shall ensure the necessary equipment is present in the vehicle. Unmarked vehicles shall have the undercover Arizona Motor Vehicle Division assigned license plate affixed to the vehicle at all times.

704.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.

Vehicles shall only be refueled at an 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.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

704.6 CIVILIAN EMPLOYEE USE
Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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Vehicle Use

705.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure Town-owned vehicles are used appropriately. For the purposes of this policy, “Town-owned” includes any vehicle owned, leased or rented by the Town.

705.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

705.3 USE OF VEHICLES

Town-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a Town-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

705.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

705.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a Town-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Sergeant of the reasons for use and a notation will be made indicating the operator’s name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

705.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

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705.3.4 AUTHORIZED PASSENGERS
Members operating Town-owned vehicles shall not permit persons other than Town members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

705.3.5 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving Town-owned vehicles should obey all parking regulations at all times.

705.3.6 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

705.3.7 PRIVACY
All Town-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

705.4 ASSIGNED VEHICLE AGREEMENT
Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall obey the following criteria:

(a) Except as may be provided by a memorandum of understanding, time spent during normal commuting is not compensable.

(b) Town-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.

(c) Each member is responsible for the care and maintenance of the assigned vehicle.

1. Each member is responsible for the cleaniness (exterior and interior) of the assigned vehicle. Employees may use the wash racks at the maintenance yard or approved car wash facility.
2. Employees shall make daily inspections of their assigned vehicle for service/ maintenance requirements and damage.
3. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

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4. Routine maintenance and oil changes shall be done in accordance with the fleet maintenance schedule. The vehicles will normally be serviced at the Department approved maintenance shop.
5. Vehicles requiring warranty service shall be taken to the nearest authorized dealer by fleet maintenance.

(d) The vehicle shall be parked in secure off-street parking when parked at the member's residence when practical.

(e) Vehicles shall be locked when not attended.

(f) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(g) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.

(h) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a Town-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

705.4.1 KEYS

All personnel will check out keys from the key lock box. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

705.5 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the Town limits, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and the Law Enforcement Authority Policy).

Officers may render public assistance, e.g. to a stranded motorist when deemed prudent.

Officers shall, at all times while driving a marked Town-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

705.6 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicles.

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Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

705.6.1 ACCESSORIES AND/OR MODIFICATIONS
No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

705.7 VEHICLE DAMAGE, ABUSE AND MISUSE
When a Town-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also the Traffic Collision Response and Reporting Policy).

When a collision involves a Town vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the Traffic Unit supervisor may request that an outside law enforcement agency be summoned to investigate the collision.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Sergeant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

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Take-Home Vehicle Policy

706.1 PURPOSE AND SCOPE

The Department may assign a take-home vehicle to personnel. This policy shall not be construed to create or imply any contractual obligation by Town to assign take-home vehicles and such assignment is at the discretion of the Chief of Police. Take-home vehicles have demonstrated a long-term fiscal and service benefit to the Town. Vehicles are provided better care during operation and storage and accumulate fewer service miles and hours of operation. This vehicle assignment results in an extended vehicle service life over pool patrol use vehicle assignment. Vehicles subsequently require less frequent replacement and reduced frequency of transfer and replacement of support equipment (radios, emergency, safety equipment). Ultimately per-mile operational costs are reduced.

706.2 LOGISTICS

The Department recognizes that the placement of all patrol vehicles in one location or a select few locations renders an increase risk of fleet damage due to act of nature or disaster (e.g., hail damage, tornado, floods) as well as planned or opportunity-based intentional damage and vandalism, domestic destruction and/or terrorism. These conditions could render the entire Department fleet unavailable for deployment.

706.3 DEFINITIONS

Definitions related to this policy include:

Take-Home Vehicle - Includes, but is not limited to, any marked or unmarked squad car, transport, motorcycle, truck, ATV, CERT vehicle, forensic vehicle, undercover or unmarked vehicle or deployment trailers provided by the Department for the purpose of the job duties required by public safety or emergency response duties or essential job functions.

706.4 ASSIGNMENT OF TAKE-HOME VEHICLES

Assignment of Police take-home vehicles shall be governed solely by the Department under the discretion of the Chief of Police.

706.4.1 ELIGIBILITY

Eligibility for assignment of a take-home vehicle requires the officer to be in good standing with Department.

706.4.2 ASSIGNMENT GUIDELINES AND USE CRITERIA

Assignment guidelines and criteria for use of take-home vehicles include the following. The Chief of Police or a designee may make exceptions to these provisions.

(a) The location of the officer's home, nature of the officer's duties, job description and essential functions and employment status. Residence in or near the Town is a prime consideration.

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(b) The Chief of Police retains the right to assign/revoke any or all assigned take-home vehicles.

(c) Take-home vehicles should be operated in accordance with Department policy and state law.

(d) Take-home vehicles shall not be used for unapproved use, either on- or off-duty and are restricted to operation by Town employees, peace officers assigned to the Town or by peace officers under their direction.

(e) Take-home vehicles are to be parked off-street at the officer's residence unless prior arrangements have been made with the Chief of Police or a designee.

(f) Take-home vehicles are subject to inspection, search and validation of location at all times by the Chief of Police, a designee or any on-duty supervisor.

(g) Take-home vehicles are to be secured at the officer's home or the Department when a officer is on vacation. If the vehicle remains at the home of the officer, the Department shall have access to the vehicle, including if garaged. If the officer is unable or unwilling to provide access the take-home vehicle it shall be parked at the Department.

(h) A take-home vehicle, despite assignment to an officer for specific duties, may be re-assigned or utilized by other Department personnel at the discretion of the Department.

(i) The assignment of take-home vehicles may be suspended when the officer is unable to perform his/her regular assignment.

(j) Officers who live outside the Town who may be assigned a take-home vehicle may be required to secure or garage the vehicle at a designated location or the central office at the discretion of the Chief of Police.

(k) Any take-home vehicle assignment that is declined will be secured or garaged at a designated location or the station.

(l) A personnel's family members or other persons will not be allowed to ride in any Town vehicle except as stated in the Ride Along Policy and under the following exceptions.

1. Family members may ride with personnel during assignments when the officer is not considered to be on duty for regular duties under the following circumstances:

    (a) Out-of-Town overnight schools and conferences.

    (b) Parade functions as approved by the Chief of Police.

    (c) As authorized by the Chief of Police or Division Commanders.

    (d) The personnel is called to duty and it is reasonably necessary drop off the family member at a safe location prior to responding to the call.

        1. The officer will not operate the take-home vehicle at emergency response speeds with family members in the vehicle.

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(m) Officers are prohibited from operating a Town-owned vehicle when on- or off-duty if the officer is or has been consuming alcohol, unless required by their duty assignment (task force, undercover work, etc.). However, regardless of assignment employees may not violate state law regarding vehicle operation while intoxicated.

(n) Whenever operating vehicles owned by the Department whether on- or off-duty the officer will carry and have accessible his/her duty firearm and be prepared to perform any function he/she would be expected to perform while on duty.

(o) The two-way communications radio, MDC and Global Positioning Satellite device, if equipped, must be on when the vehicle is in operation.

(p) Officers shall ensure all weapons are secure while the take-home vehicle is unattended.

(q) Unattended patrol use vehicles are to be locked and secure 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 environmental safety and charging).

(r) When in operation the personnel must be prepared and reasonably available to respond to an emergency. If personnel are summoned to, or involved in, a law enforcement activity shall notify dispatch of their response or activity and should continue the action until the incident or activity is cancelled or concluded.

706.5 VEHICLE ALTERATIONS

Alterations of any type to a patrol use vehicle require prior written authorization of the Chief of Police or a designee.

706.6 PERSONNEL MAINTENANCE RESPONSIBILITIES

Personnel will be responsible for the upkeep of their assigned take-home vehicle. Failure to adhere to these requirements may result in discipline and loss of take-home vehicle assignment. The following should be performed as outlined below:

(a) Routinely, check all fluid levels, tires, all safety and emergency equipment, interior and exterior to make verify the vehicle is in a safe operating condition and prepared for emergency service.

(b) Personnel shall routinely, inspect the vehicle for any damage. If damage is discovered, advise your immediate supervisor.

(c) Vehicle is to be kept clean both inside and out as is reasonable and all work-related and issued equipment is in the take-home vehicle. The appearance of the vehicle reflects directly upon the officer and the entire Department.

(d) Ensure all scheduled vehicle maintenance and car washes are performed as necessary at a facility approved by the Department supervisor in charge of vehicle maintenance. The Department shall be notified of problems with Department-owned vehicles and approve any

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major repairs before they are performed. Schedule regular maintenance as set forth by fleet maintenance.

(e) Vehicle maintenance should not be delayed and should be coordinated in advance when reasonably possible for completion during an officer's regular duty time to minimize cost to the Town. If unanticipated circumstances thwart such advance planning, the officer should arrange an alternative for timely vehicle maintenance with the Department supervisor in charge of vehicle maintenance. Vehicle maintenance during off-duty time resulting in overtime pay should be avoided and is warranted only in unusual circumstances after prior approval of a supervisor.

706.7 ATTIRE AND APPEARANCE

When operating a take-home vehicle off-duty, officers shall dress in a manner appropriate for their intended activity. Attire and appearance whenever in view of or in contact with the public, regardless of the activity, should be suitable to reflect positively upon the Department.

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Cash Handling, Security and Management

707.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and ensure the public trust. This policy does not cover cash received as evidence/safekeeping; review Property and Evidence Policy for proper procedures.

707.2 PETTY CASH FUNDS

Employees designated as fund managers and authorized to maintain and manage petty cash funds is the Chief of Police or designee. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

707.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms and each person participating in the transaction shall sign the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

707.4 PETTY CASH AUDITS

Petty Cash Funds should be audited in accordance with the Town's Administrative Directive.

707.5 ROUTINE CASH HANDLING

Members of the Department authorized to routinely handle cash as part of their assignment are the Records Unit and Administrative Services Manager. Routine cash handling shall be pursuant to the Town's Administrative Directives.

707.6 OTHER CASH HANDLING

Members of the Department who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as reasonably practicable, verify the amount of cash, summon another employee to verify their accounting, and process the cash as safekeeping, evidence or found property. Cash in excess of $1,000 requires immediate notification of a supervisor as well as special handling, verification and accounting by a supervisor. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry.

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Body Worn Cameras

708.1 PURPOSE AND SCOPE

The Oro Valley Police Department is committed to the belief that body worn cameras (BWC) is an important and valuable tool for law enforcement. BWC is essentially audio-video documentation of a police officer's investigative and enforcement activities from the perspective of the officer's person. The use of BWC is expected to result in greater transparency, more effective prosecution and improved protection against false allegations of excessive use of force, misconduct or racial profiling.

708.1.1 DEFINITIONS

Agency Administrator - The Body Worn Camera (BWC) system administrator with full access to user rights.

ETM (Evidence Transfer Machine) - A server with built-in docking stations physically installed at the Department. The ETM simultaneously recharges the device while uploading all digitally encrypted data. The ETM then transfers the data to a secured digital server.

Media or Data - Includes photographs, audio recordings and video footage. The media is stored digitally.

708.2 POLICY

The Oro Valley Police Department may provide members with BWC systems for use during the performance of their duties. The use of these systems are intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

708.3 PROCEDURES

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.

708.3.1 GENERAL

(a) Officers are only authorized to audio or video record using departmentally approved equipment and following the procedures prescribed within this policy.

(b) BWCs shall not be used in department locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.

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(c) Members shall not intentionally record confidential informants or undercover officers unless the recording is conducted specifically for the purpose of documenting a sting, drug purchase/sale or other undercover operation in furtherance of a criminal investigation.

(d) BWCs will only be used for department administrative investigations with the express consent of the Chief of Police.

(e) Whenever an officer believes that a recorded contact may lead to a citizen complaint, he/she should bring the recording to the attention of his/her supervisor as soon as possible. If no crime report or supplementary report is being prepared, details of the contact may be documented via information report or memorandum.

(f) Members will not make surreptitious recordings of conversations with other department members except when necessary in the course of a criminal investigation or for department administrative investigations with the express consent of the Chief of Police.

708.3.2 SPECIFIC

(a) The BWC should be worn at all times that the officer may become involved in an enforcement situation.

(b) The BWC should be utilized during:

1. On calls for service.
2. During citizen contacts in an investigative or enforcement capacity (e.g. traffic stops, detentions, arrests, Miranda advisement, use of force incidents, critical incidents, field interviews or consensual contacts where the officer is attempting to develop reasonable suspicion).
3. When ordered by a supervisor.
4. During suspect/building searches.

(c) Officers should place the BWC in the Event Mode as soon as practical at the onset of an incident.

(d) Once in the Event Mode, officers should record the event until the completion of the incident, or they have left the scene (this includes recording of statements).

(e) Additional arriving units to a scene shall place their BWC in the Event Mode as soon as practical, and continue to record until the completion of the event, or they have left the scene (this includes recording of statements).

708.4 BWC MEDIA STORAGE

(a) The BWC will be placed in the Evidence Transfer Machine (ETM) at the end of shift for charging and uploading.

(b) The media captured via the BWC will only be uploaded to the evidence server.

(c) Each event must be categorized according to incident type so that proper retention periods will be applied.

(d) Video and audio captured via the BWC will be used for official purposes only.

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(e) Officers may use media captured via the BWC to assist with the investigation.

(f) Officers may use media captured via the BWC to complete reports.

(g) Officers may use media captured via the BWC for training purposes, with proper authorization from the investigative unit assigned the case. Exceptions: Field Training Officers may use media captured via the BWC to provide immediate training to recruits and to assist with the completion of the daily trainee performance evaluations.

708.5 REPORTING

(a) The use of the BWC will be recorded in all incident reports and in the notes on all citations.

(b) All digital media captured using the BWC will be considered property of OVPD. Other than official law enforcement purposes, accessing, copying or releasing any media is strictly prohibited and subject to discipline.

708.6 DELETION OF UNINTENTIONAL RECORDINGS

In the event of an unintentional activation of the BWC system during non-enforcement or non-investigative activities, i.e.: restroom or meal break, other areas where reasonable expectation of privacy exists; officers may request recording deletion. A memorandum detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the Chief of Police. If approved, the actual deletion requires two-party authorization. One of those parties will be the Chief of Police or their designee; the other will be an agency BWC Administrator.

708.7 CRIMINAL JUSTICE SYSTEM DISCLOSURE PROCEDURES

(a) Recordings that contain audio or video of legitimate, confidential nature will be redacted or obscured from downloaded copies of the original data file in the evidence server. The original data file will remain complete and cannot be manipulated by system administrators or users. Following arrest or initiation of prosecution for felony or misdemeanor crimes, either the arresting officer, detective or, (for follow up disclosure requests) system administrator, will download a segmented copy of the original data file from the evidence server. Markers will be created to identify redacted sections and will include a brief description of the reason the information is excluded. The redacted video file and marker descriptions will then be written to DVD or other portable media and provided to the prosecuting attorney. Challenges to redacted information will be handled as follows:

1. The prosecutor's office will inform the department:

   (a) If it believes information has been inappropriately redacted, or

   (b) If the defense in a criminal case is challenging the justification for a redaction.

2. If the prosecuting attorney agrees that the challenge is justified, the section may be released following consultation with the Chief of Police or designee. If the prosecuting attorney disagrees with the justification for the challenge and/or if the Chief of Police requests further review, the prosecuting attorney will advise defense that a motion for an In Camera Hearing before a judge of appropriate jurisdiction will be required if Defense wishes to challenge the redaction further.

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(b) Examples of legitimate confidential information include, but are not limited to; confidential informants or undercover officers revealed; tactical plans discussed; audible or visible information from investigative criminal history checks or criminal intelligence files; victim/ witness personal identifiers, addresses, phones, etc.

708.8 PUBLIC RECORDS REQUEST

(a) Pursuant to Arizona Public Records statutes and the Privacy and Security Act, it is the goal of this policy to support and promote openness in government by releasing non-confidential video recordings to the public upon request. The policy must also ensure that the privacy of victims, witnesses and suspects is maintained whenever possible. This policy will not affect the release of recordings pursuant to a court order or subpoena.

(b) Recordings that are not part of an ongoing investigation or non-commercial use may be charged for according to Department and Town policy.

(c) Recordings that contain legitimate confidential information will be redacted. Challenges to redactions pursuant to public records requests shall be referred to the Town Attorney's Office.

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Chapter 8 - Support Services

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Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting its 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 Department's 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
- Open source data
- Subscription source data
- Parole and probation records
- Computer Aided Dispatch data
- Department of Public Safety

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.

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Communication Systems

801.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions.

801.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

Oro Valley Police Department radio operations shall be conducted in accordance with (FCC) procedures and guidelines.

801.2 COMMUNICATION SYSTEMS

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization serves as the 9-1-1 public safety answering point for the Town of Oro Valley.

This organization has two-way radio capability providing continuous communication between dispatch and officers.

801.2.1 COMMUNICATIONS LOG

It shall be the responsibility of Communications Bureau to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit, record and share as much information as possible to enhance the safety of the citizen and officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Incident number
- Date and time
- Name and address of complainant, if possible
- Nature of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of officers assigned
- Time of dispatch
- Time of the officer's arrivals
- Time of officer's return to service
- Disposition or status of reported incident

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801.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other officers know the status of officers, their locations and the nature of their cases.

801.3.1 MEMBER IDENTIFICATION

Identification systems are based on factors such as assignment and badge numbers. Employees initiating communications with other agencies shall use their entire call sign and speak plain English to ensure proper understanding. When using the radio, units will use their call sign to identify themselves.

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Property and ID Unit

802.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for maintaining the integrity, security, and chain of custody for property/evidence that comes into possession of the Oro Valley Police Department via investigations and incidents.

802.1.1 PROPERTY AND ID UNIT SECURITY

The Property and ID Unit shall maintain secure storage and control of all property necessitating custody by the Department. The crime scene technician reports to the crime scene technician supervisor and is responsible for the security of the Property and ID Unit. Property and ID Unit keys are maintained only by the crime scene technician and the crime scene technician supervisor. The crime scene technician and the supervisor shall not loan Property and ID Unit keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Property and ID Unit other than the crime scene technician must be accompanied by the crime scene technician or the crime scene technician supervisor

802.2 DEFINITIONS

Definitions related to this policy include:

Chain of Custody - The continuity of the custody of property/evidence from time of original collection to final disposal.

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 where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

Property - Includes all items of evidence, items taken for safekeeping and found property.

Safekeeping - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

802.3 PROPERTY HANDLING

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

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the

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Department. A copy of the property receipt form shall be given to the individual from whom the property was taken (ARS § 12-944).

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence. Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court.

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item.

802.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Employees booking property shall observe the following guidelines:

(a) Complete a property entry describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The officer shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.

(d) Complete an evidence/property label and attach it to each package or envelope in which the property is stored.

(e) An original property form shall be submitted with the case report.

(f) When the property is too large to be placed in a temporary property locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry.

802.3.2 CONTROLLED SUBSTANCES

All controlled substances shall be booked separately using a separate property entry. Drug paraphernalia shall also be booked separately.

802.3.3 EXPLOSIVES / HAZARDOUS MATERIALS

Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor. 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 or hazardous materials will not be retained in the police facility. Only items that are considered stable and safe may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

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802.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air-dried prior to booking.

(b) License plates / drivers licenses found not to be stolen or connected with a known crime, should be released directly to the crime scene technician or placed in the designated container for destruction or return to the Arizona Department of Transportation's Driver and Vehicle Services. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property entry. Property labels will be securely attached to each bicycle or bicycle frame. The property may be released directly to the crime scene technician, or placed in the bicycle storage area until a crime scene technician can log the property.

(d) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor and property evidence technician shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.

(e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property entry.

(f) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

(g) Perishable items shall not be impounded, but shall be photographed and returned to the owner. The owner shall sign for the property. The photograph shall show the department reporting number, the photographer's name and payroll number, the date, time, and location of the photograph.

(h) No liquor of any kind is to be brought into the Department unless there are extenuating circumstances. All alcohol shall be photographed prior to disposal. Alcohol not taken into evidence shall be disposed of by an officer or defendant(s) in the officer's presence.

(i) If a person is in possession of an animal at the time of arrest, the officer shall make every effort to release the animal to a friend, relative, or neighbor of the arrestee. If this cannot be accomplished, the arresting officer shall ask the arrestee to which facility the animal should be taken. As a last resort, the Pima Animal Control Center shall be contacted to take possession of the animal. A notification shall be made in pertinent reports indicating where the animal is. Payment of any fees incurred for care of the animal shall be the responsibility of the arrestee.

Town property, unless connected to a known criminal case, should be released directly to the appropriate Town department. No formal booking is required. In cases where no responsible

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person can be located, the property should be stored for safekeeping in the manner specified by the on duty supervisor.

802.4 PACKAGING OF PROPERTY

Packaging will conform to the Property Packaging Procedures. Certain items require special consideration and shall be booked separately as follows:

(a) Controlled substances.

(b) Firearms (ensure they are unloaded and booked separately from ammunition).

(c) Property with more than one known owner.

(d) Drug paraphernalia.

(e) DUI Blood.

(f) Contraband.

(g) Biohazards.

(h) Cash over $25.

(i) Items submitted for analysis.

802.4.1 PACKAGING CONTAINER

Employees shall package all property, except controlled substances, in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

A property label shall be securely attached to the outside of all items or group of items packaged together.

802.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, labeled and placed into property and evidence. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size. The booking officer shall initial the sealed envelope. Controlled substances shall not be packaged with other property.

The booking officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the property entry.

A completed property label shall be attached to the outside of the packaging.

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802.4.3 RIGHT OF REFUSAL
The crime scene technician has the right to refuse any piece of property that is not properly documented or packaged. Should the crime scene technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and may inform the supervisor of the submitting officer.

802.5 RECORDING OF PROPERTY
The recording of property shall be in accordance with guidelines established by the Crime Scene Technician Supervisor and chain of custody shall be maintained at all times.

802.6 PROPERTY CONTROL
Each time the crime scene technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the crime scene technician at least one day prior to the court day.

802.6.1 RESPONSIBILITIES 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 custody. No property or evidence is to be released without first receiving authorization from a supervisor or investigator.

Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the crime scene technician. This request may be filled out any time after booking of the property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the date and time on the property entry and the request for laboratory analysis.

The crime scene technician releasing the evidence must complete the required information on the property control entry. The property and evidence tech will document and maintain chain of custody at all times.

802.6.3 STATUS OF PROPERTY
Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the property entry.

The crime scene technician shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to the Property and ID Unit or released to another authorized person or entity.

The return of the property should be recorded on the property entry, indicating date, time and the person who returned the property.

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802.6.4 AUTHORITY TO RELEASE PROPERTY

The crime scene technician shall not release any property without a signed authorization from an appropriate authorized member of the Department. The appropriate investigative unit shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, a crime scene technician shall, upon the request of the owner:

(a) Provide a list describing the property unless such release would seriously impede an investigation.

(b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property.

802.6.5 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 investigator and must conform to the items listed on the property entry or must specify the specific item to be released.

A crime scene technician shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the property entry, the entry shall be forwarded to the Records Unit for filing with the case.

Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

802.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the owner (ARS § 13-3941). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Property and ID Unit.

(b) Satisfactory proof of ownership of the property is shown by the owner.

(c) A declaration of ownership is signed under penalty of perjury.

(d) A receipt for the property is obtained from the owner upon delivery.

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If stolen or embezzled property is not claimed by the owner within six months after the conviction of the person for such theft or embezzlement, the property shall be disposed of as specified in ARS § 13-3942.

802.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

802.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 or ARS § 13-3101.

If a firearm is seized for safekeeping at a domestic violence incident under ARS § 13-3601, it may not be released for at least 72 hours or longer if the prosecutor files a notice of intent to retain or if ordered by a court. Prior to release, the Property and ID Unit shall inform the handling investigator that a request to release the firearm has been received. The handling investigator shall, as soon as is reasonably possible, notify the victim of the request. Once the victim has been notified, the investigator will contact the Property and ID Unit to clear the firearm for release.

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

802.7 DISPOSITION OF PROPERTY

All property not held for evidence and held for a minimum of 30 days may be disposed of as follows:

(a) Property having a value of $150 or more and whose owner is not known requires posting or publication of a notice in the local print media prior to disposal (ARS § 12-944). If, 30 days after notice has been posted or published, the owner or person entitled to the property has not appeared, the property shall be disposed of pursuant to ARS § 12-945.

(b) If the property is a firearm, it shall be disposed of pursuant to ARS § 12-945.

(c) Found property may be returned to the person who found and turned it in as provided in ARS § 12-941.

802.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances

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- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices

802.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after 30 days or after final disposition of the case, the money is presumed abandoned property and may be disposed as specified in ARS § 12-942.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and ID Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Support Services Division supervisor

Biological evidence shall be retained for a minimum period established by law (ARS § 13-4221), the Property and ID Unit supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Support Services Division supervisor.

All biological evidence related to a homicide or a felony sexual offense that remains unsolved for one year or more after being reported shall be kept for 55 years, even when there are no viable or unexplored investigatory leads (ARS § 13-4221).

Biological evidence related to any homicide may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

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The Property and ID Unit supervisor must ensure that all biological samples are retained in a condition suitable for DNA testing. The Property and ID Unit supervisor may dispose of bulk evidence and retain probative samples of biological evidence using procedures that do not affect the suitability of the sample for DNA testing. Prior to disposing of any bulk evidence, the Property and ID Unit supervisor shall obtain approval from the county attorney or Attorney General and make reasonable efforts to provide written notice to the victim (ARS § 13-4221).

802.8 INSPECTIONS OF THE PROPERTY AND ID UNIT

(a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a Division Commander who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Property and ID Unit, an inventory of all evidence/property may be made by an individual not associated with the Property and ID Unit or function to ensure that records are correct and all evidence property is accounted for.

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Records Unit Procedures

803.1 PURPOSE AND SCOPE

The Records Supervisor shall keep the Department Records Unit procedures continuously updated to reflect the procedures being followed within the Records Unit. Policies and procedures that apply to all employees of this department are contained in this chapter.

803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Unit personnel.

803.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Unit, accessible only to authorized Records Unit personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the personnel authorized by the Chief, Commander or Records Supervisor.

803.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Unit. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Unit shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from the Records Unit.

803.3 RECORDS MANAGER TRAINING

The Records Supervisor shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Arizona Public Records law (ARS § 39-101, et seq.).

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Restoration of Firearm Serial Numbers

804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this policy is to develop standards, methodologies and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines.

804.2 PROCEDURE

Any firearm coming into the possession of the Oro Valley Police Department as evidence and found property, where the serial numbers have been removed or obliterated, will be processed in the following manner:

804.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately document the condition of the gun when received. Note the positions and conditions of the various components, such as the safeties, cylinder, magazine, slide and hammer. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, it should be processed before the serial number restoration is attempted. First record/document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

804.2.3 PROPERTY AND EVIDENCE TECHNICIAN RESPONSIBILITIES

The crime scene technician receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the Crime Laboratory for restoration and maintain the chain of custody.

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804.2.4 DOCUMENTATION
Case reports should be prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received or collected until it is released.

804.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the crime laboratory, a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) will be completed and forwarded to the NTC in Falling Waters, West Virginia or entered into the ATF online eTrace system.

804.3 OTHER CONSIDERATIONS
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the ATF's National Integrated Ballistic Information Network (NIBIN), which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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Records Release and Security

805.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law (ARS Title 39, Chapter 1).

This policy does not prevent the Department from making part or all of specific data available to the data subject or the public unless disclosure is expressly prohibited by law or the data is classified as confidential or private, respectively.

805.1.1 DEFINITIONS

Definitions related to this policy include:

Public records - A record kept by the Department that is created, received or kept in the performance of a duty.

Records management - Means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation (ARS § 41-151.14).

805.2 PUBLIC REQUESTS FOR RECORDS

The Department shall comply with Arizona law regarding the retention schedule prescribed by the Arizona State Library, Archives and Public Records Administrator, or the Department may establish its own program upon proper approval (ARS § 41-151.14).

The Department will prominently display a sign that contains basic rights of a person who requests public information, the responsibilities of the Department and the procedures, to include the cost of inspecting or obtaining copies.

Requests for information that the Department believes is confidential and wishes to withhold from the public and that is not specifically allowed by statute or judicial decision shall be sent to the Town attorney for a decision (see generally ARS § 39-121.02).

Data created by the Department shall be subject to inspection and release pursuant to lawful requests, except pursuant to exemptions established by statute or judicial order. Public requests for data shall be processed as follows:

805.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may request access to unrestricted records of this department by submitting a separate written and signed request for each specifically identified record during normal business hours. Requests shall be completed as soon as possible under the specific circumstances of the request and generally no later than five business days. If the request cannot be fulfilled within five business days after the date of request, the Department will notify the requester in writing.

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The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Processing of such requests may take up to five days.

(b) The requesting party shall be required to pay in advance any established fee for each record sought, unless the specific documents must be provided at no cost under ARS § 39-127 to crime victims or family of deceased victims.

(c) The Department is not required to create records that do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record.

805.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

805.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released :

(a) **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses shall not be made public (ARS § 8-413).

(b) **Confidential Information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public:

1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
2. If it has been noted in any report that an individual wishes to protect his/her right to privacy under the Arizona Constitution, such information may not be subject to public disclosure.

(c) **General Information** - Absent statutory exemption to the contrary or other lawful reason to deem data from reports confidential, information from unrestricted agency reports shall be made public upon proper request.

The Department shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals whose information is protected pursuant to Arizona law.

805.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

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Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals as prescribed by law.

805.3.3 TRAFFIC COLLISION REPORTS
An unredacted traffic collision report shall be released to those persons authorized pursuant to ARS § 28-667 who provide two or more of the following items in addition to any fee required:

(a) The date of the collision.

(b) The specific address or the highway or street.

(c) The name of any person involved in the collision.

805.3.4 PERSONNEL RECORDS
Personnel records, medical records and similar records which would involve personal privacy shall not be made public.

Peace officer personnel records are deemed confidential and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (ARS § 39-123). However, limited information in employee disciplinary files may be disclosed to the public as allowed by law (ARS § 39-128).

The identity of any officer subject to any criminal or administrative investigation should not be released without notification to the involved officer, the Chief of Police or as allowed or required by law.

805.4 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of court or evidentiary rules relating to privilege.

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure.

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.

A non-record as defined by law may, if not otherwise prohibited by law, be destroyed at any time by the Chief of Police or a designee without being scheduled for destruction.

805.4.1 PERSONAL IDENTIFYING INFORMATION
Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the

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Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

805.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum or discovery request should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

805.6 PRIVACY AND SECURITY OF RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.

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Protected Information

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Oro Valley Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

806.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Oro Valley Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

806.2 POLICY

Members of the Oro Valley Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

806.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to (ARS § 41-1750; AAC § R13-1-204):

(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), the Arizona Criminal Justice Information System (ACJIS), Arizona Department of Transportation (ADOT) records and Arizona Law Enforcement Telecommunications System (ALETS).

(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.

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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Oro Valley Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (ARS § 41-1756).

806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Communications Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

806.6 SECURITY OF PROTECTED INFORMATION

The Communications Manager will oversee the security of protected information.

The responsibilities of this position include, but are not limited to (AAC § R13-1-201):

(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.

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(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

Sensitive information such as Social Security numbers and personally identifiable information (PII) must be encrypted and stored on removable media only when necessary, as approved by the Communications Manager. If it becomes necessary to transfer protected information, encrypted devices shall be utilized.

806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (ARS § 41-1750(E)).

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Animal Control

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Oro Valley Police Department personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances (ARS § 9-499.04).

808.2 OFFICER RESPONSIBILITIES

Until a Pima County Animal Care Officer (ACO) is available, the following animal-related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.

808.2.1 ANIMAL CRUELTY COMPLAINTS

Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the Criminal Investigations Unit. Officers shall not hesitate to take any immediate actions deemed necessary. If immediate action is necessary, officers seizing an animal shall comply with the notice requirements of ARS § 13-4281.

The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal associated with the case.

808.2.2 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted if reasonably 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 animal shelter if it is open or to the holding pens, making sure the animal has food, water and bedding.

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808.2.3 ANIMAL BITES TO HUMANS

Officers shall obtain as much information as possible for forwarding to the ACO for follow-up. Officers shall instruct the owner of a biting animal that is a pet, farm animal or domesticated wild animal that, if contacted, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, every reasonable effort shall be made to capture and impound the animal immediately.

808.2.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Officers shall obtain as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of problem. Officers will also document any actions taken, citation issued and related report numbers.

In the event responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called.

All requests to call in the ACO must be approved by a field supervisor.

808.3 DECEASED ANIMALS

Deceased animals on public property will be reported to Pima County Animal Care.

808.4 INJURED ANIMALS

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, Pima County Animal Care shall be contacted.

(a) When it is necessary to dispatch a seriously injured or dangerous animal the Firearms Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty supervisor if notice is possible (ARS § 9-499.04(B)(1), ARS § 13-3107(C)(6)).

(b) Injured or deceased ranch animals or wildlife should be referred to the appropriate agency as listed by the Arizona Department of Game and Fish, the Bureau of Land Management or the Animal Services Division of the Arizona Department of Agriculture.

(c) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(d) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released.

808.5 CITATIONS

It should be at the discretion of the handling officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

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808.6 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

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Chapter 9 - Custody

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Temporary Holding Facility

900.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the booking, housing, security and release of prisoners at an Oro Valley Police Department Temporary Holding Facility.

The Department shall maintain custody of prisoners in accordance with this policy and applicable law.

900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in a Temporary Holding Facility unless a designated employee remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies within the facility.

900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

It is the policy of the Oro Valley Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practicable.

900.1.3 NON-DETAINABLE PRISONERS

Arrestees who fall within the following classifications should not be detained in a Temporary Holding Facility. They may be transported to the county jail, the designated medical facility or the county mental health facility as appropriate:

(a) Any person who is sick, injured or who has any other medical condition, including pregnant females who may require medical attention, supervision or medication during confinement.

(b) Any person who has claimed, or is known to be afflicted with or displays symptoms of any communicable disease.

(c) Any person suffering from a severe mental disorder.

(d) Any combative or unruly person who is likely to cause damage to the facility.

(e) A prisoner who is or may be contemplating suicide.

(f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotic, sedative, tranquilizer, anti-neoplastic (cancer) drug, research medication or any person suffering from withdrawals of any of the above.

900.1.4 DETAINABLE PRISONERS

Arrestees who fall within the following classifications may be detained in an Oro Valley Police Department Temporary Holding Facility with the approval of the Sergeant. This includes those arrested and detained pending:

(a) Release on citation in accordance with the Cite and Release Policy in this manual.

(b) Transportation to the county jail.

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(c) In-custody interview or other investigation.

900.1.5 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from a Temporary Holding Facility to another facility by a member of this department, the transporting officer shall be responsible for the following:

(a) Verifying that the identity of each prisoner to be transported matches the booking paperwork.

(b) Ensuring that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property and warrant copies.

(c) Ensuring that any known or suspected threat or danger the prisoner may pose, such as escape risk, suicide potential, medical condition or intellectual disability is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

900.1.6 PRISONER WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Temporary Holding Facility shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. 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 shall be removed from the prisoner and booked for safekeeping. It shall be promptly returned if it is later determined that such risk no longer exists.

Whenever a prosthetic or orthopedic appliance is removed from a prisoner, the Sergeant shall be promptly apprised of the reason for the removal.

900.1.7 BOOKING OUT OF COUNTY ARRESTS

Arrests made outside of the county, including arrests made pursuant to fresh pursuit, may be booked, charged and taken before a municipal court, justice of the peace or other magistrate within the county where the actual arrest occurred.

900.2 PRISONER MONITORING AND CLASSIFICATION

900.2.1 MONITORING OF PRISONERS

All prisoners shall be visually checked no less than once every hour. Visual checks shall be performed at least every 15 minutes on inmates known to be assaultive, potentially suicidal, mentally ill or who have demonstrated bizarre behavior. This check will be conducted through direct visual observation without the aid of surveillance cameras. There shall be a two-way voice

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communication capability between the inmates and the staff at all times. These checks will be documented in the Prisoner Log or other check sheet designed for that purpose.

900.2.2 TEMPORARY DETENTION OF JUVENILES
Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles Policy.

900.2.3 TEMPORARY DETENTION OF FEMALES
Whenever one or more female prisoners is in custody, if feasible, one female employee shall be available and accessible to female prisoners.

900.2.4 HANDCUFFING OF ARRESTEES IN LABOR
No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.2.5 HIGH RISK PRISONERS
High risk prisoners are individuals that possess one or more of the common denominators that contribute to sudden death in custody. Those indicators generally include:

- Bizarre / violent activity
- Obesity - especially "big bellies"
- Drug and/or alcohol involvement
- Apparent ineffectiveness of Oleoresin Capsicum (OC) spray

900.3 FIRE SAFETY
A Temporary Holding Facility is equipped with smoke detectors that trigger alarms. The facility is also equipped with a number of strategically located fire extinguishers. A Temporary Holding Facility shall be routinely inspected for security, control, conditions and the overall state of compliance.

900.4 EVACUATION OF TEMPORARY HOLDING FACILITY
If an evacuation of a Temporary Holding Facility becomes necessary, the following should be considered:

900.4.1 PRIMARY CONCERNS

(a) Safety of public.

(b) Safety of Department personnel.

(c) Safety of prisoners.

(d) Security of prisoners.

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900.4.2 NOTIFICATION

(a) Sergeant.

(b) All available sworn personnel.

(c) Fire department.

(d) Facility Administrator.

900.4.3 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.5 HANDLING OF INMATE'S PROPERTY

Officers shall take care in handling inmate's property to avoid discrepancies or losses.

Any personal property belonging to the inmate but retained by the officer for safekeeping shall be kept in a secure location until the inmate is released or transferred. Smaller items such as a driver license, wallet, prescription medications and other similar property, shall be placed in a property bag and sealed. Inmate property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Property belonging to the inmate, but retained by the officer as evidence, shall be booked according to procedures. The inmate shall be advised that such property will be kept as evidence and where demanded, the officer will issue the inmate a receipt. Such receipt may be a copy of the property sheet. It should include the description of the property, the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

900.5.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner. When possible, the prisoner should initial the dollar amount on the property sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.5.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing.

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When a prisoner is released from custody, all property will be returned and he/she will be required to sign the back of the property sheet.

If a prisoner is released to the court or an officer of another agency, all property will be released to that officer, who will be required to verify and sign for the property. The officer transporting prisoners to court is required to obtain the receiving officer's signature on the property sheet as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the Sergeant, who will interview the prisoner claiming the shortage prior to his/her release. The Sergeant shall ensure that a search for the alleged missing item is completed and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

All intangible personal property that is unclaimed for more than 30 days is presumed abandoned.

900.6 TEMPORARY HOLDING FACILITY PROCEDURES

900.6.1 HOLDING CELL SECURITY

(a) Prior to placing a prisoner into a cell, the cell shall be searched to ensure there are no weapons or contraband present and to ensure the cell is clean and sanitary. If other prisoners are present in the cell, this inspection shall be done visually without removing other prisoners.

(b) If the booking officer is alone, any other prisoners in a cell should be directed to stand against the far wall of the cell prior to opening the cell door.

(c) Access to the booking and holding cell area is restricted to officers who are in the process of or assisting the booking or release of prisoners, or personnel conducting prisoner checks.

900.6.2 MEDICAL CARE

Should a prisoner be injured or become ill during detention, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at a Temporary Holding Facility to allow access to the prisoner. The decision to transport a prisoner to a hospital will be the decision of the paramedic. The method and means of transportation is subject to the approval of the supervisor. If any prisoner is transported while still in custody, the prisoner will be accompanied by an officer. If the prisoner is detained for a misdemeanor, the supervisor may release the prisoner to facilitate medical care and transport (see generally ARS § 13-2513).

If a prisoner is injured or becomes ill, documenting and reporting procedures are as follows:

(a) Minor injuries such as cuts, bruises, abrasions, etc., not requiring medical treatment shall be recorded on the reverse side of the Injured Prisoner Report by marking the area of the injury on the outline of a human body and checking the appropriate space. If known, the officer(s) will document how the injury(s) occurred. In all occurrences, photos will be taken of all visible injuries.

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(b) When an illness or an injury requires medical treatment, that portion of the Injured Prisoner Report entitled "Treatment Given" shall be completed.

(c) Documentation of the prisoner's physical complaint should be stated in the prisoner's own words, along with the officer's observation of appearance and behavior.

(d) If the ill / injured prisoner is transported to a medical facility for treatment, the officer who accompanies or transports the prisoner shall indicate such on the Injured Prisoner Report. The officer will also be responsible for conveying instructions and medication for the prisoner to "booking" if the prisoner is delivered to jail. If the prisoner is hospitalized, the officer shall complete the Injured Prisoner Report.

(e) If the physical condition of a prisoner precludes jailing, the justification for this decision shall be documented on the Injured Prisoner Report.

900.6.3 FACILITY SANITATION AND MAINTENANCE

A Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the on duty supervisor.

900.6.4 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of this department, the Sergeant shall be notified and will make the appropriate notifications pursuant to state law (ARS § 11-593(A)(5)).

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Custodial Searches

901.1 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 Oro Valley Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

901.1.1 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.

901.2 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.

901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search, when practical.

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901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Oro Valley Police Department facilities.

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.

901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and ID Unit Policy.

All property shall be inventoried by objective description (this does not include an estimated value).

901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap.

901.5 STRIP SEARCHES

No individual in temporary custody at any Oro Valley Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual’s actions or demeanor.

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(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).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Oro Valley Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Authorization from the Sergeant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the person 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 the search 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 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 Sergeant.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the member based his/her belief that the person searched 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

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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.

(h) A copy of the written authorization should be retained and made available upon request to the individual or the individual's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy.

901.6 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 approval of the Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

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 Sergeant's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.

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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 should be made available to the individual who was searched or other authorized representative upon request.

901.7 TRAINING

The Training Coordinator 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.

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Prison Rape Elimination

902.1 POLICY

The Oro Valley Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Oro Valley Police Department will take immediate action to protect prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

The Oro Valley Police Department shall ensure the provisions of the P.R.E.A. (28 CFR 115) applicable to its holding cells are followed.

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Chapter 10 - Personnel

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Recruitment and Selection

1000.1 PURPOSE AND SCOPE

The employment policy of the Oro Valley shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status or gender, and shall not show partiality or grant any special favors to any applicant, employee or group of employees in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission and Arizona law. The rules governing employment practices for this department are maintained by the Oro Valley Human Resources Department.

1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

1000.2.1 VETERANS' PREFERENCE

Veterans of the armed forces of the United States who are separated from the armed forces under honorable conditions following more than six months of active duty and are candidates for job openings shall receive preference as applicable (ARS § 38-492). Preference points shall be added after the applicant has received a passing score on an entrance exam and qualified for placement on the employment list (AAC § R13-5-303).

Nondisabled Veteran's Credit - There shall be added to the examination for employment a credit of five points provided that veteran obtained a passing rating on the examination without the addition of the credit points.

Disabled Veteran's Credit - There shall be added to the examination for employment a credit of ten points provided that the disabled veteran obtained a passing rating on the examination without the addition of the credit points. For the purposes of the preference, "disabled person" means a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual or who has a record of such impairment or is regarded as having such impairment.

Preference for Spouses - A spouse or surviving spouse of any of the following shall be given a five point preference:

(a) Any veteran who died of a service-connected disability.

(b) Any member of the armed forces who is serving on active duty and who, at the time of application, is listed by the secretary of defense of the United States in any of the following categories for not less than ninety days:

1. Missing in action.
2. Captured in the line of duty by a hostile force.
3. Forcibly detained or interned in the line of duty by a foreign government or power.

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(c) A person who has a total, permanent disability resulting from a service-connected disability or any person who died while the disability was in existence.

1000.2.2 DISABLED PERSONS' PREFERENCE
A disabled person shall be given a preference of five points over persons who are not disabled on an examination for employment if the disabled person earns a passing grade without the preference (ARS § 38-492(B). For the purposes of the preference, "disabled person" means a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual or who has a record of such impairment or is regarded as having such impairment.

1000.3 STANDARDS
Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Oro Valley Human Resources Department maintains standards for all positions.

The challenge facing the Department is one of developing a job-valid and non-discriminatory set of policies that will allow it to lawfully exclude persons who do not meet the Oro Valley or State of Arizona hiring standards. AZPOST statutorily prescribe minimum standards for employment and a pre-employment investigation of a candidate's background (AAC § R13-4-105).

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE
Where applicable:

(a) The ability to possess a valid Arizona driver's license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following may be disqualifying:

1. Receipt of three or more moving violations within three years or a reckless driving conviction within five years prior to application.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol (DUI or DWI) and/or controlled substances within 10 years preceding the date of application or during the hiring process.

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1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities and payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following may be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process may be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

3. Admissions of administrative findings or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.

4. Admission of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to a conviction for a felony or crime involving dishonesty or false statement.

(b) The following may be disqualifying:

1. Admission, conviction or adjudication of having committed any act defined as a felony (including felony-misdemeanor waiver) under Arizona law, federal law, the law of another state or the Uniform Code of Military Justice (UCMJ).

2. Admissions or administrative findings of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document or theft.

3. Admissions or conviction of any act of family violence as defined by law, committed as an adult.

4. Admission of any criminal or delinquent act, whether misdemeanor or felony, committed against children including, but not limited to, molesting or annoying children, child abduction, child abuse, criminal sexual conduct or indecent exposure.

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5. Any history of work-related actions resulting in civil lawsuits that found against the applicant or his/her employer may be disqualifying.

1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

(f) The following may be disqualifying:

1. Missing any scheduled appointment during the hiring process without prior permission.
2. Arriving late for any scheduled appointment during the hiring process without making telephone notification as to the reason for the delay.
3. Having been disciplined by any employer, including military, as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.
4. Having been involuntarily dismissed, for any reason other than layoff, from two or more employers as an adult.
5. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement as well as other persons with a reasonable explanation for an extensive job history.
6. Having undergone personal bankruptcy more than once.
7. Having current financial obligations for which legal judgments have not been satisfied.
8. Wages currently garnished.
9. Any other history of financial instability.
10. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged or other reasonable cause existed.
11. Having any outstanding warrant of arrest at time of application.
12. Pending criminal matters.

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1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.

(b) The ability to recall information pertaining to procedures, rules or regulations.

(c) The ability to recall information pertaining to laws, statutes and codes.

(d) The ability to learn and to apply what is learned.

(e) The ability to learn and apply the material, tactics and procedures that are required of the position.

(f) The following may be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.

2. Having been academically dismissed from any AZPOST-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another AZPOST basic law enforcement academy shall rescind this prohibition.

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion in applying authority.

(d) Effectiveness in dealing with people without arousing irrational antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following may be disqualifying:

1. Having been disciplined by any employer, including the military and/or any law enforcement training facility, for acts constituting racial, ethnic or sexual harassment or discrimination.

2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

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(d) The ability to make effective, logical decisions under pressure.

1000.4 OFFICER SELECTION PROCESS

(a) Applicants for entry-level officer positions will apply to the Oro Valley Police Department and are required to:

1. Meet qualifications of AZPOST (AAC § R13-4-105) and the Department as required by this policy.
2. Pass an entrance examination.
3. Pass a physical agility test.
4. Obtain an acceptable passing score from a semi-structured oral interview board.

(b) The passing candidates based on the above criteria will be interviewed by the Chief of Police or a designee. The passing candidates will be required to complete the following:

1. A background investigation that meets the requirements of AZPOST (AAC § R13-4-106).
2. A polygraph test process that meets the requirements of AZPOST unless prohibited by law (AAC § R13-4-106).

(c) Candidates meeting department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Physical examination that meets the standards of AZPOST (AAC § R13-4-107).
2. Drug testing.
3. Psychological testing.
4. Chief of Police final interview.
5. Successful completion of a law enforcement academy (if required) and licensing.

(d) Regular employee status may be granted upon:

1. Successful completion of field training, and
2. Successful completion of probation.

1000.4.1 LATERAL TRANSFER OFFICER SELECTION PROCESS

Sworn officer applicants (laterals) may be deemed to have met various entry requirements and specific steps may be waived at the discretion of the Chief of Police or a designee.

1000.5 CIVILIAN SELECTION PROCESS

(a) Applicants for all non-sworn positions will apply to the Town Department of Human Resources and are required to:

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1. Meet Department qualifications.
2. May be required to successfully complete an employment examination.
3. Obtain an acceptable passing score on a word processing test if applicable to the position.
4. Obtain an acceptable passing score from a structured oral interview board.
5. Successfully complete a background investigation.
6. Complete a polygraph test process.

(b) Depending on the position, candidates meeting Department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Psychological examination
2. Physical examination
3. Drug test
4. Chief of Police final interview.

(c) Regular employee status may be granted upon:

1. Successful completion of training, and
2. Successful completion of probation.

1000.6 STAFF AND SPECIALIST POSITIONS

(a) Experienced applicants for management, supervisory positions and for specialists will be considered from both within the Department and from individuals outside the Department for positions such as criminal investigations, crime prevention, identification or other similar positions requiring specialized skills needed by the Department. These individuals must meet, or previously have met, the Department employment criteria for sworn or non-sworn employment, as appropriate to the position. If applicable, the selection process for the position may additionally include:

1. Successfully complete a specialized employment examination that totals 100 points.
2. Successfully complete an assessment center process.
3. Obtain an acceptable score from a staff interview and/or board.

(b) Candidates meeting Department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Psychological examination.

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2. Physical examination.
3. Drug test.
4. Chief of Police final interview.

(c) Regular employee status may be granted upon:

1. Successful completion of training, and
2. Successful completion of probation.

1000.7 TECHNIQUES, TOOLS AND RECORDS

1000.7.1 DECEPTION DETECTION DEVICE

If a polygraph is used in the selection process, the operator will be licensed in the use of the instrument.

1000.7.2 BACKGROUND INVESTIGATIONS

Background investigations are conducted on all Department employees prior to the final hiring decision. Relevant information regarding the candidate's qualifications, integrity, lawful and unlawful past behavior, previous work performance and driving record, if applicable to the position, is included along with interviews of individuals familiar with the candidate. This information is used to make an informed decision on the candidate's suitability for employment (AAC § R13-4-106).

Background investigations shall be conducted by members of the Department who have been trained in conducting background investigations or in accordance with the Background Investigation Manual adopted by the Department.

1000.7.3 RECORDS

All selection materials for those individuals hired, including the background investigation, will be placed in an envelope and filed in the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the records retention schedule.

All selection materials for those individuals not hired will be maintained for a minimum period established by the records retention schedule.

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Evaluation of Employees

1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

1001.2 POLICY

The Oro Valley Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit/step increases, promotion, reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel should attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees placed on a performance plan, shall be notified of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

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1001.4 EVALUATION FREQUENCY

Evaluation frequency will be in accordance with the Town of Oro Valley Personnel Policies and Procedures.

1001.4.1 RESERVE OFFICER EVALUATIONS

Reserve officer evaluations are covered in the Reserve Officer Policy.

1001.4.2 VOLUNTEER AND RESERVE OFFICER EVALUATIONS

Volunteer and reserve officer evaluations are covered in the Volunteer Program Policy.

1001.5 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees.

1001.6 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

Transfer - If an employee is transferred from one assignment to another in the middle of an evaluation period and more than two months have transpired since the transfer, an evaluation shall be completed by the current supervisor with input from the previous supervisor.

1001.6.1 RATINGS

The definition of each rating category is as follows:

Outstanding - Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Successful - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

Does Not Meet Expectations - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.7 PERFORMANCE EVALUATION PROCESS

The performance evaluation process will be in accordance to the Town of Oro Valley Administrative Directives.

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Promotions and Transfers

1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Oro Valley Police Department.

1002.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

(a) Presents a professional, neat appearance.

(b) Demonstrates:

1. Emotional stability and maturity.
2. Sound judgment and decision-making.
3. Personal integrity.
4. Honesty.
5. Leadership.
6. Initiative.
7. Ability to confront and/or deal with issues both positive and/or negative.
8. Ability to conform to organizational goals and objectives.

1002.2 CERTIFIED NON-SUPERVISORY SELECTION PROCESS

The following positions are considered assignments and are not considered promotions:

(a) Motor Officer.

(b) Collision Investigator.

(c) Field Training Officer.

(d) Training Coordinator.

(e) School Resource Officer (SRO).

(f) Task Force assignment.

(g) Community Action Team (CAT Squad).

(h) Bike Officer.

(i) K-9 Officer.

(j) DUI Officer.

(k) Lead Officer.

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1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply to consideration for assignment:

(a) Off probation.

(b) Has shown an express interest in the position applied for.

(c) Education, training and demonstrated abilities in related areas, such as, enforcement activities, investigative techniques, report writing and public relations.

(d) Complete any training required by AZPOST, federal or state law.

1002.3 SELECTION PROCESS

The following criteria apply to assignments.

(a) A memorandum of interest shall be written and submitted through the chain of command.

(b) Oral boards or other testing will be conducted, whichever is appropriate for that assignment.

(c) Executive review by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

1002.4 PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Oro Valley Human Resources Department.

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Reduction in Force - Sworn Personnel

1003.1 REDUCTION IN FORCE

(a) A reduction of force may occur whenever it is necessary - by reason of economy, lack of work, insufficient appropriations, change in departmental organization, abolition of a position or other reasons as specified in these policies.

(b) No permanent-status police officer is to be separated by layoff while there are temporary, seasonal, emergency or initial probationary employees serving in the same classification when a permanent-status officer is qualified and available for reassignment.

(c) No permanent-status police officer shall be laid off while there are initial probationary police officers.

1003.2 ORDER OF FORCE REDUCTION

(a) All permanent-status police officers shall have the order of layoff based upon full-time equivalent continuous service in any level of police officer classification/rank. Officers shall be laid off in inverse order of seniority (the least senior police officer to be laid off first).

(b) All permanent-status officers in classifications above the rank of police officer shall have the order of layoff based upon seniority in classification/rank. Employees shall be laid off in inverse order of seniority (least senior employee would be laid off first). Officers may elect to exercise "bump rights" in lieu of layoff or may elect pre-layoff reappointment in lieu of layoff.

1003.3 BUMP RIGHTS

(a) If an officer elects to exercise "bump rights", he/she shall bump the officer in the next lower classification/rank having the least amount of seniority in that classification/rank. Each officer who is bumped shall be laid off and shall have the same rights as a laid off officer.

(b) When an officer bumps into a lower classification/rank, the officer's time served in the higher classification shall be added to the officer's previous time in the classification into which the officer bumps for the purposes of determining the officer's seniority in that classification/rank.

(c) The salary of an officer who bumps into a lower classification shall be the lesser of the following:

1. The officer's salary prior to bumping, or
2. The salary of the highest step in the classification into which the officer bumps.

(d) Officers who elect to bump to a lower classification/rank shall be offered the former higher classification/rank when an opening becomes available, prior to any other offer, including recall.

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Standards of Conduct

1004.1 PURPOSE AND SCOPE

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

1004.2 POLICY

The continued employment or appointment of every member of the Oro Valley Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

1004.3 DIRECTIVES AND ORDERS

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

1004.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

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1004.3.2 SUPERVISOR RESPONSIBILITIES

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

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

1004.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and Arizona 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.

1004.5 CAUSES FOR DISCIPLINE

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

1004.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or Town manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

1004.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Oro Valley Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

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(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

1004.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

1004.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

1004.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

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(d) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

1004.5.6 UNAUTHORIZED ACCESS, DISCLOSURE OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms or reports obtained as a result of the member's position with this department.

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away or appropriating any Oro Valley Police Department badge, uniform, identification card or department property for personal use, personal gain or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

1004.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address, contact telephone numbers or marital status.

1004.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

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(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while on-duty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or on department property except as expressly authorized by Town policy, the collective bargaining agreement or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by Town policy, the collective bargaining agreement or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

1004.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the Town.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

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(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any collective bargaining agreement or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members

1004.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position driver license, first aid).

(c) Failure to maintain 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.

1004.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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Anti-Retaliation

1005.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

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 memorandum of understanding.

1005.2 POLICY

The Oro Valley Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

1005.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1005.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the Town Human Resources 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.

1005.5 SUPERVISOR RESPONSIBITILES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

1005.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

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Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1005.7 WHISTLE-BLOWING

Arizona law protects members from retaliation for disclosing information to the appropriate person or entity when the member has a reasonable belief that this department is violating or will violate the state Constitution or state law, or is engaging in abuse of authority or gross waste of monies (ARS § 23-1501; ARS § 38-532).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

1005.8 RECORDS RETENTION AND RELEASE

The Office of Professional Standards shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1005.9 TRAINING

The policy should be reviewed with each new member.

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Reporting of Employee Convictions

1006.1 PURPOSE AND SCOPE

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

1006.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Arizona and federal law prohibit 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; ARS 13-3101(A)(7)(d)).

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.

1006.3 CRIMINAL ARRESTS

Any sworn employee shall promptly notify his/her immediate supervisor in writing if a firearm used by the employee as part of his/her assigned duties has been confiscated as a result of involvement in a domestic violence incident pursuant to ARS § 13-3601(C) (see Policy 320.8).

1006.4 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Arizona (AAC § R13-4-105(A)(6)).

Upon conviction of a felony committed by any peace officer, the state shall revoke their certified status (AAC § R13-4-109(C)).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties such as being temporarily or permanently prohibited from carrying a firearm.

1006.4.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any court order. Court orders or failure to comply with certain subpoenas or warrants may require suspension of their peace officer certificate (AAC § R13-4-109).

1006.5 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of

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retired officers) 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 officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

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

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

1006.6 PROCEDURE FOR RELIEF

A peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition will not relieve one of the restrictions imposed by federal law.

Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on his/her own time and through his/her own resources.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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Drug- and Alcohol-Free Workplace

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1007.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

1007.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

Department employees shall not purchase or possess alcohol or other controlled substances on Town property, at work or while on-duty except under official business.

Department employees shall not illegally manufacture any alcohol or drugs.

1007.2.2 USE OF PRESCRIBED MEDICATIONS

Department employees who are medically required to take prescription medications during work hours shall not allow such medications to impair their ability to perform their work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of the position shall report the need for such medication to his/her immediate supervisor.

No employee shall be permitted to work on or drive a Department-owned or -leased vehicle while taking such potentially impairing medication without a written release from his/her physician.

1007.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

1007.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

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No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

1007.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

1007.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Human Resources Department, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1007.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any 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.

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1007.6.1 SUBSTANCES FOR WHICH TESTING MAY BE REQUIRED

The Department may test for alcohol or any substance considered unlawful under state or federal controlled substance schedules, including prescription drugs or over-the-counter compounds (ARS § 23-493.04(A)(4); ARS § 23-493(3)).

1007.7 REQUESTING SCREENING TESTS

The supervisor may request an employee or prospective employee to submit to a screening test under any of the following circumstances (ARS § 23-493.04):

(a) The supervisor determines there is a reasonable suspicion that an employee may be affected by the use of drugs or alcohol and that such use may adversely affect the job performance or the work environment.

(b) The supervisor determines there is reasonable suspicion that an employee is currently impaired or exhibiting objective symptoms of intoxication or drug influence while on-duty.

(c) When the employee, whether on- or off-duty, is involved in a shooting or law enforcement-related death.

(d) When the employee is involved in an injury or fatal accident while on-duty.

(e) When the employee is involved in an injury or fatal accident while operating any Town-owned vehicle, whether on- or off-duty.

(f) During an investigation of an accident in the workplace, provided the testing is performed as soon as practicable after an accident and is administered to employees whom it is reasonable to believe may have contributed to the accident.

(g) When it is performed as part of a drug or alcohol testing program based on a random or chance basis.

(h) As a condition of employment to prospective employees.

Generally testing of employees shall occur during, or immediately before or after, a regular work period. The testing, and travel time if required, will be deemed work time for the purpose of compensation for all paid employees (ARS § 23-493.02).

1007.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1007.7.2 SCREENING TEST REFUSAL

An employee may be subject to rehabilitative or disciplinary action if he/she:

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(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

1007.7.3 DISCIPLINARY ACTION
Rehabilitative or disciplinary action may include (ARS § 23-493.05):

- Enrollment in a rehabilitation, treatment or counseling program, which may include additional drug testing and alcohol impairment testing that has been provided or approved by the Department. Participation in the program may be a condition of continued employment. The cost may or may not be covered by any available health plan or policy.
- Suspension of the employee, with or without pay, for a designated period.
- Termination of employment.
- In the case of drug testing, refusal to hire a prospective employee.
- Other adverse employment action.

1007.7.4 ALCOHOL TESTING
A supervisor may order a PBT test or other screening device to determine BAC levels. If necessary, a blood sample may be collected by a law enforcement phlebotomist.

1007.7.5 SCREENING TEST REQUIREMENTS
All screening tests for drugs or alcohol shall comply with the standards set forth in ARS § 23-493.03.

1007.7.6 SUBSTANCES FOR WHICH TESTING MAY BE REQUIRED
The Department may test for alcohol and any drugs as defined in ARS § 23-493(3), including prescription drugs or over-the-counter compounds (ARS § 23-493.04(A)(4).

1007.7.7 SCREENING TEST RESULTS
Employees have the right to obtain written results of any testing performed. Employees also have the right to have a positive test result explained in a confidential setting (ARS § 23-493.04(A)).

1007.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

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1007.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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Sick Leave Policy

1008.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable memorandum of understanding. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825.100).

1008.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not reasonably possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation and abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken, if one was not previously submitted.

1008.2.1 NOTIFICATION

Employees are encouraged to notify an 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 two hours before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable 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 reasonably possible, provide notice to the Department as soon as reasonably possible of the intent to take leave.

1008.3 EXTENDED ILLNESS

Employees on extended absences shall abide by the Town of Oro Valley Personnel Policies and Procedures.

1008.4 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address the use of sick leave in the employee's performance evaluation when it has

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negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative effect on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

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Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury as required by state (ARS § 23-403(A), AAC § R20-5-602) and federal guidelines (29 CFR § 1910.1030(a)). The policy will offer direction in achieving the following goals:

- To identify, inform and train all Department employees regarding the communicable disease risks to which they may be exposed while performing of their specific job assignments.
- To manage the risks associated with blood-borne pathogens, aerosol transmissible diseases and other potentially infectious substances.
- To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).
- To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties.
- To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1009.1.1 DEFINITIONS

Definitions related to this policy include:

Blood Borne Pathogen - Pathogenic microorganisms that are present in human blood and can cause disease in humans (29 CFR 1910.1030(b)). These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

Communicable Disease - An illness caused by an agent or its toxic products that arises through the transmission of that agent or its products to a susceptible host, either directly or indirectly (AAC § R9-6-101(21)).

Exposure Incident - A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an department member's duties (29 CFR 1910.1030(b)).

Other Potentially Infectious Materials - Includes human body fluids such as semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; any unfixed tissue or organ (other than intact skin) from a human (living or dead) and HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV (29 CFR 1910.1030(b)).

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1009.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All Department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

1009.2.1 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Department's Exposure Control Officer (ECO). The Town's ECO in conjunction with the Town's safety manager, shall be responsible for the following:

(a) The overall management of the blood-borne Exposure Control Plan (ECP).

(b) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning blood-borne pathogens and other communicable diseases.

(c) The ECO will act as a liaison during Occupational Safety and Health Administration (OSHA) inspections and shall conduct program audits to maintain an up-to-date Exposure Control Plan.

(d) The ECO will maintain an up-to-date list of police personnel requiring training, will develop and implement a training program, maintain class rosters and quizzes and periodically review the training program.

(e) The ECO will review and update the Exposure Control Plan as necessary.

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

1009.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

1009.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment (PPE) is the last line of defense against communicable disease. Therefore, the proper equipment is provided for all personnel to assist in the protection against such exposures.

The protective equipment is to be kept in each police vehicle, inspected regularly and replaced as soon as reasonably possible if it has been used or damaged during the shift, or as otherwise needed.

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1009.2.4 IMMUNIZATIONS

All Department personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

1009.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves should be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1009.2.6 INFORMATION AND TRAINING

All employees shall participate in occupational exposure training commensurate with the requirements of his/her position (29 CFR § 1910.1030(g)(2)). The training shall be provided:

(a) At the time of initial assignment to tasks where an occupational exposure may take place.

(b) At least annually after the initial training.

(c) Whenever the employee is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

The occupational exposure training shall meet the minimum standards set by state and federal regulations (29 CFR § 1910.1030(g)(2)(vii) and ARS § 23-407(3)).

1009.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person’s blood or bodily fluids:

1009.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the on-scene fire response vehicle, at the attending clinic or hospital, with its approval, or in an appropriately marked biohazard waste container immediately upon arrival.

The biohazard waste container shall be leakproof, red or appropriately labeled with a biohazard warning and routinely emptied.

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1009.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately, on-scene if reasonably possible, or as soon as reasonably possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment may be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane cleaning shall not be done in the kitchen.

1009.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist a paramedic or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one’s self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1009.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1009.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

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Any personal protective equipment that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1009.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, corners, crevices and portable radios. Equipment cleaning shall not be done in the kitchen, bathrooms or areas that are not designated as a cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.

1009.3.7 DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry cleaned, place it into a biohazard waste bag and give it to the ECO. The ECO will secure a dry cleaner that is capable of cleaning contaminated clothing and will inform them of the potential contamination. This dry cleaning will be done at the Department’s expense.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

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1009.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1009.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee.

1009.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor, complete an officer's report and a "Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material" form as soon as possible following the exposure or suspected exposure (AAC § R20-5-164(E)). The report shall be submitted to the employee's immediate supervisor. Additionally, if the exposure involves contact with the bodily fluids of an individual who has been arrested, the employee must also comply with reporting requirements described in the Communicable Disease Testing Policy.

1009.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information:

(a) Names and social security numbers of the employee exposed.

(b) Date and time of incident.

(c) Location of incident.

(d) The potentially infectious materials involved.

(e) Source of material or person.

(f) Current location of material or person.

(g) Work being done during exposure.

(h) How the incident occurred or was caused.

(i) PPE in use at the time of the incident.

(j) Actions taken post-event (e.g., clean-up and notifications).

The supervisor shall ensure that the event was documented (AAC § R20-5-164(F), AAC § R20-5-629, 29CFR § 1904 and 29 CFR § 1910.1030(h)(1)) and advise the members of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

The supervisor should complete an Exposure Packet for Supervisors.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed member's supervisor to ensure testing is sought (Policy § 1016.5).

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1009.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who received exposure or suspected exposure shall be seen by a physician (or qualified health care provider) as soon as reasonably possible pursuant to 29 CFR § 1910.1030(f)(3). The doctor or qualified health care provider should be provided with the supervisor's report and the member's medical records relevant to the visit and examination.

The blood of the exposed member shall be tested at the expense of the Department (AAC § R20-5-164(J)).

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

The health care professional shall provide the ECO and/or the Town's risk manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee
- If the employee received a post-exposure treatment
- Confirmation that the employee received the evaluation results
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation
- Whether communicable disease testing from the source is warranted, and if so, the possible diseases to be tested

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1009.4.4 COUNSELING

The Department should provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation.

1009.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept confidential (ARS § 36-664(A)).

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The risk manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

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This information is confidential and shall not be disclosed to anyone without the employee's written consent, except as required by law.

1009.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure to an employee of this department should be sought when it is desired by the department member or is otherwise appropriate. It is the responsibility of the ECO or designee to ensure the proper testing and reporting occur. These methods are:

(a) Obtaining voluntary consent that covers testing for any communicable disease from any person who may be the source of an exposure.

(b) Seeking a court order when the person who may be the source of an exposure will not consent to testing if:

1. The person is charged with interfering with the official duties of an employee of this department by biting, scratching, spitting or transferring blood or other bodily fluids to the skin or membranes of the member (ARS § 13-1210(A)(1)).
2. There is probable cause to believe that a person interfered with the official duties of an employee of this department by biting, scratching, spitting or transferring blood or other bodily fluids to the skin or membranes of the member and that person is deceased (ARS § 13-1210(A)(2); ARS § 13-1210(D)).
3. The person is arrested, charged or in custody and the employee of this department alleges by affidavit that the person interfered with the official duties of the employee by biting, scratching, spitting or transferring blood or other bodily fluids to the skin or membranes of the employee (ARS § 13-1210(A)(3).

If the person for whom testing is sought neither volunteers nor can be compelled to submit to testing, the ECO should seek a court order for the disclosure of communicable disease-related information from the person's health care provider based upon a showing of a clear and imminent danger that the life or health of an employee of this department is at risk, pursuant to ARS § 36-665(B).

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Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Oro Valley Police Department facilities or vehicles.

1010.2 POLICY

The Oro Valley Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Oro Valley Police Department to prohibit the use of tobacco by employees at any time the employee is acting in an official capacity for the Department.

1010.3 EMPLOYEE USE

Tobacco use by employees is prohibited any time employees are in public view representing the Department.

Smoking is not permitted inside any Town facility, office or vehicle.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes inside Town facilities and vehicles.

1010.4 ADDITIONAL PROHIBITIONS

Employees may not smoke tobacco products near any entrance, window or ventilation system or at any location where persons entering or leaving may be subject to breathing tobacco smoke (ARS § 36-601.01).

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Personnel Complaints

1011.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

The Department investigates all complaints alleging a violation of law.

Additional guidance, provisions, changes or additions may be contained in the memorandum of understanding.

1011.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not qualify as a violation may be handled informally by a Department supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of a rank greater than the accused employee or referred to the Office of Professional Standards depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Office of Professional Standards, such matters need not be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

1011.1.2 DEFINITIONS

Definitions related to this policy include:

Complainant - A person claiming to be the victim or witness of misconduct by an officer.

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Investigation - An administrative investigation, conducted by the Department, of alleged misconduct by an officer that could result in punitive action.

Corrective Action - A disciplinary suspension, demotion in rank, reprimand, termination or any combination of those actions.

1011.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1011.2.1 SOURCE OF COMPLAINTS

Complaints will be accepted from the following:

(a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1011.2.2 ACCEPTANCE OF COMPLAINTS

All complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Complaints may also be filed verbally either in person or by telephoning the Department and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to re-contact the complainant. The supervisor upon recontact of the complainant shall complete and submit the personnel 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. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Sergeant determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.

(c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1011.2.3 COMPLAINT DOCUMENTATION

In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party.

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Formal complaints of alleged misconduct not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

A supervisor shall document sustained informal complaints in a PPR.

1011.3 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor was involved in the alleged incident. The Chief of Police or the authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the lieutenant is notified as soon as possible.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as fully as possible. The original complaint form will then be directed to the Division Commander of the accused employee, via the chain of command, who will forward a copy of the complaint to the Chief of Police or designee, will take any appropriate action and/or forward the complaint to the Office of Professional Standards for further action.

    1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.

    2. When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.

    3. In circumstances where the integrity of the investigation could be jeopardized by a delay or exigent circumstances exist, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police, who will initiate appropriate action.

(c) A supervisor dealing with an accused or witness employee shall ensure that the procedural rights of the employee are followed pursuant to state and federal law (ARS § 38-1101; ARS § 38-1105).

(d) Supervisors are responsible for maintaining the confidentiality of the contents of an investigation under their control.

1011.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or

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the public, a supervisor may temporarily assign the accused employee to inactive duty pending completion of the investigation or the filing of administrative charges.

1011.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapons and any other Department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

1011.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this Department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police or designee shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of criminal allegations, the Chief of Police or designee may request a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on

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an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

1011.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Investigations of a minor nature may be assigned to the employee's supervisor. More serious complaints will be assigned to the Office of Professional Standards for investigation. Whether conducted by a supervisor or an assigned member of the Office of Professional Standards, interviews that could reasonably result in dismissal, demotion or suspension shall be conducted pursuant to ARS § 38-1101:

(a) Any employee may request to have a representative present during an interview at no cost to this department (ARS § 38-1101; ARS § 38-1106).

1. The employee shall select a representative who is available on reasonable notice so that the interview is not unreasonably delayed.
2. The representative shall participate in the interview only as an observer.
3. Unless agreed to by the Chief of Police or a designee, the representative shall be from this department and shall not be an attorney.
4. The employee shall be permitted reasonable breaks of limited duration during any interview for telephonic or in person consultation with others, including an attorney, who are immediately available.
5. An employee shall not be disciplined, retaliated against or threatened with retaliation for requesting that a representative be present or for acting as the representative for another officer.

(b) The Investigator should not be a person who is the complainant, the ultimate decision maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct.

(c) Before an investigator begins the initial interrogation, the Department should:

1. Provide the name and rank of the person in charge of the investigation and the persons who will conduct any interrogation.
2. Provide the date, time and place of interrogation or hearing.
3. Provide the officer in writing a summary of alleged misconduct and a description of the nature of the investigation.

(d) Interviews of accused employees should be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated.

(e) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors requiring that time is of the essence.

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(f) An investigator should not interview an officer at that person's home without the officer prior permission.

(g) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.

(h) All interviews shall be for a reasonable period or duration and the employee's personal needs shall be accommodated.

(i) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.

(j) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided upon request or prior to any subsequent interview.

(k) If the allegations involve potential criminal conduct, the employee shall be given the Garrity admonishment. This admonishment shall be given administratively whether the employee was advised of these rights during any separate criminal investigation.

(l) All employees subjected to interviews that could result in punitive action shall have the right to have a representative of his/her choosing during any interrogation. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.

(m) All employees shall provide complete and truthful responses to questions posed during interviews.

(n) An officer may be compelled to take a polygraph examination if a statement made by the officer differs from other information relating to the investigation that is known to the investigator and reconciling that difference is necessary to complete the investigation. An audio recording of the complete polygraph procedure will be made and a copy will be provided to the officer. The officer may not demand a representative be present during the examination. The examination, its results and related materials must comply or be used in accordance with ARS § 38-1101.

1011.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process, if such information tends to indicate a conflict of interest with official duties, if the employee is assigned to or being considered for a special assignment or to determine if the employee is engaged in unlawful activity.

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Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other Department areas (e.g., desks, office space and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1011.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve Department personnel. Additionally, 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 employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

Other - Once a primary disposition is assessed and the department finds sufficient evidence that misconduct or another rule or procedure has been violated, which was discovered outside the scope of primary investigation, the complaint shall be assigned a combination disposition to include "Other" (i.e. "Not Sustained- Other"). Specific rules and/or procedures violations by the employee shall be noted.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1011.8 COMPLETION OF INVESTIGATIONS

Investigation of personnel complaints shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

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Investigations should be completed within three months of the date a person authorized by the department to initiate an investigation receives notice of the allegation. This will allow time for review by the Chief of Police or designee and allow the Chief of Police or designee to provide the employee notice of discipline or findings within 120 days, as provided in ARS § 38-1105. The investigation time period may be extended by the employee in writing and may be suspended during a criminal prosecution, incapacity of the officer or under other special circumstances (ARS § 38-1105).

Should additional time be required, a written request should be made to the Chief of Police, generally 30 days before the three-month period tolls, requesting an extension. A request for extension should include the reason for the request and the completion date requested. Such a request must be approved by the Chief of Police or the authorized designee in writing and a copy provided to the accused employee (ARS § 38-1105).

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employees need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employees.

Once received, the Chief of Police may accept or modify the classification and the recommendation for disciplinary action contained in the report.

Written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings but will not disclose the amount of discipline, if any, that was imposed.

Any complaining party who is not satisfied with the findings may contact the Department or the authorized designee to discuss the matter further.

1011.8.1 WITHDRAWN COMPLAINTS

If the complainant withdraws their complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal.

1011.9 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential and protected peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel, except pursuant to lawful process and Arizona public records law (ARS 39-121 et seq.).

In the event that an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee’s personnel file to refute such false representations.

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All internal affairs records shall be securely maintained and retained in accordance with the department's records retention schedule.

1011.9.1 SUSTAINED COMPLAINTS

Before being placed in the peace officer's file, the employee will have an opportunity to read and initial the comment or document. If the peace officer submits a written response, the response will be attached to the comment or document.

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the Department that relates to the investigation, including any recordings, notes, transcripts of interviews and documents. At the request of the employee, the employee may also review a basic summary of any discipline ordered against similarly situated employees within the previous two years may be provided file copies of relevant disciplinary cases, unless prohibited by court rule (ARS § 38-1101).

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Office of Professional Standards apart from the employee's personnel file.

1011.9.2 REMOVAL OF COMPLAINT

Upon request, an employee may review any administrative file that does not relate to a current investigation.

If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the employee will write a department memorandum specifically asking for the item to be removed and the reasons for removal.

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Seat Belts

1012.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in Department vehicles or aircraft.

1012.1.1 DEFINITIONS

Definitions related to this policy include:

Child Passenger Safety Seat System - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571.

1012.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1012.2.1 TRANSPORTING CHILDREN

An approved child passenger safety seat system should be used for all children younger than five years of age (ARS § 28-907(A)).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child passenger safety seat system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, officers should consider arranging alternative transportation.

1012.3 TRANSPORTING PRISONERS

Prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or by seat belts when a prisoner restraint system is not available. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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1012.4 INOPERABLE SEAT BELTS

No Department vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

1012.5 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.

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Body Armor

1013.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1013.2 POLICY

It is the policy of the Oro Valley Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1013.3 ISSUANCE OF BODY ARMOR

The Support Services Commander shall ensure that body armor is issued to all officers when the officer begins service at the Oro Valley Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Support Services Commander shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1013.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers assigned to uniform patrol shall wear the Department issued body armor during duty hours at all times. All personnel participating in a search warrant and/or raid are required to wear body armor. Body armor not routinely worn by personnel not assigned to uniform patrol shall be readily available to the officer - in vehicle or at a Department station during his/her shift.

1013.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation. Annual inspections of body armor may be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1013.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer’s care instructions provided with the soft body armor. The instructions can be found on labels located on the external

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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.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1013.4 TRAINING COORDINATOR RESPONSIBILITIES

The Training Coordinator should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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Personnel Files

1014.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel data in accordance with established law. It is the policy of this department to maintain personnel data pursuant to state law.

1014.2 ADMINISTRATIVE FILE DEFINED

Administrative file - Any file of an employee containing information, comments or documents about an employee. The term does not include any file relating to an internal investigation conducted pursuant to misconduct or a criminal investigation of an officer. An Administrative File is a personnel file.

1014.2.1 REQUIRED PERSONNEL FILE CONTENTS

Unfavorable comments or documents entered into an employee's personnel file require that the employee has the opportunity to read, initial or comment. The employee may also submit a written response to the document and within 30 calendar days the employee may also submit a written response to the document.

(a) The personnel file should contain any letter, memorandum or document relating to:

1. A commendation, congratulation or honor bestowed on an employee by a member of the public or by the Department for an action, duty or activity that relates to official duties.
2. Any misconduct by the employee if the letter, memorandum or document is from the Department and if the misconduct resulted in disciplinary action involving a written reprimand or higher (ARS § 39-128).
3. The evaluation of the officer by a supervisor.

1014.2.2 PERMITTED PERSONNEL FILE CONTENTS

Personnel files may contain:

(a) Personal data, including marital status, family members, educational and employment history or similar information.

(b) Medical history including medical leave of absence forms, fitness-for-duty examinations, workers' compensation records, medical releases and all other records that reveal an employee's past, current or anticipated future medical conditions will be stored in the hiring file.

(c) Employee advancement or promotion.

(d) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

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1014.2.3 PROHIBITED PERSONNEL FILE CONTENTS
Personnel files may not contain:

(a) A letter, memorandum or document relating to alleged misconduct when there is insufficient evidence to sustain the charge of misconduct.

(b) Documents regarding non-sustained complaints or violations. However, these may be retained in the confidential Department files located in Internal Affairs.

1014.3 TYPES OF PERSONNEL FILES

The Department may maintain a personnel file on an employee for the Department use, but the Department may not release any information contained in the file to any agency or person unless allowed by law or with consent. The Department shall refer to the Chief of Police or a designee any person or agency that requests information that is maintained in a confidential personnel file.

Employee personnel files can be located in any of the following places:

1014.3.1 DEPARTMENT FILE
The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee and a copy provided to the employee.

(b) Disciplinary action.

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's Department file.
2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's Department file.
3. Internal Affairs investigations and complaints that result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file.
4. Documents or records related to discipline which has been entirely overturned on appeal shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file.

(c) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee.

(d) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

1014.3.2 PERSONAL PERFORMANCE RECORD (PPR) FILE
The Personal Performance Record (PPR) File should contain, but is not limited to, the following:

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(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.

1. All materials intended for this interim file shall be provided to the employee prior to being placed in the file.
2. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

(b) All rules of confidentiality and disclosure shall apply equally to the PPR file.

(c) A record of a supervisory intervention procedure or a policy and procedure inquiry regarding an officer shall not be maintained except in the PPR file.

(d) Investigations of a less serious matter shall be documented in the PPR file.

1014.3.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of Office of Professional Standards in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Office of Professional Standards. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.

(b) Internal investigations shall be securely maintained for the minimum periods as identified in Personnel Complaint Procedure Policy. Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

1014.3.4 TRAINING FILES

An individual training file shall be maintained by the Professional Development and Training for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Coordinator or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Coordinator or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1014.3.5 MEDICAL FILE

A confidential medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history. No medical information shall be maintained outside the medical file. Medical file contents should include but are not limited to:

(a) Materials relating to medical leaves of absence.

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(b) Documents relating to workers compensation claims or receipt of short or long-term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.

(e) Any other documents or material which reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1014.4 EMPLOYEE RECORDS

Employee records will generally be maintained in any of the following:

Town Personnel Files - Administrative files and other employee files maintained by the Town and not under the control of the Chief of Police.

Department File - The file which is maintained in the office of the Chief of Police as a permanent record of a member with this department.

Personal Performance Record File - Any file, which is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - A file which is maintained separately that exclusively contains material relating to an employee's medical history.

Training File - Any file which documents the training records of an employee.

1014.5 CONFIDENTIALITY OF ALL PERSONNEL FILES

All of the personnel data defined above shall be deemed private and shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee's written consent.

1014.6 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Sergeant, the Custodian of Records or other supervisor charged with the maintenance of such records (see generally ARS § 39-121.02).

Upon receipt of any such request, the responsible supervisor shall notify the affected employee as soon as practicable that such a request has been made.

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The responsible supervisor shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases this will require assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee's personnel data, shall be logged in the corresponding file and the affected employee shall be notified.

1014.6.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Chief of Police or a designee.

Except as otherwise provided by law the home address and any photograph of an employee in the possession of the Department is private data (ARS § 39-123(A)).

Any person who knowingly discloses a peace officer's home address, telephone number or photograph with the intent to hinder an investigation, cause physical injury to the peace officer or immediate family or cause damage to the property of the peace officer or immediate family, may be guilty of a crime (ARS § 39-124).

The Department may also release any factual information concerning a disciplinary investigation if the employee who is the subject of the investigation (or the employee's representative) publicly makes a statement which is published in the media and which the employee, or representative, knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

The Department shall make available to a panel of an authorized review board any personnel file or other material necessary for the panel to conduct official business.

1014.7 EMPLOYEE ACCESS TO OWN FILE

Upon request, an employee may review all data of that employee other than data classified as confidential.

The officer or his/her authorized representative may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the Department relating to the investigation, including any recordings, notes, transcripts of interviews and documents if the investigation causes the Department to impose punitive action and the peace officer has received notice (ARS § 38-1101(D)).

Any employee seeking the removal of any data from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such data if appropriate, or within 30 days provide the employee with a written explanation why the contested data will not be removed. If the contested data is not removed, the employee's request and the organization's written response shall be retained with the contested data in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

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(a) Ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the employee.

(c) Criminal investigations involving the employee.

1014.8 PURGING OF FILES

Personnel data not involved in pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If in the opinion of the Chief of Police or designee, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to records destruction requirements.

1014.9 BRADY MATERIAL IN PERSONNEL FILES

The purpose of this section is to establish a procedure for releasing potentially exculpatory information, known as *Brady* material, contained within personnel files.

1014.9.1 DEFINITIONS

Definitions related to this policy include:

***Brady* material** - In *Brady v. Maryland* (373 U.S. 83 (1963)), the U.S. Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence which is both favorable and material to the guilt and/or punishment of the defendant.

The prosecution - Refers to any prosecuting attorney and all investigative agencies involved in the criminal prosecution of a defendant, including this department.

1014.9.2 RELEASE OF PERSONNEL FILES TO PROSECUTING ATTORNEY

Generally, the only time the prosecuting attorney is entitled to access confidential personnel data without filing a court motion is when he/she is investigating the conduct of an employee or this department. Such access shall not be considered a waiver of the privacy of the data contained in these files.

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Absent a specific investigation of an identified officer or a specific investigation of this department, or the consent of an involved officer, no confidential information from any officer's personnel file shall be released to the prosecuting attorney or grand jury without full compliance with the court process. The prosecution of a criminal defendant is not considered an investigation of any involved employee.

Should an officer's credibility or other issues related to an officer's personnel file arise in the context of an officer acting as a witness for the prosecution, access to that officer's personnel file by either the prosecuting attorney or the criminal defendant shall be limited to that which is authorized by the process set forth in court and evidentiary rules.

1014.9.3 PROCEDURE

If an employee is a witness in a criminal case, a person or persons designated by the Chief of Police may examine the subject employee's personnel data to determine whether there are *Brady* materials contained therein (e.g., evidence that may be favorable to the defendant). If potential *Brady* material is located, the following procedure shall apply:

(a) In the event that a court motion has not already been filed by the criminal defendant or other party, the prosecuting attorney shall be notified of the potential presence of *Brady* material in the employee's personnel file.

(b) The prosecuting attorney should be encouraged to file a court motion in order to initiate an in camera (in chambers) review by the court.

(c) As with any court motion, and prior to any review of the files by the court, the subject officer shall be notified in writing that a court motion has been filed.

(d) The responsible Custodian of Records shall accompany all relevant personnel files during any in camera inspection and address any issues or questions raised by the court in determining whether any material contained in the file is both material and favorable to the criminal defendant.

(e) 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 court 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.

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Commendations and Awards

1015.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This procedure provides general guidelines for the commending of exceptional employee performance or meritorious acts by citizens.

1015.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by a supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person in charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee or member of the public may recommend a commendation to the supervisor of the employee subject to commendation.

Written recommendations for a citizen's meritorious acts may be made by a supervisor of this department or any member of the public.

1015.3 MERITORIOUS OR COMMENDABLE ACTIONS

1015.3.1 MERITORIOUS OR COMMENDABLE ACTS BY EMPLOYEES

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

(a) Superior handling of a difficult situation.

(b) Conspicuous bravery or outstanding performance.

(c) Any action or performance that is above and beyond the typical duties of an employee.

1015.3.2 COMMENDATION RECOMMENDATION FORM

The Commendation Recommendation Form shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau and assignment at the date and time of the commendation.

(b) A brief account of the commendable action with report numbers, as appropriate.

(c) Signature of the commending supervisor.

Completed reports should be forwarded to the chain of command for review. The Division Commander shall sign and forward the report to the Chief of Police for review.

The Chief of Police will return the commendation to the employee for signature. The report will then be returned to the administrative secretary for entry into the employee's personnel file.

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1015.3.3 MERITORIOUS ACTS BY CITIZENS DOCUMENTATION

Meritorious acts performed by citizens and documented by members of this department should be documented on the Commendation Recommendation Form under the same process for employees, with the inapplicable form information left blank. Adequate information to identify the persons performing the meritorious act should be included on the form. Any documentation in any form from the public identifying meritorious conduct of a citizen should be accepted by any employee and forwarded to the receiving employee's Division Commander. Attempts to obtain detailed information regarding the matter and the person performing the meritorious act and the person submitting the document should be attempted by the employee and additional details documented as appropriate.

1015.4 AWARDS

Awards may be bestowed upon employees and members of the public. These awards include:

- THE MEDAL OF HONOR - The Medal of Honor may be awarded to members of the Oro Valley Police Department that perform, with full knowledge of the level of risk involved, acts of bravery clearly above and beyond that which is expected in the line of duty. The heroism of the act must render the recipient so far above all others that it is clearly distinguishable from lesser forms of conspicuous personal bravery. The Medal of Honor may also be awarded to surviving relatives of members who are killed in the line of duty due to the hostile act of others. The recipient of this award will receive an award ribbon, uniform bar and commemorative plaque.
- THE MEDAL OF VALOR - The Medal of Valor may be awarded to any member of the Oro Valley Police Department, who has full knowledge of the level of risk involved, who distinguished him/herself by conspicuous personal gallantry, in accomplishing a specific police mission involving criminal activity or any action against an adversary of the Town of Oro Valley, the State of Arizona or the United States of America. The recipient of this award will receive an award ribbon, uniform bar and commemorative plaque.
- THE CRIMSON SHIELD - The Crimson Shield may be awarded to any member of the Oro Valley Police Department who is seriously injured, incapacitated, or killed in the line of duty due to actions of an adversary of the Town of Oro Valley, the State of Arizona, or the United States of America. The Crimson Shield may be awarded in addition to a higher award where the facts show the recipient is entitled to such award. The injury must not be the result of, or concurrent with, conduct of the recipient that is less than acceptable by all standards. The Awards Committee may not consider injuries sustained from clearly routine hazards. The recipient of this award will receive an award ribbon, uniform bar, and commemorative plaque.
- THE CHIEF OF POLICE MEDAL OF MERIT - The Chief of Police Medal of Merit may be awarded to a commissioned member of the Oro Valley Police Department who, with full knowledge of the level of risk involved, distinguished him/herself by conspicuous personal

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gallantry in accomplishing a specific police mission not involving criminal activity. The recipient of this award will receive a uniform bar and commemorative plaque.

- THE CHIEF OF POLICE CITATION OF EXCELLENCE - The Chief of Police Citation of Excellence may be awarded to civilian members of the Oro Valley Police Department who go beyond the call of duty to accomplish a specific mission that reflects positively on the Oro Valley Police Department. The recipient of this award will receive a commemorative plaque.
- THE CHIEF OF POLICE UNIT COMMENDATION - The Chief of Police Unit Commendation may be awarded to units within the Oro Valley Police Department who engage in projects that accomplish goals and objectives that have a clearly positive impact on the community through exemplary teamwork and distinguishing performance. The recipients of this award will receive a uniform bar and commemorative plaque.
- LIFESAVING AWARD - The Life Saving Award shall be awarded to any member of the Oro Valley Police Department who is directly responsible for saving a human life. Documentation and supporting evidence must be included to substantiate the award, such as statements from witnesses, physicians, or supervisors. This award may also be made where evidence suggests that actions by the officer(s) prolonged a human life to the extent that the victim was released to the care of medical authorities, even though the victim might expire at a later time. The Life Saving Award may be awarded in addition to a higher medal where the facts show the recipient is entitled to such an award. The recipient of this award will receive a uniform bar and commemorative plaque.
- THE SERVICE MEDAL - This medal is given out to members of the Oro Valley Police Department who have attained 5, 10, 15 or 20 years of continued service. The recipient of this award will receive a commemorative uniform pin.
- THE CHIEF OF POLICE CITATION OF VISION - This Citation may be awarded to members of the Oro Valley Police Department who have worked to complete a goal, enhancement, or mission for the community that by its very nature has a profound, positive effect on the Department through clearly superior levels of dedication. The recipient of this award will receive a commemorative plaque.
- OFFICER, SUPERVISOR, CIVILIAN EMPLOYEE, EXPLORER AND VOLUNTEER OF THE YEAR AWARDS - The candidate must have provided meritorious and recognizable contributions to the department within the year that clearly sets them apart from their peers. The recipient of this award will receive a commemorative plaque.
- CITIZENS AWARD - The purpose of this award is to continually foster community partnerships between the Police Department and the community, to encourage and recognize those citizens who have performed unique acts of valor or heroism or have made significant contributions to public safety and to recognize citizens who have made improvements in the qualify of life in Oro Valley. The recipient of this award will receive a commemorative plaque.

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Fitness for Duty

1016.1 PURPOSE AND SCOPE

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

1016.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1016.3 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, medical 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 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) A determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police or designee shall be promptly notified in the event that any employee is relieved from duty.

1016.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.

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1016.5 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that 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 Sergeant or unit supervisor and the chain of command, 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 policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

Physical and psychological examinations shall be performed in accordance with ARS § 38-1109. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and may subject the employee to discipline up to and including termination.

1016.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, off-duty, general overtime and any other work assignments.

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Meal Periods and Breaks

1017.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all Town employees and the memorandum of understanding.

1017.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall advise the Communications Bureau prior to taking a meal period.

The time spent for the meal period shall not exceed the authorized time allowed.

1017.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four 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 police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios.

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Lactation Break Policy

1018.1 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.

1018.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

1018.3 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. 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 are per se reasonable.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify Communications Bureau or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its' original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid

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interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

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Payroll Record Procedures

1019.1 PURPOSE AND SCOPE

Payroll records are submitted to the Finance Department on a biweekly basis for the payment of wages.

1019.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1019.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis usually on Friday with certain exceptions such as holidays.

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Overtime Compensation Requests

1020.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed and in effect through the memorandum of understanding, or by the allowance of accrual of compensatory time off. In order to qualify for either the employee must complete and submit a Request for Overtime Payment as soon as practicable after overtime is worked.

1020.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Periods of work may be handled 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. The employee may not exceed the number of hours identified in the memorandum of understanding.

1020.2 REQUEST FOR OVERTIME PAYMENT FORMS

Employees shall submit all overtime payment request forms for verification by their immediate supervisor. Failure to submit a request for overtime payment in a timely manner may result in a discipline.

1020.2.1 EMPLOYEES' RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor. Employees submitting overtime forms for pay when off-duty shall submit forms to their supervisor the first day after returning to work.

1020.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

1020.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the memorandum of understanding provides that a minimum number of hours will be paid, (e.g., hours for court).

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1020.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

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Outside / Off-Duty Employment

1021.1 OUTSIDE EMPLOYMENT

(a) Members of the Police Department are prohibited from engaging in regular or part-time employment that in any way violates Department policies.

(b) No member shall become engaged in outside employment without approval from the Chief of Police.

1021.2 OFF-DUTY EMPLOYMENT

(a) All off-duty employment shall be approved through the Office of Professional Standards Supervisor. The business/company requesting the use of off-duty officers will need to directly contact the Off-Duty Coordinator and satisfy the requirements listed in the Off-Duty Employment Contract for the Town of Oro Valley Police Department.

(b) Off-duty work shall not interfere in any way with the member's ability to perform police work at the Department.

(c) Members working off-duty in a police capacity are subject to the same rules, procedures and uniform requirements that govern on-duty officers.

(d) Members that sign up for an off-duty job (either verbally to the off-duty coordinator or in writing) must be at that job on time and, if a conflict arises, he/she must find his/her own replacement for the off-duty job.

(e) Off-duty assignments for extended times (i.e. gem shows) are restricted to three (3) sign-ups until the job has been posted for 72 hours. After the 72-hour posting has passed, officers may sign up again. Officers shall not sign up to hold a job for another officer.

(f) Members who have a replacement officer on a job must notify the Off-Duty Coordinator immediately and prior to the job.

(g) Members who work an off-duty job where the time is reduced or extended must, upon completion of the job, report the hours worked to the off-duty coordinator.

(h) Members shall not transact personal business or engage in outside employment while on duty.

(i) The authority of the Police Department and supervisory officers shall prevail at all times over the authority of any off-duty employer.

(j) All members working off-duty assignments shall immediately respond to a call to active duty by a supervisor or command officer of this Department.

(k) Members will not work more than twenty-five (25) hours of off-duty in one workweek. Members working police-related jobs shall have a rest period of eight (8) continuous hours out of any twenty-four (24) hour period. Members on vacation shall have a minimum of eight (8) hours rest period prior to return to normal duty.

(l) Members scheduled to work off-duty shall report to the designated off-duty work location at the scheduled time with the appropriate equipment.

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(m) Unless approved in advance, compensation for any off-duty work will be billed to the requesting party by the Off-Duty Coordinator.

(n) The Off-Duty Coordinator shall make notification of off-duty job cancellations to the scheduled officers.

(o) The wage scale as established by the Chief of Police shall be charged in all off-duty employment.

1021.2.1 CRITERIA FOR APPROVAL

(a) Supervisors shall be held responsible for their subordinates' adherence to the rules governing outside employment and shall first consider the best interests of the Police Department in off-duty work situations.

(b) Supervisors are responsible for reviewing the performance of subordinates who have outside jobs. If the supervisor determines that the job is interfering with the member's on-duty work, the supervisor shall rescind (for a specified period of time) the member's privilege to work off-duty. Documentation on a memorandum form shall be forwarded to the Chief of Police.

1. If a member's off-duty work privileges have been suspended by that member's supervisor due to on-duty job performance, written authorization from that supervisor will be required prior to reinstatement of off-duty work privileges. If the member has a change in supervisors, the new supervisor shall have the authority to authorize reinstatement of off-duty work privileges.

(c) Members on probation may be allowed to work off-duty in police-related jobs after approval of the Division Commander.

1. Job performance, sick leave and tardy record must meet standards.

1021.2.2 JOB EVALUATION

(a) Members shall submit evaluations of law enforcement related off-duty jobs at the request of a supervisor.

(b) Members are encouraged to report to their supervisor any problems or discrepancies of an administrative nature encountered during law enforcement-related off-duty employment.

1021.2.3 SUSPENSION OF PRIVILEGES

(a) Members who fail to appear for off-duty employment may have their off-duty work privileges suspended.

(b) The member's supervisor may suspend work privileges for violations of this policy.

1021.2.4 INDUSTRIAL INJURY

(a) Injuries arising out of the performance of a police function while off-duty will be covered as an industrial injury and shall be investigated by an on-scene or on-duty supervisor.

(b) Injuries arising out of a non-police function, such as tripping, falling, etc. while working off-duty, will not be covered under the Town's worker's compensation insurance. If the private

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employer does not have worker's compensation insurance, the officer will have to pay any medical bills incurred.

1021.3 DISAPPROVAL OF JOB

The Division Commander shall deny a member permission to work outside/off-duty employment when that employment might conflict with Department employment or be detrimental to the Department in any way.

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On-Duty Injuries

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to the Human Resources Department to ensure proper medical attention is received and document the circumstances of the incident (AAC § R20-5-629).

1022.2 WORKERS' COMPENSATION FUND REPORTS

1022.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries, exposures to communicable disease and work-related illnesses requiring medical care must be documented and also reported to the Human Resources Department (ARS § 23-427).

Claim forms shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Records of work related injuries and work related illnesses shall be maintained as prescribed by law or the administrative rules of the Arizona Division of Occupational Safety and Health (ADOSH) and Arizona Workers' Compensation.

1022.2.2 DEFINITIONS

Definitions related to this policy include:

Accident - Any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

Recordable Occupational Injury or Illness - An occupational injury or illness that results in a fatality, a lost workday or an injury/illness which results in a transfer to another assignment, termination of employment, requires medical treatment other than first aid, involves the loss of consciousness or the restriction of work or motion.

1022.2.3 EMPLOYEE'S RESPONSIBILITIES

An employee sustaining any work-related injury, as well as any employee who is involved in any accident while on-duty, shall report such injury or accident as soon as practicable to his/her supervisor. An employee sustaining any work-related illness shall report such injury illness to his/her supervisor as soon as practicable.

An employee observing or learning of a potentially hazardous condition should immediately take reasonable precautions to mitigate or eliminate the hazard and promptly report the condition to his/her immediate supervisor.

An employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Department policies and directives relating to the duty to periodically call in during

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absences in addition to the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Modified-duty may be available for employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

Members injured off-duty shall not falsely claim an industrial injury. Members shall not knowingly corroborate a false industrial injury claim.

1022.2.4 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident should promptly prepare all required forms. Updated copies of forms with instructions for completion provided by the Human Resources Department, are kept in the Supervisor's office.

For work-related accidents, injuries or illness requiring or not requiring professional medical care, a Supervisor's Report of Injury form shall be completed. The copy of the completed form shall be forwarded to the supervisor's Division Commander, through the chain of command and the original goes to the Human Resources Department.

Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as completed.

1022.2.5 DIVISION COMMANDER RESPONSIBILITIES

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Office of Professional Standards.

A supervisor shall promptly notify any employee exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by Arizona Occupational Safety and Health Standard and shall inform the employee of any action taken to correct the condition.

1022.2.6 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or designee shall review and forward copies of the report to the Human Resources Department. Any copies of the report and any related documents retained by the Department shall be filed in the employee's private medical file and not in the employee's personnel file (see Personnel Files Policy).

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1022.3 INJURY NOT REQUIRING MEDICAL ATTENTION

Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Report of Injury form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

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Personal Appearance Standards

1023.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer health and safety issues, the following appearance standards shall apply to all officers, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male certified members, hair must not extend below the top edge of the uniform collar while assuming a normal stance. Female certified members with long hair, shall pin it up so it is not resting on the shoulders.

1023.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1023.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or a designee.

1023.2.5 HANDS AND NAILS

Hands and fingernails shall be clean. Fingernails shall be trimmed short and the color neutral.

1023.2.6 JEWELRY AND ACCESSORIES

No jewelry or personal ornaments shall be worn by officers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Earrings shall not be worn by uniformed certified members, investigators or special assignment personnel without permission of the Chief of Police or a designee. Only one ring may be worn on each hand of the employee while on-duty.

1023.3 TATTOOS

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While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang-related or obscene language. Visible tattoos on the head, neck, scalp and face are prohibited. The Chief of Police will have the final discretion as to what is considered inappropriate.

1023.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that 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 or breast augmentation.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

The Chief of Police will have the final discretion as to what is considered inappropriate.

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Uniform Regulations

1024.1 PURPOSE AND SCOPE

The uniform and dress policy of the Oro Valley Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of Department uniforms. Employees should also refer to the following associated policies:

- Firearms Policy
- Department Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The
Uniform and Equipment Specifications Manual
is maintained and periodically updated by the Chief of Police or a designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not loan any portion of the uniform to others.

(e) Employees shall not permit the uniform to be reproduced or duplicated.

(f) The uniform is to be worn in compliance with the specifications set forth in the Department's
Uniform and Equipment Specifications Manual
which is maintained separately from this policy.

(g) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

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(i) Uniforms are only to be worn while in official law enforcement capacity, while in transit to or from work, for court or at other official Department functions or events.

(j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform.

(k) Mirrored sunglasses will not be worn with any Department uniform

(l) Visible jewelry, other than those items listed below, shall not be worn with the uniform- unless specifically authorized by the Chief of Police or a designee.

1. Wrist watch.
2. Wedding rings, class ring or other ring of tasteful design. A maximum of one ring/ set may be worn on each hand.
3. Medical alert bracelet.

1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

1024.3 UNIFORM CLASSES

1024.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all certified members. The Class A uniform includes the standard uniform with:

(a) Long sleeve shirt with tie

(b) Trousers

(c) Polished shoes

(d) Optional:

1. Approved headgear may be worn for events held outdoors
2. Ike style jacket

The campaign hat may be worn for events held outdoors. Boots with pointed toes are not permitted.

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1024.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A black crew neck t-shirt must be worn with the uniform.

1. Optional are a black dickey or turtleneck. Any logos must be colored black.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Polished shoes.

(e) Approved all black, unpolished shoes may be worn.

1024.3.3 CLASS C UNIFORM
The Class C uniform will consist of:

(a) Style 1:

1. Black long or short sleeve shirt.
2. Black BDU pants (bloused optional).
3. Black crew neck t-shirt.
4. Black boots.
5. Nylon gear.

(b) Style 2:

1. Black long or short sleeve polo.
2. Black BDU pants.
3. Black crew neck t-shirt.
4. Black boots.
5. Nylon gear.
6. The exterior body armor vest is mandatory.

Class C uniform shall not be worn for Superior Court or off-duty assignments.

1024.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1024.3.5 INCLEMENT WEATHER GEAR
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lists the authorized uniform jacket and rain gear.

1024.4 INSIGNIA AND PATCHES

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) Service stripes and stars - Service stripes and other indicators for length of service shall be worn on long sleeved Class A or Class B shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half 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. Each service stripe shall represent four completed years of service as a full-time employed law enforcement officer with the Oro Valley Police Department.

(c) The regulation nameplate, or an authorized cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the member's first initial and last name. If the member desires other than the legal first name, the member must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) When issued uniform bars as part of an awards process, members shall wear the bars in a uniform manner. The proper method of display is to wear the uniform bars on the right side of the chest, above the nameplate and below service pins, assignment insignias, etc. The bars shall be worn in order of precedence from left to right and shall be no more than three (3) across.

(f) Assignment Insignias - Assignment insignias, (e.g., SWAT, FTO or similar) may be worn as designated by the Chief of Police or a designee.

(g) A flag pin may be worn, centered above the nameplate.

(h) The Department-issued badge, or an authorized sewn-on cloth replica, must be worn and be visible at all times while in uniform. Certified non-uniform personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

(i) The designated insignia indicating the member's rank must be worn at all times while in uniform. The Chief of Police or a designee may authorize exceptions.

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1024.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band horizontally centered across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this State - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or a designee.

1024.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All members 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 shirts with a collar, 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 and footwear that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Flip flops.
3. Swimsuit, tube tops or halter tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.
6. Shorts.
7. Sweat shirts, sweat pants or similar exercise clothing.

(e) Variations from this order are allowed at the discretion of the Chief of Police or a designee when the member's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Oro Valley Police Department or the morale of the employees.

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1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Oro Valley Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Oro Valley Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

1024.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the
Uniform and Equipment Specifications Manual
as optional shall be purchased at the expense of the employee.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order shall be done as follows:

1. When the item is no longer functional because of normal wear and tear.
2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced by the department with command staff approval.

1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Oro Valley Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the
Uniform and Equipment Specifications Manual
or by the Chief of Police or a designee.

Oro Valley Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized by a supervisor.

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Nepotism and Conflicting Relationships

1025.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices to include recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security, while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this department (See generally ARS § 38-481, AAC § R13-5-315).

1025.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with the authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1025.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions apply:

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(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender, or who engages in intentional violations of state or federal laws.

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Department Badges

1026.1 PURPOSE AND SCOPE

The Oro Valley Police Department badge and uniform patch, as well as the likeness of these items and the name of the Oro Valley Police Department, are property of the Department and their use shall be restricted as set forth in this policy.

1026.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

1026.2.1 FLAT BADGE

Certified officers may purchase at their own expense a flat badge that can be carried in a wallet. The use of the personally owned badge is subject to all the same provisions of department policy as the uniform badge.

(a) An officer may sell, exchange or transfer the flat badge he/she purchased to another officer within the Oro Valley Police Department.

(b) Should the flat badge become lost, damaged or otherwise removed from the officer's control he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her personally owned badge upon retirement.

(d) The purchase, carrying or display of a personally owned badge is not authorized for civilian personnel.

1026.2.2 CIVILIAN / VOLUNTEER PERSONNEL

Badges and Department identification cards issued to civilian/volunteer personnel shall be clearly marked to reflect the position of the assigned employee (e.g. dispatcher).

(a) Civilian / volunteer personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Civilian / volunteer personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a certified officer.

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1026.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their 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.

1026.3 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.

Department badges / ID cards are issued to all certified employees, civilian uniformed employees and volunteers for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or a designee.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1026.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Department badge shall not be used without the express authorization of the Chief of Police or a designee.

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Temporary Modified-Duty Assignments

1027.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, Town rules, current memorandums of understanding or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1027.2 POLICY

Subject to operational considerations, the Oro Valley Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

1027.3 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) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Oro Valley Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

1027.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

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(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources Department or the Town Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Sergeant or Division Commander, with notice to the Chief of Police.

1027.4.1 MODIFIED-DUTY SCHEDULES

The schedules of employees assigned to modified-duty may be adjusted to suit medical appointments or Department needs at the discretion of the Division Commander.

The employee and his/her supervisors should be informed in writing of the schedule, assignment, limitations and restrictions as determined by the employee's health care provider.

1027.4.2 ACCOUNTABILITY

The employee's supervisor shall coordinate efforts to ensure proper time accountability and shall document the employee's work schedule.

(a) Employees on modified-duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.

(b) Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations as determined by their health care provider. An employee assigned to a modified-duty assignment should provide a duty status report to his/her supervisor no less than once every 14 days while the employee is on modified duty.

(c) When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary.

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1027.4.3 MEDICAL EXAMINATIONS

The Department reserves the right to require, prior to returning to full-duty status, a fitness-for-duty examination of any employee assigned to a modified-duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the Department.

Prior to returning to full-duty status, employees shall be required to provide a statement signed by their health care provider indicating that they are medically cleared to perform the basic and essential job functions of their assignment without restriction or limitation.

1027.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

1027.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1027.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

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1027.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

1027.7 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.

1027.7.1 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 Town's personnel rules and regulations regarding family and medical care leave.

1027.8 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.

1027.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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Employee Speech, Expression and Social Networking

1028.1 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 balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1028.1.1 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, wikis, video and other file sharing sites.

1028.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Oro Valley Police Department will carefully balance the individual employee’s rights against the organization’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1028.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Oro Valley Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this department has had professional contact with, such as crime victims or the staff

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of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

1028.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the organization's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Oro Valley Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Oro Valley Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Oro Valley Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize 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 Oro Valley Police Department.

(f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial gain, or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

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(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Oro Valley Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communications 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).

1028.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Oro Valley Police Department or identify themselves in any way that could be reasonably perceived as representing the Oro Valley Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group, etc.), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Oro Valley Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend

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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1028.5 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, etc.) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the Department e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any Department network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if accessed through department computers or networks.

1028.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

1028.7 TRAINING

Subject to available resources, the Department may provide training regarding employee speech and the use of social networking to all members of the Department.

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Reserve Officers

1029.1 PURPOSE AND SCOPE

The Oro Valley Police Department Reserve Unit was established to supplement and assist certified police officers in their duties. This unit provides professional, certified reserve officers who can augment regular staffing levels.

Reserve officers work part-time and shall hold certification by the Arizona Peace Officer Standards and Training Board (AZPOST) (AAC § R13-4-103).

1029.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Oro Valley Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

1029.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as certified police officers before appointment (AAC § R13-4-110).

Before appointment as a reserve officer, an applicant must have completed, or be in the process of completing, a state-approved basic academy or extended basic academy unless granted a waiver pursuant to state law (AAC § R13-4-110(D)).

1029.2.2 APPOINTMENT

Applicants who are selected for appointment as a reserve officer shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take the Oath of Office as required for regular officers. Members of the reserve unit serve at the Chief of Police's discretion.

A reserve officer may not perform any law enforcement function without completing the training required by AAC § R13-4-110, and without the AZPOST certification pursuant to AAC § R13-4-103.

1029.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

(a) All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

(b) Reserve Officers are covered under the Town of Oro Valley Worker's Compensation Fund while on duty based upon a starting police officer's salary.

1029.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department shall not utilize the services of a reserve in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer

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for reduced or no pay). Therefore, the Reserve Coordinator should consult with the Department of Human Resources prior to an employee serving in a reserve capacity (29 CFR 553.30).

1029.3 DUTIES OF RESERVE OFFICERS

Reserve officers supplement regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Services Division. Reserve officers may be assigned to other areas within the Department as needed.

1029.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all Department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a certified full-time officer, it shall also apply to a certified reserve officer, unless by its nature it is inapplicable.

1029.3.2 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assigning reserve personnel.

(b) Establishing and maintaining a reserve call-out roster.

(c) Maintaining and ensuring performance evaluations are completed.

(d) Monitoring individual reserve officer performance.

(e) Monitoring the overall Reserve Program.

1029.4 FIELD TRAINING

All reserve officers are required to complete the same field training program as a regular full-time officer.

1029.5 SUPERVISION

Reserve officers perform some of the duties of a peace officer and shall be under the immediate supervision of an on-duty supervisor.

1029.5.1 IDENTIFICATION OF OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card.

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1029.5.2 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department.

1029.5.3 INVESTIGATIONS AND COMPLAINTS
If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation shall be investigated consistent with full-time employees.

Reserve officers are considered at-will employees. Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual with the exception that the right to hearing is limited to the opportunity to clear his/her name.

1029.5.4 RESERVE OFFICER EVALUATIONS
While in training, reserve officers 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. Reserve officers having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve officer.

1029.6 TRAINING REQUIREMENTS
Reserve officers are required to meet the training requirements applicable to full-time certified officers, pursuant to AAC § R13-4-110 and AAC § R13-4-111 as outlined in the Training Policy.

1029.7 FIREARMS
Reserve officers shall successfully complete both AZPOST firearms training, pursuant to AAC § R13-4-110(C), and Department-authorized training in the use of firearms. Their appointment must be approved by the Town prior to being issued a Department firearm or otherwise acting as an officer on behalf of the Oro Valley Police Department.

Reserve officers will be issued a duty firearm as specified in the Firearms Policy. Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Firearms Policy.

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Police Explorers

1030.1 PURPOSE AND SCOPE

Exploreres work under direct supervision and perform a variety of routine and progressively advanced tasks in preparation for a career in law enforcement. Explorers will also adhere to the P.O.S.T. 2011 Rules and Regulations.

1030.2 PROGRAM COORDINATOR

The program coordinator will be responsible for tracking the educational and job performance of explorers throughout the Department.

1030.2.1 PROGRAM ADVISORS

The program coordinator may select individual officers to serve as advisors for the Explorer Program. These officers will serve as mentors for each explorer. Explorers will bring special requests, concerns and suggestions to their program advisor for advice or direction before contacting the program coordinator. One advisor may be designated as the coordinator's assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the advisor's supervisor should be referred back to the program coordinator.

1030.3 ORIENTATION AND TRAINING

Newly appointed explorers will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Explorer Training Manual. Training sessions will be scheduled as needed to train explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare explorers to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1030.4 EXPLORER UNIFORMS

Each explorer will be provided a uniform meeting the specifications of the Department approved uniform.

1030.5 RIDE-ALONG PROCEDURES

All explorers are authorized to participate in the Ride-Along Program, provided Ride-Along standards are met, on their own time and as approved by their immediate supervisor and the appropriate Sergeant. Applicable waivers must be signed in advance of the ride-along. Cadets and explorers shall wear their uniform while participating in a ride-along.

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Volunteer Program

1031.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

1031.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

1031.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Oro Valley Police Department volunteer include:

(a) Residency in the Town of Oro Valley.

(b) Age requirements:

1. At least 18 years of age for interns.
2. At least 21 years of age for a chaplain.
3. At least 50 years of age for Citizen Volunteer Assistants Program.
4. At least 14 years of age for Explorer.

(c) A valid driver license if the position requires vehicle operation.

(d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty or any crime related to impersonating a law enforcement officer.

(f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.

(g) The applicant must not have any mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.

(h) Physical requirements reasonably appropriate to the assignment.

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(i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

1031.2 VOLUNTEER MANAGEMENT

1031.2.1 VOLUNTEER COORDINATOR

The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or a designee shall be responsible for the following:

(a) Recruiting, screening, selecting and training qualified volunteers for various positions.

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

(d) Maintaining the volunteer guidelines and outlining expectations, policies and responsibilities for all volunteers.

(e) Maintaining a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

(j) Appoint and maintain the Citizen Volunteer Assistants Program Board.

1031.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

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.

1031.2.3 SCREENING

All prospective volunteers should complete the volunteer application. The Volunteer Coordinator or a designee should conduct a face-to-face interview with the applicant.

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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

(b) Employment

(c) References

(d) Fingerprint check through the Arizona Department of Public Safety (DPS)

(e) Credit check

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals may require submission of prints and clearance through DPS and the FBI.

1031.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening, paperwork, and a public service orientation program (see generally ARS § 38-592(B)(4)).

At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the guidelines and agreement of service with the Department. All volunteers shall receive a copy of the volunteer guidelines 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 with the needs of the Department.

1031.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Each volunteer shall complete all related training and must be approved by the Volunteer Coordinator. 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.

Depending on the assignment, training may include:

(a) Role of the volunteer

(b) Department policies

(c) Training specific to the procedure manual for the volunteer position

(d) Discrimination and harassment training

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(e) CPR/first aid

(f) CERT/Citizens Emergency Response Training

(g) Search and rescue techniques

(h) Scenario-based searching methods

(i) Evidence preservation

(j) Basic traffic direction and control

(k) Roadway incursion safety

(l) Self-defense techniques

(m) Vehicle operations, including specialized vehicles

(n) License Plate Reader (LPR)

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are certified officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a certified officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

1031.2.6 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 license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts other than civil traffic violations.

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

1031.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

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Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by certified officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

1031.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor or team leader of other volunteers provided 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) Ensure volunteers have work space and necessary office supplies.

(b) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

1031.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department 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 department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

1031.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty and not in uniform. Any fixed and portable equipment issued by the Department shall be for

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official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

1031.5.1 VEHICLE USE
Volunteers assigned to duties such as darkhouse checks or other assignments that require the use of a vehicle must complete the following:

(a) A driving safety briefing

(b) Verification that the volunteer possesses a valid driver license

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Except volunteer marked patrol cars, volunteers should not operate a marked patrol car unless it is out of service and is being operated for maintenance purposes only; that it is being operated during a AZPOST-approved skills course; that it is being used to transport equipment; that it is being used to provide supplementary assistance under the direction of fleet services. Volunteers are not authorized to operate a Department vehicle under emergency conditions (lights and siren).

1031.5.2 RADIO AND LPR USAGE
The Volunteer Coordinator should ensure that radio and LPR training is provided for volunteers whenever necessary.

1031.6 DISCIPLINARY PROCEDURES/TERMINATION
A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

1031.6.1 EXIT INTERVIEWS
Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

1031.7 EVALUATION
An evaluation of the overall volunteer program will be conducted periodically by the Volunteer Coordinator.

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1031.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.

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Chaplains

1032.1 PURPOSE AND SCOPE

The Oro Valley Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department and their families.

1032.2 POLICY

It is the policy of this department that the Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

1032.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose:

(a) By providing an additional link between the community, other chaplain programs and the Department.

(b) By providing counseling, spiritual guidance and insight for Department personnel and their families.

(c) By being alert to the spiritual and emotional needs of Department personnel and their families.

(d) By familiarizing themselves with the role of law enforcement in the community.

1032.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt. Must manage the household, family and personal affairs well. Must have a good reputation with those outside the church.

(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(c) Must successfully complete an appropriate level background investigation.

(d) Must have at least five years of successful ministry experience within a recognized faith community.

(e) Membership in good standing with the International Conference of Police Chaplains (ICPC).

(f) Possess a valid driver license.

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1032.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from their faith's community elders, board or council.

(c) Interview with Chief of Police or designee.

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

1032.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable Department policies. If requested, the duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of Department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating in, when requested, in funerals of active or retired members of the Department.

(e) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident.

(f) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of Department personnel.

(g) Counseling personnel with personal problems, when requested.

(h) Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(i) Responding to all major disasters, such as floods, bombings and similar critical incidents.

(j) Providing liaison with other religious leaders of the community.

(k) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(l) Participating in in-service training classes.

(m) Willing to train to enhance effectiveness.

(n) Promptly facilitating requests for representatives or leaders of various denominations.

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(o) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for their services or any subsequent actions and follow-up while functioning as a chaplain for the Oro Valley Police Department.

1032.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the Oro Valley Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Oro Valley Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

1032.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or a designee, chaplains shall report to the Community Resources Unit supervisor.

(b) The Chief of Police shall make all appointments to the Chaplain Program.

1032.9 OPERATIONAL GUIDELINES

(a) Chaplains shall be permitted to ride with officers during any shift and observe Oro Valley Police Department operations, provided the Community Resources Unit supervisor has been notified and has approved the activity.

(b) Chaplains shall not be evaluators of employees.

(c) In responding to incidents, a chaplain shall never function as an officer.

(d) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(e) Chaplains shall serve only within the jurisdiction of the Oro Valley Police Department unless otherwise authorized by the Chief of Police or a designee.

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(f) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private; each chaplain will exercise appropriate security measures to prevent distribution of the data.

1032.9.1 UNIFORMS AND BADGES

A distinct uniform, identification and the necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the volunteer program of this department.

1032.10 TRAINING

The chaplain may request training related to his/her responsibilities. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Coordinator.

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Arizona Peace Officer Standards and Training Board (AZPOST)Certification

1033.1 PURPOSE AND SCOPE

Maintaining valid AZPOST certification is a critical element of an officer's ability to continue employment and is his/her sole professional responsibility. Officers of this department are required to possess and maintain a valid certification (AAC § R13-4-103).

1033.2 CERTIFICATION RETENTION

The certified status of a peace officer may be cancelled, suspended or revoked by AZPOST pursuant to AAC § R13-4-109. Officers shall meet the continuing training, proficiency training and firearms qualification requirements determined by AZPOST to retain certification (AAC § R13-4-111). The Department shall maintain records for each member's AZPOST requirements pursuant to AAC § R13-4-108.

1033.2.1 RESTRICTION OF CERTIFICATION

Officers who fail to complete the retention requirements will have their certification restricted by AZPOST (AAC § R13-4-109.01). The officer may, at the discretion of and based on the needs of the Department, be placed in a temporary administrative assignment until any training or qualification restriction has been removed.

An officer who fails the firearms qualification shall not carry or use a firearm on-duty (AAC § R13-4-109.01(B)). Any officer who fails to satisfy AZPOST continuing training or proficiency training requirements shall not engage in enforcement duties, carry or use a firearm on duty, wear or display a badge, wear a uniform, make arrests, perform patrol functions, or operate a marked police vehicle (AAC § R13-4-109.01(C)).

Officers who fail to meet certification requirements may also face administrative discipline up to and including termination.

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Attachments

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Emergency Operations Plan 2012.pdf

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Uniform and Equipment Specifications Manual.pdf

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Uniform and Equipment Specifications Manual

The Department authorizes the following uniform and equipment items set forth in this section. All commissioned personnel shall equip themselves accordingly and wear the uniform as designated.

Headgear:

1. Black Campaign Hat:
   A. Authorized hat with the Class A and Class B uniform only
   B. Silver acorns for officers
   C. Gold acorns for supervisors

2. Eight-Point Hat:
   A. Authorized headgear with Class A and B uniform only

3. Black Ball Cap:
   A. Authorized ball cap has "OVPD" in gold lettering
   B. Officer's badge number on the back is optional
   C. Ball cap must be a fitted cap similar to a "Flex Fit" brand
   D. Ball cap may be worn with any uniform, except Class A
   E. Special assignment caps may be approved by the Chief of Police

4. Navy Style Watch Cap:
   A. May be worn when exposed to temperatures below 40 degrees for a prolonged period of time
   B. The watch cap must only be plain black
   C. May never be worn indoors

Shirts:

1. Class A: Long Sleeve, LAPD blue (sleeves shall not be rolled up):
   A. Flying Cross, Style 48W3986
   B. Blauer, Style 8450-04 Wool Blend shirt

2. Class B Style 1: LAPD blue (sleeves shall not be rolled up):
   A. Long Sleeve:
      i. Flying Cross, Style 48W3986
      ii. Blauer, Style 8450-04 Wool Blend shirt
   B. Short Sleeve:
      i. Flying Cross, Style 98R3986
      ii. Blauer Style 8460-04 Wool Blend Shirt

3. Class B Style 2: Base Shirt Wool Blend
   A. Long Sleeve – Blauer, Style 8471-04
   B. Short Sleeve – Blauer, Style 8472-04

4. Class C Style 1: 5.11, Black
   A. Long Sleeve:
      i. Heavy weight – Style 72002-019, TDU
      ii. Medium weight – Style 72399-019, Stryke
   B. Short Sleeve – Style 71339-019, Taclite TDU

   All shirts:
   # Shall be embroidered above the right breast pocket with the officer's first initial and last name and stitching shall be 1" tall
   # Members of command staff shall have rank insignia embroidered on collars
   # An Oro Valley Police Badge patch shall be worn above the left breast pocket
   # LONG SLEEVE, HEAVY WEIGHT - "POLICE" shall be worn on a black bordered patch across the upper back of the shirt, about 2 ½" below the seam line
   # LONG SLEEVE, MEDIUM WEIGHT - "POLICE" shall be worn on a black bordered patch across the upper back of the shirt, just below the seam line
   # SHORT SLEEVE - "POLICE" shall be worn on a black bordered patch across the upper back of the shirt, about 2 ½" below the seam line

5. Class C Style 2: Polo must be worn under specified body armor
   A. Olympic Polo
      i. Long Sleeve – Style CMP155
      ii. Short Sleeve – Style CMP126
   B. 5.11 Performance Polo
      i. Long Sleeve – Style 72049
      ii. Short Sleeve – Style 41060

Jacket:

1. Black Duty Style Jacket:
   A. Embroidered black name patch with gold lettering
   B. Silver buttons for officers
   C. Gold buttons for supervisors

2. Tuffy Jacket: Approved tuffy jackets with removable liners

3. Ike Jacket: May be worn with Class A uniform only

4. Raingear: Black or yellow may be worn in inclement weather

Necktie: May be required and must be maintained. Ties are not mandatory EXCEPT as directed by the Chief of Police.

1. Department approved necktie may be black or navy

2. Silver tie bar for officers are mandatory when a tie is worn

3. Gold tie bars for supervisors are mandatory when a tie is worn

4. Tie must fit to the top of the belt buckle, but not cover the belt buckle

Trousers:

1. Class A and B: Trouser color shall be LAPD blue.
   A. Men – Fecheimer, Style 39400
   B. Women – Fecheimer, Style 39450
   C. Blauer 4 – Pocket Wool Trouser 8560-04
   D. Blauer 6 – Pocket Wool Trouser 8567-04 (Class B only)

2. Class C Style 1 and 2: 5.11, Black
   A. Men – Style 74427-019
   B. Women – Style 64402-019

All Trousers:
Trousers shall be worn so that they rest on the upper portion of the hipbone.
Each trouser leg shall be tailored so that it falls to the top of the shoe, but not so long as to create a "break" in the trouser leg.
As a general rule, with the officer standing at attention in full uniform, including accoutrements and regulation footwear, the bottom of the trouser leg shall be 1" to 1½" from the shoe, where the sole and the heel join.

Footwear: Steel toe footwear is strictly prohibited.

1. Class A, B and C: Authorized uniform boot or Oxford with polishable plain toe.

2. Class C: Authorized fabric style boot, no polishable toe.

Gloves:

1. Plain black leather or fabric gloves may be worn

2. White gloves shall be used for special events, i.e. color guard

3. Sap gloves are specifically prohibited

Duty Gear and Special Equipment:

1. Gun Belt:
   A. Department issued or equal to

B. Gun belt shall not necessarily expose the trouser belt
C. Gun belt shall be held in place with belt keepers, unless a Velcro-type belt is worn

2. Gun Belt Loops (Keepers): Department issued or approved

3. Holster: Department issued or approved

4. Handcuffs:
   A. Department issued or approved
   B. Handcuffs are not to be draped over the duty belt

5. Handcuff Case: Department issued or approved

6. Magazine Pouches: Department issued or approved

7. Baton: Department issued or approved, readily accessible (i.e. in car)

8. Baton Holder: Department issued or approved

9. Oleoresin Capsicum (O.C.): Department issued or approved, readily accessible (i.e. in car)

10. Whistle: Department issued or approved

11. Flashlight: Department issued or approved

12. Flashlight Holder

13. Folding Knife: Department issued or approved

14. Mini Recorder: Officers may carry mini-recorders in black cases on the duty belt or in shirt pocket

14. Latex Gloves: (mandatory) Department issued or approved

15. Leather Gear: Plain black leather gear may be worn with Class A or Class B uniforms

Body Armor Provided:

1. Officers shall only wear agency-approved body armor

2. Exterior Body Armor Vest (optional):

   A. Class B Style 2:
      i. Blauer 8470-04 Armorskin wool blend with metal nameplate, badge and pins

   B. Class C Style 2:
      i. The officer's first initial and last name shall be worn on a Velcro patch above the right breast pocket. The Velcro patch shall be 1" tall.

ii. "POLICE" shall be worn on a Velcro patch below the right breast pocket. The patch shall be 4" x 1¾".
iii. An Oro Valley Police Badge Patch (Velcro) shall be worn above the left breast pocket.
iv. "POLICE" shall be worn on a Velcro patch across the upper back of the vest.
v. Pouches:
    a. The vest shall have no more than five external accessory pouches displayed to the front.
    b. There shall be no more than two single handcuff pouches on the rear of the vest.
    c. Single handcuff pouches are the only authorized pouches to be worn on the back.
    d. Pouches shall be worn vertical and shall be limited to one pouch per vertical line – exception, the cross draw Taser and cartridge pouch.
    e. Authorized pouches are:
        1. Taser pouch (cross draw) with cartridge pouch
        2. Radio pouch
        3. Flashlight pouch
        4. Digital recorder pouch
        5. Collapsible Baton pouch
        6. OC Spray pouch
        7. Handcuff pouch - single pouch or double (double pouch limited to the front of the vest)

Department Polo Shirt: (All Department Personnel)

1. Only a Department-approved polo shirts may be worn with casual sport pants (i.e. Dockers) with belt loops and loafer type shoes.
2. Tennis shoes are not to be worn.
3. Females, while not strictly subject to the above standards, shall dress conservatively.

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