

| <b>COOLIDGE POLICE DEPARTMENT</b> |   |                                  |
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|                                   | <p style="text-align: center;"><b>CHAPTER 41</b></p> <p style="text-align: center;"><b>PATROL</b></p> <p>CALEA Standard(s):</p> | <p><b>General<br/>Orders</b></p> |
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## **41.1 General Reporting Procedures**

### **41.1 General Reporting Procedures**

A. Complete and accurate documentation of all investigations, by all involved employees, is required. This requirement includes creating a DR for every reported incident of a crime, complaint, criminal or noncriminal cases initiated by law enforcement employees, and incidents involving arrests, citations or summonses. This requirement includes completing all DR's and forms in the appropriate format as each situation requires and applies to all personnel involved in an investigation. Employees shall address any questions regarding the completion of a DR or form to a supervisor. More information about report forms, information required in reports, report completion procedures and procedures for submitting, processing and supervisory review of field reports is contained in G.O. Chapter 40

B. Generally, DR's by patrol officers shall be completed by the end of the shift in which the event occurred. Exceptions must be approved on a case-by-case basis by a supervisor.

C. Officers shall audio or video record conversations and contacts with members of the public, as directed in [41.40](#).

D. Supervisors shall review and approve all DR's involving an arrest submitted by their personnel. Any needed corrections or additions shall be made prior to the submission of the report to the Records Section. DR's shall not be released until the appropriate supervisory review has been completed.

E. Additional information received after a DR is submitted to Records, as well as any alteration or correction that must be made, shall be submitted through the

use of a supplementary report. Supplementary reports shall also receive supervisory review prior to submission to Records.

F. Officers shall inform their supervisor of unusual situations, potential hazards, wanted persons and major investigations. The supervisor shall share this information with the other patrol shifts and detectives or other agency units as appropriate.

#### **41.1.2 Responsibilities of initial responding officers**

A. The first officers arriving on the scene of a crime or other police incident are responsible for:

- Identification, security and protection of the scene,
- Prevention of further injury or loss of life, to include the application of first-aid/CPR as appropriate,
- Apprehension, interrogation and processing of suspects,
- Completion of a thorough investigation,
- Locating and interviewing complainants and witnesses,
- Collection of evidence, or arranging for collection of evidence,
- Completion of all required reports,
- Notification of agencies and others, as appropriate to the situation. This notification may include police supervisors, emergency medical or fire services, the medical examiner, other police agencies or other City departments, public utilities personnel and the public information officer.

B. Generally the first officer on the scene shall assume responsibility as the case officer. The case officer is responsible for documenting:

1. The circumstances and details of the incident,
2. The probable cause for arrest, if applicable,
3. The names and badge numbers of other employees involved, and a brief synopsis of their involvement,
4. Any statements or admissions by the defendant, and
5. A witness list and synopsis of each witness's involvement.

### **41.1.3 Crime Scene/Traffic Collision Reports**

A. The report of a crime scene or traffic accident investigation must be accurate and detailed. Among other things, it should include:

1. Date and time of employee's arrival at the scene;
2. location of the crime;
3. name of the victim/s, if known;
4. name of suspect/s, if known;
5. action taken at the scene;
6. whether photos were taken and if measurements were taken;
7. list of physical evidence recovered; and
8. department report number.

B. If an employee other than the initial case agent responds and processes the scene, that employee should also document:

1. when and how a request for the services of that employee was received;
2. the employee's name
3. the disposition of the physical evidence, the medium holding the photographs and the crime scene measurement information.

### **41.2 General Patrol Procedures**

A. Patrol officers are to respond promptly and safely to both assigned calls for service and on-sight situations requiring police action. All patrol units shall return to service following a call or police action as soon as feasible.

B. Patrol officers are to respond promptly and safely to both assigned calls for service and on-sight situations requiring police action. All patrol units shall return to service following a call or police action as soon as feasible.

C. Patrol officers are responsible for the preliminary investigation and follow-up of crimes, which they have responded to. Exceptions include crimes specifically assigned to be investigated by detectives or other specialty units in [Chapter 41](#) and crimes that require specialized training or equipment to properly investigate.

D. An officer requesting back-up shall specify the officer's location and whether multiple units are needed. The request shall be canceled if the back-up becomes unnecessary. Once the scene is secure responding units will be notified and will return to service; any unneeded units on the scene will return to service.

E. Supervisors shall be notified when their assistance is needed or required. When a person requests the presence of a supervisor, one should be called to the scene.

### **41.3 Officer Needs Emergency Assistance**

A. When an officer calls for emergency assistance, the dispatcher shall provide the location and available information. Units may be designated to respond; units in close proximity will advise of their location and respond.

B. During an officer needs emergency assistance response, all field units shall remain in service and off the radio unless they have emergency radio traffic. Responding units' transmissions should be very brief to allow the requesting officer to broadcast additional information as necessary. The closest field supervisor should also respond. Initial units on-scene shall provide an update and information regarding the need for further assistance.

C. When the "Code 4" is broadcast, all units not already at the scene will return to assigned patrol duties.

### **41.4 Emergency Community Notifications**

Death notifications and the delivery of emergency messages is an important community service provided by the Department and will be prioritized as resources permit. Death notifications or notifications of serious physical illness or injury shall be made in person whenever possible.

### **41.5 INCIDENT COMMAND**

#### **41.5.1 Initial Officer On-Scene**

A. The first officers arriving on the scene of a crime or other police incident are responsible for:

1. Identification, security and protection of the scene,

2. Prevention of further injury or loss of life, to include the application of first-aid/CPR as appropriate,
3. Apprehension of suspects,
4. Completion of a thorough investigation,
5. Locating and interviewing complainants and witnesses,
6. Collection of evidence,
7. Completion of all required reports, and
8. Notification of agencies and others, as appropriate to the situation. This notification may include police supervisors, emergency medical or fire services, the medical examiner, other police agencies or other City departments, public utilities personnel and the public information officer.

B. If no designation is made by Communications, the first officer on the scene shall assume responsibility as the case officer. The case officer is responsible for documenting:

1. The circumstances and details of the incident,
2. The probable cause for arrest, if applicable,
3. The names and badge numbers of other employees involved, and a brief synopsis of their involvement,
4. Any statements or admissions by the defendant, and
5. A witness list and synopsis of each witness's involvement.

#### **41.5.2 Incident Command System**

A. The incident commander is the officer managing the scene of a police incident and is responsible for coordinating the activities of others who respond to assist. A supervisor will usually assume incident command unless inappropriate, in which case the supervisor may simply assist and provide guidance to the incident commander. All officers present at the scene have the responsibility to ensure that proper police action is being taken; if not, a supervisor shall be notified.

B. Incident command may be transferred to another officer who agrees to take it if there is not a supervisor or commander to assume command. When a transfer occurs, a full briefing shall take place and Communications shall be notified of the change.

C. Supervisors and commanders arriving on-scene shall:

1. Contact the incident commander for a briefing,
2. Assess the nature of the situation and the police response,
3. Assume or decline incident command,
4. If not assuming incident command, advise the incident commander of that fact,
5. Make suggestions and act as a resource,
6. Advise the incident commander if leaving the scene, and
7. Ensure that all necessary notifications to the chain of command and other entities have been or are made. This may include notification of the Chief, who may then notify elected officials, as required.

D. Depending on the circumstances at the time, transfer of incident command could be to an officer of higher rank, lower rank, or of the same rank.

## **41.6 Emergency Vehicle Operations - pursuits and emergency driving**

A. Authorized emergency vehicle operations shall be conducted in accordance with applicable laws and Department policies. Both emergency response to calls for service and vehicle pursuits of fleeing suspects present dangers to law enforcement officers, the offender(s) and the general public.

B. While state law permits officers to disregard traffic laws while engaged in emergency driving, the exemption from government and personal liability that is provided by statute may be lost if an officer is negligent by acting in a manner that could reasonably have been anticipated to result in harm. Officers shall exercise due care for the safety of others when engaged in emergency vehicle operations.

### **41.6.1 Definitions**

When used in section [41.6](#), these terms are defined as follows.

**Authorized Emergency Vehicle:** A police vehicle equipped with at least one red or blue light and siren.

Code Three: The operation of a police vehicle under emergency conditions, with red/blue or red light(s) and siren activated. An officer may respond Code 3 when permitted by this policy.

Emergency Call: A situation where an officer is dispatched or responding to a life-threatening situation or a violent crime in progress. This does not include pursuits, traffic enforcement or other routine activities.

Emergency Driving: The operation of an authorized emergency vehicle, with the use of lights and siren as required by Arizona law, in response to an emergency, at a speed above the posted speed limit and/or in disregard of traffic control devices governing the movement of motor vehicles.

Non-Emergency Call: A situation where an officer is dispatched or responding to a non-life-threatening situation or a non-violent crime in progress. This does not include pursuits or traffic enforcement.

Primary Unit: The police vehicle that initiated the pursuit, or any unit that assumes the lead vehicle position behind the fleeing vehicle.

Secondary Unit: The police vehicle that becomes involved in a pursuit as the backup to the primary unit.

Pursuit Driving: An active attempt by an officer, operating an authorized emergency vehicle, to apprehend a suspect in another vehicle.

Pursuit Supervisor: A person holding the rank of sergeant or above who assumes control of a vehicle pursuit. The pursuit supervisor shall not be the primary or secondary unit.

Terminate: All units discontinue emergency driving, resume the posted speed limits, and cease pursuit of the fleeing vehicle. Vehicles are to come to a complete stop and report their position or are to take a driving action with their vehicles that would clearly indicate to the pursued vehicle that the pursuit has been terminated.

### **41.6.2 Emergency Call Response Driving – Code 3**

A. The authority under state law for police officers to operate emergency vehicles is found in A.R.S. §28-624:

*A.R.S. §28-624, Authorized Emergency Vehicles*

- 1. If an authorized emergency vehicle is driven in response to an emergency call, in pursuit of an actual or suspected violator of law or in response to but not on return from a fire alarm, the driver may exercise the privileges provided in this section subject to the conditions stated in this section.*
- 2. If the driver of an authorized emergency vehicle is operating at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, the driver may:*
  - a. Notwithstanding this chapter, park or stand.*
  - b. Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.*
  - c. Exceed the prima facie speed limits if the driver does not endanger life or property.*
  - d. Disregard laws or rules governing the direction of movement or turning in specified directions.*
- 3. The exemptions authorized by this section for an authorized emergency vehicle apply only if the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and if the vehicle is equipped with at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or red and blue light or lens visible from in front of the vehicle.*
- 4. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of the driver's reckless disregard for the safety of others.*

B. An officer may only respond Code 3 when responding to an emergency call and must:

1. be driving an authorized emergency vehicle, and
2. the siren must be sounding, as reasonably necessary, and emergency lights must be activated.

C. An officer who experiences failure of any of the vehicle's emergency equipment, or essential vehicle equipment, shall discontinue the Code 3 response

D. When officers are responding Code 3 to an emergency call, the following will apply:

1. the officer shall notify the dispatcher immediately upon beginning a Code 3 response.
2. officers shall come to a complete stop prior to entering any intersection with a red light, stop signal or stop sign facing the officer's direction of travel, or when approaching an intersection in the oncoming or center lanes even if a signal is green for the officer's direction of travel. The officer shall proceed when safe to do so.
3. care is to be exercised when exceeding the speed limit, with consideration to visibility, traffic and road conditions. Officers shall not exceed the posted speed limit when approaching a controlled intersection, nor exceed 15 miles per hour when traveling in center or opposite lanes of traffic.
4. continuous evaluation of traffic volume, time of day, type of crime in progress, distance to the location and potential hazards is required.

E. An officer shall immediately cease driving Code 3 when the emergency need is resolved or when ordered to do so by a supervisor.

#### **41.6.3 Pursuit Driving**

A. Vehicle pursuits shall only be initiated when an officer has reason to believe that the occupant of the fleeing vehicle has been involved in a felony offense against persons (for example, homicide, sexual assault, aggravated assault or robbery), or is likely to endanger human life or cause serious injury to another

unless apprehended without delay. Pursuits for traffic offenses (including unlawful flight), non-violent felonies, property crimes (whether felony or misdemeanor), and suspicious activities are prohibited.

B. A pursuit shall not be initiated if the suspect is known, and those in the vehicle are not engaged in ongoing violent activities, such as shooting from the vehicle.

C. The decision to begin, the responsibility for continuing, and the choice of method of pursuit rests primarily with the individual officer involved.

D. The policies set forth in the previous section on emergency driving apply to pursuit driving as well.

#### **41.6.3.1 Pursuit Procedure**

A. Primary Unit. Once the requirements for a pursuit are met, the initiating officer becomes the primary unit. The initiating officer shall activate lights and siren, advise dispatch the officer is in pursuit, and should:

Advise dispatch of:

1. the officer's call sign,
2. a description of the vehicle, including plate if possible,
3. the reason for the pursuit,
4. the location and direction of travel,
5. the speed of the suspect vehicle,
6. current traffic conditions,
7. any additional officer safety information.

On a continuous basis, advise dispatch of changes in:

1. location,
2. direction,
3. speed,
4. any traffic offenses or hazardous conditions caused by the suspect.

Terminate the pursuit at any point in time that:

1. termination is required by this policy or
2. the officer reasonably believes the danger to the public or other officers outweighs the need for the immediate apprehension of the suspect(s), based on the totality of the circumstances involved.

B. Secondary Unit. One secondary unit may join the pursuit to assist the primary unit. The secondary unit shall:

1. activate lights and siren,
2. advise dispatch of unit identifier and intention to take over communication responsibilities for primary unit,
3. follow the primary unit at a safe distance,
4. terminate the pursuit at any point in time that termination is required by this policy or at any point in time that the officer reasonably believes the danger to the public or other officers outweighs the need for the immediate apprehension of the suspect(s), based on the totality of the circumstances involved.

C. Support Units. In the absence of express permission by the pursuit supervisor, no more than two units shall be involved in the pursuit. Other support units may be utilized only as assigned by the pursuit supervisor and then only for traffic control, covering escape routes, and assuming tactical positions. Support units may use lights and siren only to warn uninvolved persons of the pursuit. Support units may not attempt to follow the pursuit on parallel streets and shall not intervene in the pursuit if they intentionally or inadvertently intercept the suspect vehicle.

D. Pursuit Supervisor. An on-duty supervisor shall immediately assume supervision of the pursuit. The pursuit supervisor shall:

1. broadcast that the he/she is monitoring the pursuit,
2. monitor the pursuit, directing pursuit vehicles into or out of the pursuit,
3. continuously evaluate whether the pursuit should continue,
4. determine whether any effort should be made to forcibly stop the vehicle, such as by deploying stop sticks,
5. approve or disapprove of leaving the jurisdiction to continue the pursuit,
6. terminate the pursuit at any point in time that termination is required by this policy.

E. Communications shall:

1. order the police radio cleared of all but emergency traffic,
2. confirm that an on-duty supervisor knows of the pursuit and is monitoring it,
3. gather and broadcast information concerning the pursuit and the suspects,

4. assist in directing back-up units to strategic locations,
5. if necessary, contact and advise adjoining jurisdictions of the pursuit,
6. advise all units once pursuit is terminated.

#### **41.6.3.2 Authorized pursuit vehicles**

Only fully marked authorized four wheel emergency vehicles used for ordinary patrol duties shall engage in a pursuit as a primary or secondary unit. Any pursuit that is initiated by an officer operating any other type of Department vehicle (including unmarked vehicles, motorcycles, or transport vehicles) shall immediately turn pursuit duties over to the next available fully marked authorized four wheel emergency vehicle.

No unit transporting any person other than an on-duty sworn employee shall engage in a pursuit in any capacity.

#### **41.6.3.3 Air Support**

If air support is available, it shall be requested if needed by the pursuit supervisor. Once air support has located the pursued vehicle, the ground pursuit shall be immediately terminated and the pursuing vehicles shall back off to a position out of view of the suspect vehicle. The air unit shall keep the pursuit supervisor informed; the supervisor shall direct support units so that they are in a position to apprehend the suspect(s) when the suspect vehicle stops.

#### **41.6.3.4 Forcible stops of a pursued vehicle**

A. Unless an officer has justification for the use of deadly force and the use of deadly force does not create a greater danger to the public than the danger faced by the officer:

1. an officer shall not intentionally ram, bump, or collide with a fleeing vehicle, nor pull alongside the vehicle in an attempt to force the vehicle off the road or into an obstacle.
2. an officer shall not shoot a firearm at or from a moving vehicle.

B. Officers may not box in or surround a moving vehicle.

C. Rolling roadblocks shall not be used. Stationary roadblocks shall not be used in the absence of approval of a commander and justification for the use of deadly force. Any such roadblock must be in a well-lit area, vehicle emergency lights shall be on, flares and traffic cones shall be used if available, an avoidance route

must be available to the pursued vehicle, and the utmost consideration shall be given to the safety of officers and the public.

D. Stop sticks and similar devices may be used when circumstances warrant their use and their use will not create an unreasonable risk to the general public. Stop sticks should not be used without supervisory approval and shall not be deployed by an officer who has not been trained in their use. Care should be taken to use the sticks in an area where other traffic that may be on the road will not be endangered.

E. The Pursuit Intervention Technique (PIT) is an interdiction technique that involves direct vehicle-to-vehicle contact between a law enforcement vehicle and a fleeing vehicle. The PIT is intended to cause the fleeing vehicle to spin out and stall, ending the pursuit.

The PIT maneuver may be used only when all of the following requirements are met:

1. the officer has received formal training in use of the PIT,
2. a supervisor has given approval,
3. the moving vehicle poses an imminent threat to public safety,
4. the speed of the fleeing vehicle does not exceed 35 MPH,
5. the officer is operating emergency lights and siren,
6. the environmental, traffic, and roadway conditions are suitable for use of the PIT, and
7. officers in the area have been warned of the impending use of the maneuver.

#### **41.6.3.5 Pursuit Termination**

The primary and secondary unit shall cease the pursuit in any of the following circumstances:

1. when the supervisor terminates the pursuit.
2. when in the opinion of the officer operating the primary or secondary unit, or of the pursuit supervisor, the danger to the public or other officers outweighs the need for the immediate apprehension of the suspect(s), based on the totality of the circumstances involved.
3. if information that is likely to lead to the identification and apprehension of the suspect is discovered and made known to the officers involved in the

- pursuit or the supervisor and those in the vehicle are not engaged in ongoing violent activities, such as shooting from the vehicle.
4. when the distance between the pursuit vehicle and the fleeing vehicle is so great that further pursuit is futile.
  5. when visual contact is lost for 15 seconds or more.
  6. if the officer is unfamiliar with the area of the pursuit and is unable to accurately notify the dispatcher of the location and direction of travel.
  7. if the officer determines he or she is driving beyond his/her capability or beyond the capability of his/her vehicle.
  8. if the pursuit requires the officer to drive on the wrong side of any divided roadway or one-way street.

#### **41.6.3.6 Apprehension of the suspect**

Once the suspect vehicle has stopped, the primary and secondary units should initiate a high risk stop. Officers shall utilize appropriate officer safety tactics and shall be aware of the necessity to utilize only reasonable and necessary force to take suspects into custody. If readily available, support units should take the suspects into custody and clear the vehicle.

#### **41.6.3.7 Inter-jurisdictional pursuits**

A. If it is likely a Department pursuit will enter another jurisdiction, Communications shall advise the affected agencies of the circumstances. Any assistance that is needed shall be requested by the pursuit supervisor. If a collision involving the pursuit occurs in another jurisdiction, the supervisor shall request the law enforcement agency in that jurisdiction to respond; department investigators shall also respond.

B. If another agency's pursuit enters this jurisdiction, Communications will request the nature of the pursuit and will notify a supervisor. Officers will not join the pursuit unless a request is made by the other agency, the pursuit meets the requirements contained in this policy and an on-duty supervisor approves of the assistance. If the other agency's pursuit does not fall within the requirements contained in this policy, then officers shall not join the pursuit, but may assist with traffic control and (with supervisor approval) associated high risk stops. If an accident occurs in this jurisdiction as a result of another agency's pursuit, this Department shall conduct the accident investigation. Investigators from the pursuing agency shall be permitted to observe the investigation.

#### **41.6.3.8 Documentation**

A. Following a pursuit, whether or not the suspect is apprehended, all involved officers shall complete detailed reports. In addition, the primary unit shall complete a pursuit field data form, which shall be reviewed by the pursuit supervisor, who shall complete the supervisory portion of the Vehicle Pursuit Summary. These reports shall be submitted within 24 hours of the pursuit. If any involved officer is injured, or otherwise unable to complete a report, a supervisor may authorize another officer to complete the report. Whenever reasonable to do so, the officer completing the report will first interview the involved officer.

B. In addition, the pursuit supervisor should debrief all involved officers immediately following the pursuit, or within 24 hours if immediate debriefing is not possible.

C. The report shall be reviewed by the officer's chain of command which shall complete a post pursuit report to be submitted to the Chief for final review and direction. The written report shall be archived within Professional Standards.

#### **41.7 Routine traffic enforcement.**

A. Officers are expected to make reasonable efforts to apprehend traffic violators but are not to engage in driving that puts the public or the officer at undue risk when doing so. Officers shall not engage in pursuit driving to stop a violator for a civil traffic offense.

B. Officers may exceed the posted speed limit to clock or apprehend a violator and may activate emergency lights or use the siren to signal the violator to stop.

#### **41.7.1 Department Vehicles**

A. Employees using a Coolidge Police Department vehicle is responsible for use and care of that vehicle. The use of seat belts in all vehicles so equipped are required for all occupants unless it endangers the transporting officer or the health of the prisoner. Employees shall adhere to all State and local motor vehicle laws, City and Department policy, driving defensively in a safe and courteous manner.

#### **41.8 Body Armor**

A. All body armor worn by officers shall be Department approved and shall meet National Institute of Justice standards when purchased.

B. Officers are required to wear body armor when involved in field activities, whether or not in uniform. Field activities include those duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities. Field activities specifically include when acting as a member of a SWAT unit, when serving a felony or high risk search warrant, or when directed to do so by a superior.

C. Exceptions to the requirement to wear body armor during field activities include: when an agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor; when the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor; or when the Chief determines that circumstances make it inappropriate to mandate wearing body armor.

D. Supervisors are responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections. Annual inspections of body armor shall be conducted for fit, cleanliness, signs of damage, abuse and wear.

E. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and to the individual responsible for the uniform supply function.

## **41.9 Missing Persons**

A. There is no time limit or waiting before taking a missing person report. Reasonableness and discretion can be observed, but if a report is requested, one will be completed.

B. Exigent circumstances are present, mandating the prompt dispatch of an officer, in the following circumstances:

1. Juveniles under the age of eight, missing at any time.
2. Juveniles age eight to twelve:
  - a. who have mental or physical disabilities, or
  - b. who are possibly endangered (kidnapping, abduction, etc.), or

- c. who have not returned home from school, and do not have a history of being a runaway, or
  - d. who are missing at night, and do not have a history of being a runaway, or
  - e. any other situation that may merit exigency.
3. Juveniles over twelve who have mental or physical disabilities, or are possibly endangered (kidnapping, abduction, etc.).
  4. Adults who are possible victims of kidnapping or domestic violence, or who are in danger due to medical condition such as memory dementia, Alzheimer's disease, diabetes, or poor physical condition, or who are a hazard to themselves or others.

C. Once Communications personnel have identified the call for service as one meeting the definition of exigent circumstances outlined in this General Order, an officer should be dispatched. Officers who are initial responders shall be provided all available descriptive information gathered by Communications. The first officer at the scene will:

1. Determine the circumstances surrounding the disappearance and advise a supervisor.
2. Using the Missing Person Field Checklist, officers should attempt to gather the following information regarding the missing person(s):
  - a. personal habits
  - b. physical/mental condition
  - c. availability of a current photograph
  - d. recent family quarrels or trouble
  - e. whether or not the victim has been reported missing in the past
  - f. financial, marital, school, or job problems
  - g. favorite places of entertainment, recreation, etc.
  - h. any special circumstances related to the missing person that may assist in locating the individual or that searching officers may need to know when the person is located (medications, mental health problems, etc.)
3. Gather and broadcast the following information:
  - a. Description of missing person
  - b. Date, time, and location person was last seen
4. Initiate an immediate search, depending on the circumstances, commencing at the last known location of the person.
5. Include the residence and surrounding area and all canals, vehicles, pools, etc.

6. Brief other assisting units of possible reasons for the disappearance, areas to search, and request broadcast of information if indicated.
7. Enter the information into the ACIC and NCIC as applicable and required.

D. The first supervisor at the scene will:

1. review circumstances of the disappearance to determine if the person is lost, endangered, or the victim of criminal activity,
2. coordinate the activities of participating personnel to ensure a proper investigation is completed,
3. ensure all necessary information regarding the missing person is broadcast to other concerned agencies or jurisdictions,
4. ensure that an accurate log or record be kept of areas searched, persons contacted, actions taken, and participating personnel,
5. brief the chain of command,
6. evaluate the need for additional resources, including volunteers.

E. If the person is not found within a reasonable period of time, the supervisor should evaluate the search and investigation to date, ensure that the County Sheriff's Office has been notified and consider contacting the Federal Bureau of Investigation for assistance. If deemed appropriate, the search should be organized to be sustained on a 24-hours a day, 7-days a week basis.

F. Detectives responding to a missing persons search will assume the investigative aspects of the search, which may include:

1. searching the residence and all vehicles,
2. interviewing reporting party, family, parents, friends, etc.,
3. obtaining a photograph of missing person if needed,
4. processing the crime scene, if one exists,
5. making required notifications and coordinating with other details and agencies,
6. ensuring NCIC entries are entered into and removed from the system,
7. organizing logs, reports, and related paperwork promptly,
8. briefing commanders on a timely basis.

G. Once the search effort has been completed and all leads exhausted, the supervisor may scale down the effort and disband the ongoing search. Any new information will be followed-up by assigned detectives. The case will remain open until the missing person is located or the case is solved.

H. In the event of a missing person case, victim's rights will be issued only upon detection of a criminal offense. If the victim is incapacitated or deceased, victim's rights should be provided to the lawful representative of the victim. The reporting party should be asked to immediately report any contact with the missing person. Every effort will be made to keep the reporting party informed as to action taken by law enforcement to locate the person.

#### **41.9.1 AMBER ALERT: Arizona Missing/Abducted Child Alert Plan**

A. An Amber Alert can only be activated under the criteria outlined in the following checklist. The checklist must be strictly adhered to:

1. Is the abducted child incident one in which the child victim is under 18 years of age?  
If **yes**, answer question 2.  
If **no, do not activate** the Arizona Amber Alert
2. Does the abduction pose a credible threat of immediate danger of serious bodily injury or death to the child?  
If **yes**, answer question 3.  
If **no, do not activate** the Arizona Amber Alert
3. Has the law enforcement agency determined that 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 4.  
If **no, do not activate** the Arizona Amber Alert
4. 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.

B. If it is determined that the criteria listed above is met, the Department's designated point of contact may initiate the plan by contacting DPS. If the Amber Alert Plan is activated, the Department shall enter the necessary information and DPS shall activate the alert. The Department's point of contact should be prepared to assist in initiation of an Amber Alert, in distribution of information to local media and in responding to media inquiries.

C. If officers/investigators become aware of crucial or pertinent information that could aid in rescuing the child through the Alert system after an initial alert has

been made, the Department's point of contact may update the information, using the automated alert system.

D. As soon as possible after the child is located, a cancellation notification must be made through the Amber Alert System.

E. Within thirty days of activation of the Arizona Amber Alert system a brief summary report shall be forwarded to the Arizona Amber Alert Oversight Committee using the After Action Review Information Form that is supplied by DPS.

#### **41.9.2 SILVER ALERT: Arizona Missing/Abducted Person 65 or Older; or Those with Alzheimer's or Dementia**

A. The Arizona Missing/Abducted Silver Alert Plan works much like the Amber Alert System but is somewhat more limited in terms of use of the Emergency Broadcasting System. To request to use the system (which is maintained by DPS), an agency must be investigating a missing person under the following conditions:

1. the missing person must be 65 or older or be a person suffering from Alzheimer's disease or dementia,
2. the local jurisdiction must have used all available local resources to attempt to find the person,
3. the person has gone missing under unexplained or suspicious circumstances
4. there is a belief the person is in danger or may be in peril
5. the notification if disseminated to the public could assist in safe recovery.

#### **41.11 DEALING WITH PERSONS OF DIMINISHED MENTAL CAPACITY**

Officers will encounter persons of diminished mental capacities in the performance of their duties. This group of special needs persons presents officers with different and often complex issues. These individuals, whether as a result of intoxication, suicidal ideations, medical complications or mental illness, present officers with a wide range of behaviors often though not always different than those exhibited by others in the community or other persons involved in criminal activities.

Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that officers would expect. They

may not respond to authoritative persons or the display of force. It is the primary task of officers confronting these special needs persons to resolve the encounter in the safest manner.

#### **41.11.1 Dealing with Intoxicated Persons**

A. It is not against the law in Arizona for a person to be intoxicated; officers may not book an intoxicated person into jail solely because the person is intoxicated. If an intoxicated person is not a danger to him/herself, not endangering anyone else, and not breaking any laws, the person will be allowed to go on his or her way.

B. However, if the person is so intoxicated that the person represents a danger to self or others or if the person is experiencing a medical emergency (e.g., alcohol withdrawal or alcohol poisoning), then police intervention is necessary. In those situations, officers should consider the following issues:

1. is medical care necessary?
2. can the person be admitted at the local alcohol rehabilitation center (if any)?
3. is there a family member, employee, co-worker, or friend who can take responsibility for the person?

If no resources appear available to deal with the person, a supervisor should be contacted. Intoxicated persons who are a danger to themselves or others are not to be released into their own care until sufficiently sober to no longer be a danger to self or others.

#### **41.11.2 Dealing with Vulnerable Adults**

A vulnerable adult is an individual who is eighteen 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. When an officer comes in contact with a vulnerable adult who is not under appropriate supervision, is in a vulnerable situation, or who is the victim of a crime, the officer should make every effort to contact the person's guardian, family member, neighbor, residential provider, Adult Protective Services, or the local Public Fiduciary for assistance.

Vulnerable adult abuse is a mandatory reporting crime and a felony. A.R.S. §13-3623.

### **41.11.3 Dealing with the Mentally III**

A. Mental illness is a substantial disorder of a person's thought, mood, perception, orientation or memory that impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life. Mental illness behavior covers a wide range of emotions and behaviors, including but not limited to: depression, violence, withdrawal, suicidal acts, homicidal acts, paranoia and unorganized conversation.

B. Officers must be aware that some medical conditions have symptoms that mimic mental illness (i.e., stroke, diabetes, head injuries, dementia, etc.). When appropriate, paramedics should be called to the scene, once the person is in police custody, to examine the person.

C. The department recognizes that officers are not qualified to solve the underlying problems of people who exhibit abnormal behavior, however, officers can learn to recognize behaviors that are indicative of persons affected by mental illness. The following are generalized signs and symptoms that may suggest mental illness, although officers should not rule out other potential causes such as reactions to alcohol or psychoactive drugs, temporary emotional situations, or medical conditions:

1. Strong and unrelenting fear of persons, places, or things. Extremely inappropriate behavior for a given context.
2. Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation.
3. Abnormal memory loss related to such common facts as name or home address (although these may be signs of other physical ailments such as injury or Alzheimer's disease).
4. The belief in thoughts or ideas that are false, such as delusions of grandeur ("I am Christ") or paranoid delusions ("Everyone is out to get me").

5. Hallucinations of any of the five senses (e.g., hearing voices commanding the person to act, feeling one's skin crawl, smelling strange odors); and/or
6. The belief that one suffers from extraordinary physical maladies that are not possible, such as persons who are convinced that their heart has stopped beating for extended periods of time.

D. The officer's course of action at the initial encounter can calm the existing situation. Responses to situations that involve abnormal behavior should reflect sensitivity to the needs of the people involved, as well as concern for the safety of the involved person, others at the scene and officers. The goal when encountering a person of diminished capacity is to de-escalate the situation, control the encounter and then determine the best course of action for the involved individual. Responding officers should focus on containment, coordination, communication and time. If circumstances allow, officers should:

1. request back-up as soon as it is apparent that the person is of diminished capacity. If that information is known when the call is dispatched, two officers should be dispatched, if available.
2. Avoid the use of emergency lights and siren when responding to this type of call for service, as this may agitate the subject. Upon arrival, officers should move deliberately and, if possible, slowly.
3. focus on containment as the first goal; work to separate the subject from others at the scene but try to respect the subject's comfort zone. Containment is meant to reduce outside influences and sources of agitation, including family and on-lookers.
4. make an effort to coordinate among responding officers; one officer should take the lead. Another officer should be designated to gather from those involved any available information about the individual and the individual's disability that may assist the officer in de-escalating the incident.
5. limit displays of force or of weapons, if safety permits.

6. communicate in a manner that is both planned and controlled. One officer should be the primary person speaking with the subject. Verbal communication should be non-threatening. Avoid threats of force. Be truthful at all times.
7. take their time. Usually, the longer the encounter is allowed to go on, the better the chance for a successful and safe resolution.
8. when available, request assistance from those with specialized training in dealing with mental illness (crisis intervention trained officers or community crisis mental health professionals, for example).
9. when use of force is necessary and circumstances allow, consider the use of non-deadly force options.

D. Officers must remember that mentally ill subjects may be a danger to themselves or others, including the officers, and must continuously assess the potential danger the person present to him/herself, the officers and others. When feasible officers will seek information about the availability of weapons, listen carefully for direct or indirect threats of force, seek information from others on the scene about the person's history for use of force.

E. Arizona law places a number of responsibilities upon peace officers in the mental health context. Title 36 provides that peace officers shall apprehend and transport persons for emergency admission; may take an apparently seriously mentally ill and/or dangerous person into custody and transport for screening; are required to safeguard personal and real property of the person; and are not subject to civil liability if acting in good faith.

F. In cases where a person is obviously distressed or disoriented but not in danger, officers are encouraged to refer patients back to their treatment agency if they have one, or to refer them to an authorized adult mental health facility if they do not. Officers should provide the individual with contact information for the local public mental health provider or local hospital, or should ask the local mental health crisis team, if one is available, to respond.

G. Mentally ill persons may be considered disabled under the Americans with Disabilities Act (ADA). Officers are required to reasonably accommodate a person's disability when providing police services, including when making an

arrest and when using force. Doing so may require deviation from generally accepted police practices (for example, taking more time in handling a situation than might otherwise be expected, so that consideration of the person's disability may occur).

#### **41.11.4 Mental Health Detentions**

An officer is authorized to take persons into custody pursuant to the following statutes:

1. A.R.S. §36-525.A “on the advice of the admitting officer of the evaluation agency pursuant to section A.R.S. §36-524.E “. See 41.11.5 below.
2. A.R.S. §36-525.B when the officer has probable cause to believe a person, as a result of a mental disorder, is a danger to self or others, and that during the time necessary to complete the screening procedures the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or to inflict serious physical harm on another person. See 41.11.6 below.
3. A.R.S. §36-540 upon receipt of a signed court order. See 41.11.7 below.
4. A.R.S. §36-540.E.4 upon the written request of the medical director when patient's outpatient treatment has been rescinded See 41.11.8 below.
5. A.R.S. §36-544 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 needs to be taken into custody for transport to the facility. See 41.11.9 below.

#### **41.11.5 Emergency Petition Process When Evaluation Agency Available (A.R.S. § 36-524).**

A. When an officer comes to the conclusion that a person is a danger to self or others, and that the person is likely, without immediate hospitalization, to suffer serious physical harm or serious illness, or is likely to inflict serious physical harm on another person, the officer may apply for an order for emergency admission of the person to a mental health facility. A.R.S. §36-524.

B. Officers may rely on their own observations, or the observations of another person who witnessed the actions of the person. After reviewing the facts and circumstances with a supervisor, the officer should contact the hospital where the patient is going to be taken and ask to speak to the admitting officer (generally a psychiatrist or other physician or a psychiatric and mental health nurse

practitioner. A psychiatric social worker does not have the authority to approve an emergency admission.)

C. The admitting officer should be advised of the facts and circumstances. If not personally making the call, the officer must be in the presence of the person making the call and shall speak to the admitting officer and verify the admission approval before the call is complete.

D. Once the admitting officer advises the officer that grounds exist to take the person into custody and transport the person, the officer shall either transport the person or arrange for the person's transport. If the witness to the person's behavior is not the officer, the witness will be directed to respond to the hospital to assist in completing and signing the petition for evaluation.

**41.11.6. Emergency Petition Process When Evaluation Process Not Available or Immediate Action is Necessary (A.R.S. §36-525).**

A. If no evaluation agency is available, an admitting officer is not available to review the application, or the person presents an immediate danger such that making an application is not practicable, and an officer believes a person to be in need of immediate hospitalization, A.R.S. §36-525 permits officers, based upon probable cause that the person is a danger to self or others, to independently make the decision to transport, a person to a local mental health screening or evaluation agency.

B. Officers should do so only when the procedures outlined above are not available and no other reasonable option for resolving the situation is apparent.

C. The officer shall either transport the person or arrange for the person's transport.

**41.11.7. Court ordered committals (A.R.S. § 36-540).**

A. Officers may receive court orders for commitment (valid until served unless otherwise stated on the order), court orders for custodial evaluation (valid for 14 days) and amended orders requiring transportation of a person to an outpatient or inpatient facility for treatment. These orders must be confirmed prior to service and are to be considered emergency orders.

B. When necessary, these orders may be relied upon to make forcible entry into a person's home to take the person into custody. As with other forcible entry situations, officers will make every effort to secure the person's home and property before leaving the scene, including notification to the next of kin, guardian (if any), or the Public Fiduciary's Office.

C. Once the person is served with the order, he/she will be transported to the listed mental health facility. The service of mental health orders shall be fully documented in a DR and an Arizona Superior Court Notice of Service form shall be completed and filed with the Court.

**41.11.8 Order of Medical Director Rescinding Outpatient Treatment (A.R.S. §36.540).**

A. The medical director of a facility that is providing outpatient treatment to a person under court order may verbally rescind the outpatient treatment and order a peace officer to detain the patient and transport the patient to an in-patient facility. A.R.S. §36-540.E.5.

B. Prior to responding, officers should require that the medical director provide the following information to the officer: the date of the original commitment order, the basis of the commitment, the name of the committing judge or commissioner, a physical description of the patient, the approximate location of the patient, a description of the patient's current mental status and potential for resisting an officer and any other pertinent information that is available.

C. A request for apprehension in this situation remains valid for the duration of the inpatient's commitment.

**41.11.9 Patients Who Are Absent Without Leave (AWOL) (A.R.S. §36-544)**

A. The medical director of a facility may direct, either in writing or verbally, a peace officer to locate and return a patient who is currently under court order for evaluation or treatment and who goes AWOL.

B. Prior to responding, officers should require that the medical director provide the following information to the officer: the date of the original commitment order, the basis of the commitment, the name of the committing judge or commissioner, a physical description of the patient, the approximate location of the patient, a description of the patient's current mental status and potential for resisting an officer and any other pertinent information that is available.

C. Officers may be asked to request an order for emergency commitment (see above) so that persons who voluntarily entered treatment but are now AWOL and are considered by the facility to be a danger to self or others may be taken into custody.

**41.11.10 Violent or Potentially Violent Subjects**

If a person is violent or there appears to be a potential of violence, officer(s) delivering the person shall remain at the facility to provide security until facility staff have the person under their control.

#### **41.11.11 Transportation**

Transportation of the mentally ill to a mental health facility should be handled based upon the circumstances of each case and may be made by the officer or by ambulance, with the officer following.

#### **41.11.12 Mentally Ill Juveniles**

Officers shall attempt to notify a parent or guardian when in contact with a mentally ill juvenile who is in need of emergency treatment, so that the juvenile may be accompanied to the mental health facility. If a guardian/parent cannot be identified or located, DCS should be contacted to assume temporary guardianship of the juvenile.

#### **41.11.13 Firearms Seizure**

A. When dealing with the mentally ill, that person's possession or control of a firearm(s) raises special concerns. When an officer is making any mental health transport based upon the finding that the person is a danger to self or others, the officer should consider taking custody of any firearms to which the officer has legal access that are owned or possessed by the person.

B. An officer may also seize a firearm when the owner or possessor consents to allow the officer to take possession of the firearm(s).

C. Firearms seized under this subsection shall be impounded into property and evidence as "safekeeping," unless the firearm was used in the commission of a crime, in which case the firearms shall be impounded as "evidence."

#### **41.12 LIMITED ENGLISH PROFICIENCY (LEP)**

The Department recognizes the importance of effective and accurate communication between its employees and the community; language barriers can impede, inhibit or even prohibit such communication. It is the policy of the Department to take reasonable steps to provide timely, meaningful access to the Department's programs and services for persons with limited English proficiency.

##### **41.12.1 Definitions**

A. Primary Language means an individual's native tongue or the language in which an individual most effectively communicates. Department employees should avoid assumptions about an individual's primary language. Employees should make every effort to ascertain an individual's primary language to ensure effective communication.

B. Limited English Proficiency designates individuals whose primary language is not English and who have a limited ability to read, write, speak, or understand English. LEP individuals may be competent in certain types of communication

(e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

C. Interpretation is the act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

D. Translation is the replacement of written text from one language (source language) into an equivalent written text in another language (target language).

E. Bilingual refers to the ability to use two languages proficiently.

#### **41.12.2 Provision of Services**

Given the variety of ways in which Department employees interact with members of the community and the large number of languages that may be encountered, the Department will provide services to limited English proficiency persons through an ongoing effort to balance the four considerations, or factors, recommended for consideration by the U.S. Department of Justice:

1. The number or proportion of LEP persons encountered in the Department's jurisdiction or geographical area, including any seasonal, tourism, or other variations in the LEP population;
2. The frequency of contact between LEP individuals and the employees of the Department, its programs and services;
3. The nature and importance of the various types of encounters the Department has with LEP persons; and
4. The resources available to the Department and the costs associated with providing language services.

While all law enforcement activities are important, the four-factor analysis allows the Department to prioritize types of language services, and to ensure that appropriate language assistance resources are promptly available where most needed.

### **41.12.3 Available services to persons of limited English proficiency**

A. The Department will endeavor to provide assistance to LEP individuals using a variety of methods, including:

1. Public notice of available services – notice shall be posted in the lobby of all police stations and police facilities that are open to the public of the availability of free language services for LEP persons. Translated forms and pamphlets, or a list of available translated forms and pamphlets, shall also be posted.
2. Bilingual employees – individual employees who are proficient in two languages. If employees of this Department are not available, employees from other City departments or surrounding law enforcement agencies may be used.
3. Telephone interpreter service – the Communications section of the Department will maintain a list of telephonic interpreter services which may be contacted to assist employees in their communications with persons with limited English proficiency.
4. Volunteers – the Department will develop and maintain a list of qualified community volunteers who are able to provide interpreter services. These volunteers may be recruited from local community organizations, churches, businesses and educational institutions.
5. Translated forms and documents – the Department will identify frequently used or vital forms and will arrange to have these forms translated into the languages commonly represented within the jurisdiction or geographic area served. Notice shall be posted in the lobby of all police stations and substations of the availability of language services for LEP persons. The list of translated forms that is available at each station or substation should also be posted in the lobby.
6. Audio recordings – the Department may create audio recordings of critical information in the languages commonly represented within the jurisdiction or geographic area served. Such audio recordings may include, for example, the announcement of the service of a search warrant or arrest warrant.
7. In-person translators– if available given Department resources, in-person translators may be requested in those situations in which they are

absolutely necessary for effective handling of particular situation. Requests for in-person translators shall be referred to the for approval.

B. Department employees should use family, friends or bystanders only for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP individual. Using family, friends, or bystanders to interpret could result in a breach of confidentiality, a conflict of interest, or an inadequate interpretation. Barring exigent circumstances, Department employees should not use minor children to provide interpreter services.

#### **41.12.4 Procedures for Accessing Interpretation Services**

##### **41.12.4.1 9-1-1 Communications with LEP Callers**

A. When a 9-1-1 call-taker receives a call and determines that the caller is LEP, the call-taker shall inform the LEP caller that he or she will be placed “on hold.” If the language is known, the call taker shall immediately determine whether there is a bilingual employee on duty in Communications who can respond and, if so, immediately transfer the LEP caller to that employee, who will follow the standard operating procedures for all 9-1-1 calls.

B. If there is no available bilingual employee in Communications, the call-taker will contact the contracted telephonic interpretation service, establish a three-way call, and follow the standard operating procedures used for all 9-1-1 calls.

C. The call-taker will note in information sent to dispatch that the 9-1-1 caller is an LEP individual and indicate the language, so that this information is provided to responding officers. Dispatchers will make every effort to dispatch a bilingual officer to the assignment, if available.

##### **41.12.4.2 Employees Requesting Interpretation Services**

Field situations vary widely in both importance and complexity. Officers have the responsibility, when in contact with any person, to ensure effective communications occurs. When dealing with a person with LEP, complete translation services will not be available in every circumstance. It is important that officers endeavor to provide effective communication, including at minimum the reason for the contact with the individual, any information needed and the meaning of any enforcement action that is taken. Department employees in the field in need of interpretation services in order to effectively communicate will attempt to identify the LEP individual’s primary language through the use of the

language identification card and request a bilingual employee or other LEP resource through Communications.

#### **41.12.5 Interrogation, Interviews, and Bookings**

A. Criminal interrogations and interviews of witnesses and victims potentially involve statements with evidentiary value upon which a witness may be impeached in court. Officers must recognize that miscommunication during the interrogations or crime witness interviews may have a substantial impact on the evidence presented in any related criminal prosecution. Accuracy in interpretation in these situations is critical.

B. *Miranda* warnings and all other vital written materials will be available to the suspect or witness in his or her primary language. In the case of a language into which forms have not been translated and in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using a bilingual employee or if none is available, other LEP services.

C. During the booking process, arrestees are queried on a number of critical issues, including medical condition of the arrestee, any required medications, and suicidal inclinations, among other things. Officers are to make every reasonable effort to ensure effective communication during the booking process.

#### **41.12.6 Training; Language Assistance Policy And Interpreter Skills**

The Department will provide periodic training to employees about Department's LEP policies, how to access assistance for LEP persons and how to effectively work with telephone and in-person interpreters. Training shall initially be conducted within 180 days of the effective date of this General Order, for new recruits during field training, and for all Department employees every two years. Training shall include all management personnel.

#### **41.12.7 Monitoring And Updating Language Assistance Efforts**

The Police Chief will appoint a LEP Coordinator who is responsible for coordinating and implementing all aspects of the Department's services to LEP individuals, including:

5. assessing demographic data, reviewing contracted language access services utilization data, and consulting with community-based organizations to ensure that the Department is providing meaningful access to LEP persons in all Department programs or activities and translations of vital documents into needed languages

6. annually reviewing all new documents issued by the Department and assessing whether they should be translated
7. ensuring that the required signage is posted and visible to the general public at all stations and facilities that are open to the public.
8. establishing systems for and collecting data concerning LEP contacts by Department personnel
9. maintaining all records and files on community review, documents translated by the Department, LEP contact data, and analyses done of LEP data.

#### **41.12.8 Complaint Procedures for LEP Persons**

Any LEP individual who wishes to file a complaint with the Department regarding language access, or the discharge of Department's duties, shall be provided with translated Professional Standards complaint forms. The assigned IA investigator should utilize the contracted in-person interpretation services when conducting any interviews of LEP complainants or witnesses. The IA investigator will provide notice of the disposition of any LEP complaint in the complainant's primary language.

In the event of a meeting or hearing that involves the complainant, the Department will ensure that a contracted in-person interpreter is available..

#### **41.13 Providing Services to Individuals With Disabilities**

A. The Department is committed to providing accessible services to all persons, including those with physical disabilities as well as those who are hearing/speaking impaired.

B. Individuals with an hearing/speaking impairment have the right to choose the auxiliary aid of the person's choice, unless the Department can demonstrate that another equally effective means of communication is available, or that use of the means chosen would result either in a fundamental alteration in the service, program or activity, or in undue financial burden to the Department.

C. Officers encountering persons with physical disabilities should consider all of the circumstances – the nature of the person's disability, the nature of the situation (is the person seeking police services, or is the person a suspect or witness in a criminal investigation, for example), and the availability of resources to enhance the communication. Alternatives and resources available to assist officers and those needing assistance include:

1. Alternate communication through writing, hand gestures, or lip reading.
2. Use of text telephones (TTY or TDD).
3. Allowing a person to maintain control of assistive devices, such as hearing aids or wheelchairs.
4. Use of qualified interpreters or available Department employees who are fluent in American Sign Language.

D. Department employees should use family, friends or bystanders only for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the hearing/speaking impaired individual. A “qualified interpreter” is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, a qualified interpreter must be able both to sign to the individual who is deaf what is being said by the hearing person and to voice to the hearing person what is being signed by the individual who is deaf. Because a qualified interpreter must be able to interpret impartially, a family employee or friend may not be qualified to render the necessary interpretation because of factors such as emotional or personal involvement or considerations of confidentiality. Barring exigent circumstances, Department employees should not use minor children to provide interpreter services.

E. If necessary to communicate the nature of the criminal charges for which a person is to be arrested, or to complete an interview to determine whether a person is to be arrested, a qualified interpreter shall be provided. Exceptions to this policy must be approved by a supervisor and thoroughly documented in a DR.

F. If an officer cannot effectively inform the subject of the *Miranda* rights without the use of an interpreter, then the officer must secure the services of a qualified interpreter or forego the interrogation. The officer may proceed with the interrogation of a hearing/speaking impaired person by using a note pad if:

1. Exigent circumstances do not permit a delay in the interrogation of the subject;
2. An interpreter cannot be located within a reasonable period of time;

3. Written communication between the officer and the subject was effective in conveying an understanding of the *Miranda* rights; and
4. The subject specifically declines the opportunity to communicate through an interpreter.

G. Whenever an alternative method of communication is used, the DR shall include that information. For example, if an interpreter is used, the name, address, and telephone number of the interpreter shall be included in the report. If an officer uses written questions and responses between and among the officer and persons with hearing impairments to communicate, those documents must be treated and handled as evidence. Copies should be forwarded with the report and the originals placed into Evidence.

H. The Department shall have available TDD (Telecommunications Device for the Deaf; formerly known as a TTY) communications devices at Department facilities for use by prisoners who are allowed to make telephone calls.

I. Persons with physical impairments necessitating the use of a wheelchair or mobility device should generally be allowed to maintain control of that device during the police contact, unless doing so creates an issue of officer safety.

## **41.14 Civil Disputes**

A civil dispute is a situation where no crime has occurred, yet there is the need for police presence to maintain the peace and provide safety to individuals and property. When an officer receives a complaint which is considered a civil dispute, the officer shall assist by maintaining the peace, providing safety, and referring the parties to their own attorneys or to another agency that may be able to provide assistance.

Citizens who indicate they need assistance in engaging an attorney may be referred to a legal services agency or referral source.

### **41.14.1 Movers / Department of Weights and Measures**

Under A.R.S. §28-895, the Department of Public Safety is now authorized to adopt and implement a regulatory program for movers who are transporting personal goods within the State of Arizona. In addition, A.R.S. 44-1611 through 44-1616 provides procedures for assisting with resolving disputes that may arise with household goods movers who are transporting personal goods within the State of Arizona. Generally, much like garages and mechanic liens, the mover is supposed to turn over all the goods if the consumer offers to pay the full price

stated in the estimate. The statutes permit a peace officer to take custody of the goods or direct the mover to deliver and unload the goods if the mover unlawfully fails to deliver the goods; such action should not be taken without the approval of a supervisor.

In addition, officers may refer victims to the Attorney General's Office for assistance with claims against movers. A.R.S. §28-895 applies to intrastate movers. Disputes with movers transporting personal goods originating from outside the State of Arizona shall be handled as a civil matter.

#### **41.14.2 Auto repossessions**

##### **A. Self-help repossessions.**

1. Under Arizona law, a lien holder (the person or bank that lent the money for the purchase) is entitled to exercise self-help to repossess a vehicle when the purchaser is in default (falls behind in payments). This type of repossession may take place without a court order.
2. This right to repossession exists only so long as there is no "breach of the peace." If a police officer is called to the scene of a self-help repossession before the repossession has been completed, there has been by definition a breach of the peace. If there is a breach of the peace, the legal right to repossess without a court order is lost, and the person attempting to repossess the vehicle must leave without the vehicle.
3. If a vehicle has been removed to a private storage lot, the reposessor's office or residence prior to being taken to a storage facility, or the repossession has been accomplished without a breach of the peace, then the owner must resort to other civil remedies, such as getting a court order, to regain possession of the vehicle.
4. If the reposessor is on the owner's property and has taken possession of the vehicle (hot-wired it, started it with a key or connected it to a tow truck) and refuses to release it, the officer may take a signed stolen report and recover the vehicle. The officer shall then release the vehicle to the owner, with or without the consent of the reposessor. The officer shall not arrest the reposessor for auto theft under these circumstances, but may submit the case for prosecution.

##### **B. Repossessions With a Court Order (Writ of Replevin).**

In some instances a lien holder will go to court and obtain a court order for repossession. This order, called a "writ of replevin," allows for recovery of the

vehicle in question. Such orders are generally served either by a Constable or by a Sheriff's Deputy. If a person seeking to repossess the vehicle has a valid court order (writ of replevin) that authorizes the repossession of the vehicle, the reposessor is entitled to take the vehicle and the owner has no right to interfere.

### **41.14.3 Residential Landlord-Tenant Disputes**

A. There are three separate statutory enactments that govern landlord-tenant relationships:

- The Residential Landlord and Tenant Act governs most residential landlord-tenant relationships. Specifically exempted from this act are fraternities and sororities, public housing, residence at an educational/medical/social service provider/ institution, transient occupancy (hotels/motels), manager/custodian and occupancy under a contract for sale. Transient occupants are those persons who are temporarily residing in a hotel or motel for a brief period of time and whose permanent residence is elsewhere. Whether or not a person is a transient occupant depends on the facts related to their residency (length of residence, rental payment interval, personal belongings, other permanent residence, and intent) and not whether the establishment calls itself a hotel or motel.
- The Mobile Home Parks Residential Landlord and Tenant Act governs the relationship between the landlord of a mobile home park with four or more spaces and the tenant who owns the mobile home but is renting the land on which the mobile home is placed. This act does not apply to a mobile home and space if the same person owns both, to public housing or to recreational vehicles.
- The Recreational Vehicle Space Rental Act governs the relationship between the manager of a recreational vehicle park or Mobile Home Park and a tenant who rents a recreational vehicle space in the park for more than 180 consecutive days.

B. Municipal law enforcement officers do not have the authority to evict a tenant and officers shall not evict, threaten to evict, or assist in evicting a tenant in situations covered by one of these three Acts.

C. When a landlord or tenant takes some action which clearly violates the landlord-tenant law, the responding officer will work with both the tenant and the landlord to educate them concerning the requirements of the law, the appropriate legal remedies each may have, and try to persuade them to comply with the law. However, these are not situations in which officers have the authority to make arrests or otherwise attempt to force compliance with the law; these are civil disputes. If the conflict cannot be resolved, both parties shall be referred to their private attorneys or to the courts for resolution of the conflict.

D. Once a tenant has been properly evicted from a residential dwelling, by the service of a writ of restitution by a constable, the tenant may be arrested for trespass if the tenant re-enters the property without the express permission of the landlord. Officers must verify that a writ of restitution has been served prior to making such an arrest.

E. The rules related to commercial property are very different from those relating to residential property. Essentially, unless the lease provides a different process, immediate repossession is allowed once the tenant is in arrears for non-payment of rent for more than five days. In addition, unless the lease provides a different remedy, the commercial landlord will have lien against most of the personal property at the site pending the payment of rent. In commercial disputes, the only role for the officer is to preserve the peace and refer the parties to their attorneys for assistance. The only exception would be if there is proof the tenant forcibly re-entered leased premises which have been repossessed by the commercial landlord and takes the tenant's property; in this case, it would be appropriate to submit a report for theft to the prosecutor.

#### **41.14.4 Hotel and motel disputes**

Hotels and motels renting to transient occupants have a lien on the property of guests who do not pay for services rendered. Transient occupants are those persons who are temporarily residing in a hotel or motel for a brief period of time and whose permanent residence is elsewhere. Whether or not a person is a transient occupant depends on the facts related to their residency (length of residence, interval of rental payments, personal belongings, other permanent residence, and intent) and not whether the establishment calls itself a hotel or motel.

The innkeeper may keep the property of a transient occupant pending payment; if payment is not made, the property may be sold (after four months) to recover the amounts due.

#### **41.14.5 Mechanic's Liens on vehicles**

Under A.R.S. §33-1022, proprietors of garages, repair, and service stations have a statutory lien on vehicles on which they have worked, allowing them to maintain possession of the vehicle until paid, only if there is an agreement for the specific amount to be paid. The agreement need not be in writing, but if it is not, there must be agreement by both parties to the terms of any verbal agreement. Where there is no such agreement, the mechanic has no legal right to possession of the vehicle. If the mechanic refuses to release the vehicle, officers will handle the situation in the same way as a tow company that refuses to release a vehicle (take a signed stolen vehicle report; lawfully recover the vehicle (a search warrant may be necessary) and release the vehicle to the owner; submit the report for prosecution.

#### **41.14.6 Towed Vehicles**

A. In Arizona, a tow company that has towed a vehicle from public or private property has no right to keep the vehicle until paid (there is no possessory lien on the vehicle), except in two situations:

- If the tow was directed by a law enforcement officer, or
- If the tow was done by an express agreement between the owner and a garage, repair station or service station

B. If an officer is confronted with a situation in which a tow company refuses to release a vehicle to its owner, the officer will first determine if the vehicle was towed under either of the two conditions stated in the section above. If it was, then the owner must pay the cost of the towing or storage prior to the vehicle being released. If the officer determines that the tow was not pursuant to an agreement with a repair, garage or service station, and was not a law enforcement directed tow, then the officer will advise the tow truck driver or tow company that the debt owed is a civil debt and they must proceed to recover the money due in a court of law.

C. If the tow truck driver or company refuses to release the vehicle, the officer may take a signed stolen vehicle report; lawfully recover the vehicle (a search warrant may be necessary) and release the vehicle to the owner; and submit the report for prosecution.

### **41.14.7 Child Custody and Visitation Issues**

Among the more complex civil situations encountered by officers in the field are those in which parents are fighting over child custody or court-ordered visitation, presenting various custody orders from the court (sometimes multiple orders from multiple courts), and demanding that officers move children from the custody of one parent to the other. As well as the usual officer safety issues, these situations often involve the safety and welfare of the children.

If there are reasonable grounds to believe that taking the child into temporary custody is necessary, officers should follow the procedures set forth in G.O. 44.9.

#### **41.14.7.1 Child Custody Matters Where there is no Court Order**

A. When there is no custody order in place:

1. If the child was born out of wedlock, paternity has not been established, and there is no order concerning custody or access to the child, the mother is generally entitled to sole custody of the child.
2. If the child was born out of wedlock and paternity has been established (by signature on the birth certificate, the signing of a notarized statement, genetic testing or court order), then the party who has had custody for the majority of the past six months is allowed to retain custody of the child.
3. If the parents were married at the time of the child's birth, or at any time within the ten months prior to the child's birth, the parents have joint custody of the child and neither parent is entitled to sole custody. In such a situation, it is unlawful for one parent to take sole custody of a child with the intent to permanently exclude the other parent, even if there is no custody order.

B. Moving a child from the custody of one person to the custody of another should generally not be done in the absence of a criminal violation, reason to be concerned about the safety of the child, the direction of DCS, a court order or the direction and approval of a supervisor.

#### **41.14.7.2 Child Custody when there is a Court Order**

A. Officers should request copies of whatever court orders are alleged to exist regarding the children. Court orders do not need to have a seal to be valid, but they must have a date and the judge's signature. Officers may verify Superior

Court orders by contacting the County Superior Court, Clerk's Office, Monday through Friday between 0800 and 1700.

B. If both parties agree that a particular court order is the current order in a case, then its validity may be presumed. If the parties have opposing or contradictory paperwork, the officer should make no arrests in the case, but should document the situation.

### **41.14.7.3. Criminal Enforcement of Child Custody and Visitation Orders**

A. Court orders establishing custody and visitation/parenting time generally do not provide an officer with the authority to forcibly relocate a child from one parent to the other; these orders are directed to the parents and require action on the part of the parents, not on the part of the officer.

B. Officers do, however, have the authority, and responsibility, to encourage voluntary compliance with such court orders. Officers may also enforce Arizona criminal law, using A.R.S. §§13-2810, "Interference with Judicial Proceedings," 13-1302, "Custodial Interference," or 13-1305 "Access (visitation or parenting time) Interference," as appropriate under the circumstances.

C. "Pick-up Orders"

This type of court order directs officers to transfer custody of children from one parent to another. Generally referred to as a "pick-up order," the order will contain language that specifically authorizes a law enforcement officer to relocate a child.

Such orders shall be verified prior to acting on them. If verification is not possible, the officer shall contact a supervisor prior to acting on the order. When an officer relies on such an order, the officer shall either get a copy of the order to be placed into evidence, or shall include in the police report a complete description of the order, including which court issued the order, the docket number and the date of the order. Forcible entry into a residence shall not be made unless the court order specifically authorizes the officer to use force to enter a house where the child may be found.

D. Out of State Courts; Warrant to Take Physical Custody of a Child

1. Officers shall not enforce out of state court orders relating to custody. Parents/guardians who present out of state orders for enforcement should be referred to Superior Court, where the order must be filed in compliance with the Uniform Child Custody Jurisdiction and Enforcement Act.

2. Once an order has been filed and ordered enforced by an Arizona court, the court may issue a pick-up order for the child or a warrant for the physical custody of a child. Such a warrant is required to:

- a. Recite the facts upon which it is based, and
- b. Direct law enforcement officers to take physical custody of the child immediately, and
- c. Provide for the placement of the child pending final order of the court.

Any officer who receives such a warrant should verify the warrant prior to enforcing it.

E. In any incident in which a court order is involved, the court order should be documented in the case report. The documentation must include, at a minimum, the name of the court, the case number and the date of the order. If possible, a copy of the order should be made and placed into evidence.

#### **41.15 Death Investigations**

A. If there is any question as to whether the person is in fact dead, officers shall call for medical staff. In situations in which death is clear (burned bodies, decay or rigor mortis, for example), contacting medical staff is not necessary.

B. A.R.S. §11-593 requires that any person having knowledge of the death of a human being, including a fetal death, shall promptly notify the nearest police officer of all information and circumstances surrounding the death, under any of the following circumstances:

1. Death when not under the current care of a physician, nurse practitioner, licensed midwife or physician's assistant.
2. Death resulting from violence.
3. Unexpected or unexplained death.
4. Death of a person in custody in a jail, prison, or secure mental health facility.
5. Unexplained or unexpected death of an infant or child.
6. Death occurring in a suspicious, unusual or unnatural manner, including death from an accident related to a person's occupation or employment.

7. Death occurring as a result of anesthetic or surgical procedures.
8. Death suspected to be caused by a previously unreported or undiagnosed disease that constitutes a threat to public safety.
9. Death involving unidentifiable bodies.

C. The Department is required to investigate reports of human death in the jurisdiction. The extent of the investigation will depend upon the circumstances of the death and will focus on ensuring that no criminal conduct is involved.

D. An officer informed of a death meeting one of the above criteria is required to notify the county Medical Examiner and, except in deaths occurring during surgical or anesthetic procedures from natural diseases, promptly conduct an investigation of the facts and circumstances surrounding the death and report the results to the Medical Examiner. If there is no Medical Examiner in the County, then the report shall be made to the Sheriff, who is then responsible for notifying an alternate medical examiner to perform the death investigation or arrange for an autopsy.

There is one exception to this requirement. If the deceased was under treatment for accident or illness by prayer or spiritual means alone, in accordance with the tenets and practices of a well-recognized church or religious denomination, and death occurred without a physician in attendance, the person who has knowledge of the death shall report all information regarding the death and circumstances surrounding it directly to the county Medical Examiner, who may waive an examination or autopsy.

E. The death scene shall be managed and secured as a crime scene until it is determined that the death did not involve criminal conduct. Detectives should be called out to the scene of any homicide or suspicious death case. Except for emergency medical treatment and associated transport to a medical facility, the body shall not be removed from the place of the death without permission of the Medical Examiner. Initially responding officers should not alter the appearance or state of the body (including searching for identification) or the scene without the express permission of the Medical Examiner.

F. The Medical Examiner may take any item found on the deceased or in the immediate vicinity that, in the opinion of the ME, may aid in determining the cause of death or the identity of the deceased. Items taken by the ME shall be

recorded by the officer on a property tracking document and signed for by the ME.

G. Other evidence in the immediate vicinity of the deceased, including effects of the deceased or instruments or weapons that may have been used in the death, shall be removed by the investigating officer, classified as evidence and processed accordingly. Depending on the location of the crime scene, a search warrant may be required prior to any search for evidence at the scene (excluding that evidence which is in plain view).

H. No property shall be taken from the scene for safekeeping without the permission of a supervisor. Officers will make every effort to secure the person's property before leaving the scene, including notification to the next of kin, guardian (if any), or the Public Fiduciary's Office.

### **41.16 Animals**

A. Cruelty to animals is a violation of state law. Officers should be familiar with those statutes that criminalize acts against animals (A.R.S. §§13-2910 through 13-2910.09) and be prepared to investigate such crimes.

B. There are a number of agencies that oversee animals and wildlife in Arizona, including the Arizona Game and Fish Department (AGFD) (native and exotic wildlife, dangerous or biting wildlife, and dangerous reptiles), and the Livestock Sanitary Board (livestock).

C. Arizona Game and Fish Department (AGFD) has a website that provides extensive information about specific urban wildlife, see, [www.azgfd.gov/urbanwildlife](http://www.azgfd.gov/urbanwildlife). Generally, wildlife calls should be directed to the local AGFD Office.

D. Officers should make an effort to corral or tie-up loose livestock, or restrict its movement to a safe area. If the owner cannot be identified or located, the Livestock Sanitary Board may be contacted. Officers shall not destroy large animals except in an emergency. Only Livestock Sanitary Board Officers are to handle this duty.

E. Officers should take care when responding to any wild or rabid animal call. Rabid animals shall be placed under observation as required by state law and an animal control agency called to respond. If it is necessary to kill the animal, an effort should be made to avoid injuring the head (brain) of the animal, so that rabies testing may ultimately be able to be completed.

F. Any person bitten by an animal should be advised to immediately consult a physician.

### **41.16.1 Bats, bees and snakes**

The most common wild animal calls relate to bats, bees and snakes.

Bats can be rabid and should not be handled by Department personnel unless the health and welfare of the public is in jeopardy. Bats shall not be handled without gloves and, when possible, a cloth wrapped around the bat. Persons who seek the removal of bat colonies shall be referred to AGFD.

Bees may swarm and become extraordinarily aggressive; Africanized bees may attack people or animals. Bee related emergencies may be referred to the Fire Department.

Snake removal is not performed by this agency. Homeowners can be referred to the Fire Department or private pest control companies.

### **41.16.2 Animals Secured in Vehicles During Hot Weather**

A.R.S. §13-2910 specifically permits a peace officer to use reasonable force to open a vehicle to rescue an animal if the animal is left in a vehicle in circumstances in which physical injury or death may result. Officers who discover animals secured inside vehicles in the heat will make a reasonable effort to locate the owner. If no owner can be located, and it appears that the animal is in distress, officers may use reasonable force to enter the vehicle to rescue the animal.

### **41.16.3 Destruction of Animals and Animal Control**

The destruction of animals may be permissible if the animal is severely injured or dangerous to persons and there is no other practical solution. The destruction of these animals shall be done with due regard to the safety of persons and property.

#### **A. General Procedures**

1. Providing Animal Control services and operating the animal shelter is contracted out to Pinal County Animal Control. Police Officers and the City of Coolidge Code Enforcement Officer will also utilize the kennels at the City Wastewater Operations Plant when appropriate. The Code Enforcement Officer will assume most animal complaints and calls for service, however Police Officers will frequently respond, assist, collect information and occasionally take enforcement action.
2. Police Officers shall be familiar with the City Code, Chapter 7, dealing with "Animals." Police Officers are designated as Humane Officers and

shall act in that capacity when necessary and appropriate (emergency situations, etc).

3. The dispatcher will direct Police Officers to respond to after-hours requests for animal control services to establish the priority/validity of the request prior to calling out the Code Enforcement Officer or County Animal Control Officers.
4. When responding to animal complaints, a police report will be made if enforcement action is taken by a Police Officer, or any other time the officer or a supervisor deems it appropriate. All other non-enforcement response may be documented in the CAD CFS. The police report or CFS information will then be forwarded to the Code Enforcement Officer for follow-up. The minimum information for the CFS will include (but is not limited to) the complainant's full name and address. The name, if known, of the animal owner, the type of animal, the address where the animal is housed, the type of complaint (barking dog, dog bite, loose animal, etc.), witness information, and any other information that would assist the Code Enforcement Officer in determining the proper course of action. Per the City Prosecutor, barking dog complaints will only be charged if there is a RP/Victim. They will not be charged if the complainant remains anonymous.

## **41.17 Immigration**

### **41.17.1 Policy**

Law enforcement officers shall conduct contacts with individuals suspected of being unlawfully present in the United States in a manner consistent with federal and state laws. See A.R.S. § 11-1051(L). Officers shall protect the civil rights, privileges, and immunities of all persons. Officers shall not prolong a stop, detention, or arrest solely for the purpose of verifying immigration status. If an officer deviates from this policy, the officer must notify a supervisor at the first reasonable opportunity. Officers shall not contact, stop, detain, or arrest an individual based on race, color, or national origin, except when it is part of a suspect description linking that individual to a particular unlawful incident and said description is timely, reliable, and geographically relevant or when otherwise authorized by law. See A.R.S. § 11-1051(B).

### **41.17.2 Consensual Contacts**

A. State laws related to immigration enforcement neither expand nor limit an officer's ability to approach an individual and engage in a consensual contact. During a consensual contact, the officer may inquire about any subject matter. However, the individual contacted does not have to answer questions or produce any identification, but may choose to do so voluntarily.

### **41.17.3 Individuals Lawfully Stopped or Detained**

A. Officers shall not prolong a stop or detention for an immigration inquiry to request or obtain verification of immigration status, or prolong a criminal investigation or inquiry in order to accommodate or complete immigration-related tasks.

B. An officer shall presume that a person is lawfully present in the United States if the person provides any of the following: a valid Arizona driver license or non-operating identification license; a valid tribal enrollment card or other form of tribal identification; or any valid United States federal, state or local government issued identification, provided the issuing entity requires proof of legal presence in the United States. A.R.S. § 11-1051(B)(1)-(4).

C. If an officer has reasonable suspicion that an individual is unlawfully present in the United States, based on all available facts, except race or ethnicity, the officer shall attempt to verify the individual's immigration status by contacting ICE/CBP, unless doing so would prolong the stop or detention, or the circumstances listed below apply. The officer shall, consistent with department policies, document the verification attempt, including the basis for the officer's reasonable suspicion as to unlawful presence in a departmental report (D.R.).

1. If it is not practicable for an officer to investigate or verify an individual's immigration status due to factors such as call load, staffing, emergencies, other present duties, availability of personnel on scene, location, available back-up, ability to contact ICE/CBP, or the availability of ICE/CBP, the officer may, consistent with department policies, use discretion not to pursue an investigation into the individual's immigration status, but shall document the justification for such a decision in a departmental report.

2. If an officer has reasonable suspicion that an individual is unlawfully present, but believes that investigating or verifying immigration status may hinder or obstruct an investigation, the officer may, consistent with department policies, use discretion not to inquire into the individual's immigration status. A.R.S. § 11-1051(B). The officer shall, consistent with department policies, document the justification for such a decision a

departmental report. Factors to consider that may indicate an immigration inquiry could hinder or obstruct an investigation may include the need for suspect, victim, and witness cooperation in any investigation.

#### **41.17.4 Civil and criminal immigration violations**

If, after contacting ICE/CPB, an officer has probable cause to believe that an individual has committed a civil immigration violation, the officer has no authority to arrest the individual and shall not detain the individual longer than necessary to complete the state law basis for the contact.

If after contacting ICE/CPB, an officer has probable cause to believe that an individual has committed a federal criminal immigration violation, the officer may arrest the individual and contact ICE/CBP to determine its interest in detaining the individual. Officers may wait a reasonable time period for ICE/CBP response and should document any response or direction from ICE/CBP. If ICE/CBP fails to respond or take disposition within a reasonable amount of time and there is no other criminal violation, the officer shall release the individual.

If ICE/CBP agrees to take disposition of the individual, officers may assist by transporting the individual to an ICE/CBP facility if ICE/CBP so directs. A.R.S. § 11-1051(D). When making the determination to transport, officers shall, consistent with department policies, consider department and division priorities. Officers shall not arrest an individual simply because the individual lacks proper documentation.

#### **41.17.5 Arrests**

An officer or jail official shall not prolong an arrest or detention for an immigration inquiry, including to request or obtain verification of immigration status.

If, after reviewing all available facts (except race or ethnicity) and/or evidence, an officer has reasonable suspicion that an arrestee is unlawfully present in the United States, a reasonable attempt shall be made to contact ICE/CBP to verify the arrestee's immigration status prior to releasing the arrestee, but release may not be delayed in order to request or obtain verification. The presumptions and the exceptions in listed in this policy apply to this paragraph. Officers shall,

consistent with department policies, document any response or direction from ICE/CBP in a departmental report.

The officer shall proceed to handle the arrestee according to department policy, which may result in the issuance of a citation, referral, and the release of the arrestee.

#### **47.17.6 Contact with ICE/CBP**

Officers attempting to verify an individual's immigration status shall do so by contacting Communications. Communications shall submit an inquiry through the National Law Enforcement Telecommunications System (NLETS) for verification of an individual's immigration status. After a response is received from ICE/CBP, Communications shall forward the information to the officer. If information verifying an individual's immigration status is received from another source (such as an ICE/CBP officer on scene), the verification shall, consistent with department policies, be documented in a departmental report.

If an officer wishes to request verification prior to the release of an individual or arrestee, Communications may follow the NLETS submission with a phone call to the Law Enforcement Support Center (LESC). As explained above, however, officers may not extend a stop or detention in order to make a verification request or to wait for a verification response.

#### **41.17.7 Consular Notification**

Officers should follow consular notification procedures set forth in the Vienna Convention on Consular Relations (the Convention) and Arizona statute. See G.O. 1.6.7.

#### **41.17.8 U-Visas**

A. U-Visas are available through United States Citizenship and Immigration Services for immigrants who are assisting or who have assisted officials in the criminal justice system in criminal investigations or prosecutions. To qualify for a U-Visa, the person must be a current or former victim, witness, or affected family member. If an officer or detective believes a victim or witness is an appropriate candidate, the victim or witness may be referred to the appropriate prosecuting agency or to a private attorney for assistance.

B. The Field Services Commander has been designated as the Department's certifying official for the U-Visa program. It is this officer's responsibility to determine if the applicant meets the conditions required on the U-Nonimmigrant Status Certification Federal Form (I-918, Supplement B), a copy of which will be provided by the person requesting the U-Visa. If the qualifying criteria have been met, the certifying official shall complete the form in detail and sign and return the form. The ultimate decision regarding the issuance of the U-Visa is made by the federal government; the applicant cannot proceed, however, without the completion of the form by the Department.

### **41.18 Domestic Violence**

A. Officers shall thoroughly investigate and document all cases of domestic violence. The definition of domestic violence, and the crimes that may comprise domestic violence, are set forth in A.R.S. §§13-3601 (domestic violence) and 13-3601.02 (aggravated domestic violence).

B. A thorough investigation at the scene of a domestic violence incident includes (among other actions that are appropriate in the specific situation):

1. interviews with all victims and witnesses
2. photographs of all physical injuries and property damage
3. provision of victim's rights information to the victim
4. advising the victim of his/her right to seek an order of protection or, when applicable, an emergency order of protection
5. arrest of the suspect based upon probable cause, if present or located.

C. Officers may, at the scene of a domestic violence incident, seize any firearms found in plain view or found pursuant to consent to search, if the officer reasonably believe that leaving the firearm at the location would expose the victim or other person in the household to a risk of serious bodily injury or death. The victim's firearms shall not be seized unless the victim is also a suspect or the victim consents to removal of the firearm for safekeeping.

D. If requested to do so, an officer shall assist a victim in applying for an emergency order of protection. See G.O. 24.5.

E. Arizona law requires that an officer arrest a suspect if probable cause exists and the offense involves the infliction of injury or the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, unless the officer has reasonable grounds to believe the circumstances at the time are such that the victim will be protected from further injury. In most cases, officers should physically arrest and book a person who has committed domestic violence. With supervisor approval, an officer may decide not to make an arrest. In such a situation the case will be submitted to the prosecutor for issuance of a long form complaint. At no time will an Arizona Traffic Ticket and Complaint be issued in lieu of detention to a suspect for a domestic violence offense.

F. Officers may not arrest both parties to an incident of domestic violence unless the officer has probable cause to believe each party independently committed an act of domestic violence. In most cases, a thorough investigation will allow officers to identify the predominant aggressor in a domestic violence incident.

G. When booking a domestic violence offender, the officer should include in the booking paperwork information that may assist the court in placing effective release conditions on the arrestee (for example, not allowing the defendant to return to the residence).

H. If during the course of an investigation either the suspect or victim is found to be a Department officer or employee, a supervisor will be immediately notified.

#### **41.19 Sexual Assaults**

A. Sexual assault investigations require cooperation of the victim. Officers must treat victims sensitively and with compassion and, when necessary, provide immediate medical attention.

B. Collection and preservation of biological evidence is critical for the successful prosecution of sexual assault cases. Biological and DNA evidence at the scene may be contaminated by the presence of other persons, including officers, in and around the crime scene. The number of persons permitted within the scene should be limited and a log should be kept of those at the scene. Gloves, shoe covers, and other protective clothing should be worn as necessary to avoid DNA contamination.

Critical evidence may be on the victim or suspect as a result of the physical encounter. Until that possible evidence is collected, neither the suspect nor the victim shall be left alone.

C. Questioning of the victim must be done with care, given the emotional trauma associated with this crime. Some victims will not be able to effectively participate in an in-depth interview at the time of the initial investigation. Nevertheless, officers should make every effort to obtain at least the basic information necessary to determine the need for investigative call-out, medical assistance and the need for a sexual assault examination.

D. If the incident occurred within 72 hours of the police contact and a victim is at least 17 years old and willing to submit to a sexual assault examination for the collection and preservation of evidence, the victim shall be taken to an appropriate medical facility.

E. Processing of sexual assault kits received from health care facilities (see A.R.S. §13-1426)

1. A health care facility that has written consent to release a sexual assault kit to a law enforcement agency and intends to release the kit to this Department must notify the Department within 48 hours of collection of the kit.
2. The Department *[may want to designate a particular section/unit]* must take possession of the kit within five business days after notice.
3. The Department must submit the kit to a public accredited crime lab within fifteen days after its receipt in all cases in which the victim reports that a crime occurred.
4. A report concerning compliance with these requirements must be filed with DPS by the Department *[designated who is responsible]* each year on or before August 30. See A.R.S. §13-1427.

F. Sexual assault DR's shall include full and complete details about the victim, suspect, weapon, vehicle, location, injuries, witnesses/leads, evidence (fingerprints, photographs, property damage, biological evidence), interviews, critical elements of the crime, and a synopsis of the crime. If a sexual assault kit

is done, a medical examination performed, or medical treatment provided, the names of the nurses and physicians shall be included in the DR.

## **41.20 Aggravated Assaults**

A. Aggravated assaults occur in a wide variety of situations. Depending on the circumstances, detailed crime scene measurements, photographs and diagrams may be necessary. Incidents involving the discharge of weapons require careful collection and packaging of shell casings, bullets and related evidence. Incidents involving motor vehicles may require measurements of skid marks, points of rest following impact, points of impact and roadway measurements, in addition to photographs and diagrams. The suspect vehicle should be impounded and stored at the Department impound lot. Incidents involving DUI charges should include a complete DUI investigation.

B. All interviews with suspects, victims and key witnesses should be recorded.

C. The extent of injuries in these cases is a critical element of the crime. All injuries should be fully described; if medical treatment is provided, it shall be documented in the DR.

## **41.21 Stolen/Embezzled Vehicles**

### **41.21.1 Stolen Vehicles**

A. Any person who is in legal possession of a vehicle may report it stolen. Upon arrival at the scene of the incident, the officer should contact the victim, confirm their identity and complete the Stolen Vehicle Affidavit for the person's signature. Once the victim signs the form, a DR will be completed. If the victim refuses to sign the Stolen Vehicle Affidavit, or indicates that they do not wish to press charges, that fact shall be documented in the report and the victim shall be told that the vehicle will not be entered into the ACIC/NCIC databases and no further investigation will take place.

B. If the person is not the registered owner, that information shall be included and explained in the DR. Officers will make reasonable efforts to assist a person in obtaining the correct license or VIN number when it is otherwise unavailable. Officers shall immediately enter a stolen vehicle into ACIC/NCIC.

C. If the stolen vehicle report is not taken in person, the victim shall be advised that the Stolen Vehicle Affidavit will be mailed to the individual and that it must be completed and returned within seven days or the vehicle will be removed from ACIC/NCIC databases.

Completed affidavits shall be forwarded to Records for filing with the department report.

#### **41.21.2 Embezzlement of a Vehicle (Rented, Leased, Borrowed or Loaned)**

A. Unless there is physical evidence indicating that a vehicle has been stolen (for example, a person who has rented a vehicle comes out of her hotel room to find the vehicle missing and broken glass in the parking place), vehicles that have been rented or leased are not considered stolen unless they have been missing for at least 72 hours (see A.R.S. §13-1806, "Unlawful Failure to Return Rented or Leased Property"). Complainants shall be advised to contact the Department after the waiting period, at which time officers will take a report and enter the vehicle into ACIC/NCIC.

B. Many of these situations involve circumstances where the facts do not support proof that a vehicle has actually been stolen; for example, when a vehicle has been loaned or borrowed with consent, or when it has been taken by a family member but there is no desire to prosecute. A stolen vehicle report should be taken only when all of the elements of theft can be established and the victim is willing to prosecute. In all other situations, complainants will be advised that the matter is a civil matter and is not a crime. In complex situations, a supervisor should be contacted for assistance.

#### **41.21.3 Recovered Stolen Vehicles**

A. Officers should remain alert to the recovery of stolen vehicles. Vehicles with cracked steering columns, missing ignitions, missing door locks, signs of forced entry, altered VINs and vehicles which have been stripped, burned or hot-wired may be stolen vehicles, even if not listed in ACIC/NCIC. When an officer has probable cause to believe a vehicle is stolen, the officer is entitled to impound the vehicle as evidence of a crime.

B. A VIN is the only true means of determining the ownership of a vehicle; the VIN should be checked and verified on all recovered stolen vehicles and all vehicles impounded for any purpose. Any vehicle with a removed, defaced, obliterated or changed VIN may be seized and impounded under State statute.

C. When a stolen vehicle is recovered, the officer making the recovery will conduct a thorough investigation at the scene of the recovery to determine possible suspects and investigative leads and to collect evidence, including fingerprints. The vehicle should be removed from ACIC/NCIC.

D. After the vehicle has been processed and if it is not to be impounded as evidence, the officer shall notify the registered owner to respond and take custody of the vehicle. If the owner cannot be reached, or does not reside locally, a tow company shall be contacted to tow the vehicle. The name of the tow company shall be noted on the DR supplement that is completed by the officer.

If the registered owner cannot be contacted by the officer and notified, the Records Section shall send a letter to the owner and/or the victim, indicating the recovery and location of the vehicle.

E. If another jurisdiction reports the recovery of a vehicle reported stolen to the Department, the person receiving the report shall create a stolen vehicle recovery report and make notification to the registered owner, by phone or letter.

F. If a stolen recovered vehicle is to be seized as evidence, it shall be processed as an impounded vehicle. The owner/victim shall be notified of the recovery by the detective assigned to the case.

#### **41.21.3.1 Ownership disputes**

A. When the occupant of a stolen vehicle claims ownership of the vehicle, the officer shall request any proof of ownership and shall verify the identity and actual address of the person claiming ownership. The original person who reported the vehicle stolen should be contacted. If no contact is possible, the documentation appears genuine, and identity and current address are validated, the vehicle should be released to the person claiming ownership, removed from ACIC/NCIC and the original reportee advised by the Investigations Unit of the name and address of the person in possession of the car and that the matter appears to be one that should be handled in civil court.

B. If the documents do not appear to be genuine, the original reportee insists he/she is the rightful owner of the vehicle and the identity and address of the person claiming ownership cannot be verified, the vehicle should be recovered and impounded for follow-up by Investigations. Prior to impounding the vehicle, officers should make an effort to locate the required information on MVD records and give the occupant the opportunity to provide adequate paperwork reflecting the transfer of ownership as required by Arizona law.

#### **41.21.4 LOJACK, On Star and similar systems**

A. The LOJACK system consists of an installed transmitter in a vehicle that communicates by radio transmission to the NCIC system, and then to a tracking computer installed in some police vehicles. The On Star system is a satellite

based system; when a vehicle is stolen the On Star operator can call local police to report the stolen and the location of the vehicle.

B. When such systems are activated, officer's should respond as appropriate for an ongoing property crime. Air support, if available, should be notified. The closest available patrol unit should respond, coordinating with other responding patrol units.

C. If the vehicle is identified in a public place, it may be stopped. If the vehicle is located inside a building or garage, entry into the building requires consent, a warrant or facts amounting to an exception to the warrant requirement. If the vehicle leaves the jurisdiction, officers should notify the law enforcement agency that has jurisdiction to handle the recovery.

D. Recovery of the stolen vehicle will follow normal procedures.

#### **41.21.5 Use of a License Plate Reader (LPR)**

##### A. General

LPR systems and associated equipment and databases are authorized for official public safety purposes. Misuse of this equipment and associated databases, or data, is prohibited.

The use of LPR systems is restricted to public safety-related missions of this agency. LPR systems and LPR data and associated media are the property of this agency and intended for use in conducting official business.

##### B. Administration

1. The agency shall designate an employee(s) with administrative oversight for LPR system deployment and operations who is (are) responsible for the following:
  - a. Establishing and updating protocols for access, collection, storage, and retention of LPR data and associated media files, including searches of historical data.
  - b. Establishing systems to preserve and document LPR reads and "alerts" or "hits" that are acted on in the field or in associated investigations or prosecutions.

- c. Establishing protocols to establish and ensure the security and integrity of data captured, stored, and/or retained by the LPR system.
  - d. Ensuring the proper selection of the personnel approved to operate the LPR system and maintaining an adequate number of trainees.
  - e. Maintaining records identifying approved LPR deployments and documenting their results, including appropriate documentation of significant incidents and arrests that are related to LPR usage.
  - f. Ensuring that any requests for LPR systems use or data are in accordance with Department policy.
  - g. Ensuring compliance with State law on retention and agency policy on purging. This should be done for both Hits and Alerts as well as unused collected data.
- 2. Designated personnel with appropriate training shall check equipment on a regular basis to ensure functionality and camera alignment. Any equipment that is in need of repair shall be removed from service, as necessary, until repairs have been made.
  - 3. LPR systems repairs, hardware or software, shall be made by agency-authorized sources.

#### C. License Plate Reader System Usage

- 1. LPR operation and access to LPR collected data shall be for official agency purposes only.

2. Only officers who have been properly trained in the use and operational protocols of the LPR systems shall be permitted to use it.
3. At the start of each shift users must ensure that the LPR system has been updated with the most current information available.
4. LPR Alerts/Hits. Prior to initiation of a vehicle stop, an officer shall:
  - a. Visually verify that the vehicle plate number matches the plate number run by the LPR system, including both alphanumeric characters of the license plate and the state of issuance.
  - b. Verify the current status of the plate through MVD query when circumstances allow.
5. In each case in which an alert or a hit is triggered, the user should record the disposition of the alert and the hit into the LPR system.
6. Data shall be kept current by the system administrator. Any information submitted by an officer that is used to update the data shall be maintained by the administrator.
7. Special Details: LPR use during nontraditional deployments (e.g., special operations or during a criminal investigation) must be approved by the Field Services Commander
8. Searches of historical data within the LPR system should be done in accordance with established departmental policies and procedures.

#### D. Interdepartmental Data Sharing and Dissemination

LPR data should be considered for official use only and can be shared for legitimate law enforcement purposes. When LPR data are disseminated outside the agency, the sharing should be documented in a secondary dissemination log. Information sharing among agencies should be in accordance with MOUs (memoranda of understanding) or established department policies.

#### E. Retention and Public Records

LPR system Hits and Alerts data is retained by the City for a minimum of six months under current public records retention schedules established by the Arizona State Archivist.

### **41.22 In-Progress Robbery**

A. Due to the high risk of injury for officers and members of the public, telephonic, electronic or alarm based reports of commercial robberies (bank or business) will be treated as though they are in-progress robberies. The following procedures will be followed in all such situations.

1. Communications will send out an emergency alert with the business name and location.
2. Initial responding units will assume positions where they cannot be readily observed from inside the business but where they have coverage of all entrances/exits.
3. Any person observed leaving the business who engages in any suspicious behavior (running, carrying concealed items, wearing a disguise, vehicles leaving at a high rate of speed) or who matches the description of the suspect shall be stopped, preferably outside of the view of those inside the business.
4. Others leaving the building should be contacted, preferably outside of the view of those inside the business, to determine if there is a crime in progress.
5. When possible, any arrest of a suspect will be done outside the building, with caution used to assure the safety of citizens who may be in the area.

B. Until it is certain that there is no robbery ongoing, no officer shall knowingly enter an open business where the alarm has been activated, until the alarm has

been confirmed as false, known suspects have left the business, or a shooting or other emergency requires officers to enter immediately.

C. If the alarm is valid and it is confirmed that the suspect has left the business, the initial officer on-scene will enter the business as soon as possible. A description of the suspect and/or suspect's vehicle will be provided for immediate broadcast.

D. A report of a false alarm shall be confirmed prior to any officer entering the business. Confirmation requires an employee of the business to exit and meet with officers to confirm that the alarm is false. It is only after that confirmation that officers may enter the business.

### **41.23 Identity Theft**

A. As required by State law, an officer shall take a report from a person alleging identity theft if:

1. any element of an offense under A.R.S. §13-2008 has been committed in this jurisdiction, or
2. if the result of an offense under the statute has occurred in this jurisdiction, or
3. if the person or entity whose identity is taken or accepted resides in or is located in this jurisdiction.

The Records section may provide a copy of the report to any other law enforcement agency that is located in a jurisdiction in which a violation of this section occurred.

#### **41.23.1 Reports**

A. The FBI has added a file to ACIC/NCIC titled the NCIC Identity Theft File. The Identify Theft File serves as a means for law enforcement to "flag" stolen identities and identify the imposter when encountered. The file is created for the victims of identity theft, not the perpetrators. When an identity theft victim files a police report and signs a consent waiver to have the file entered, an entry will be made into ACIC/NCIC.

B. If an entry is listed, it will alert when a name check in ACIC/NCIC is conducted. The victim will have preselected a password that will be listed in the entry as PWD/(actual password). Victims will be able to identify themselves by

utilizing the password. The FBI cautions that "Officers should be cognizant that the individual should not be arrested or detained based solely upon the information contained in the positive response from the Identity Theft file. This response should be considered along with additional information or circumstance surrounding the encounter before any action is taken."

C. If a record check reveals the person being detained may be a suspect in an identity theft and cannot identify him or herself by giving the correct password, officers should immediately contact a supervisor.

#### **41.24 Liquor Law Enforcement**

Arizona Statutes allow officers to inspect the premises of a licensed liquor establishment any time the premises are occupied. Officers shall not cite for regulatory violations, but shall note all violations in a police report. The officer should forward the report to Arizona Department of Liquor Licenses and Control for follow-up investigations and enforcement action.

#### **41.25 City Code Offenses**

The City Code contains ordinances enacted by Mayor and Council that may be criminal or civil in nature. Officers will refer to the Code itself when investigating such cases.

#### **41.26 Child abuse and neglect**

A. Child abuse and neglect is a mandatory reporting crime in Arizona and is a felony. Depending on the extent of the injury and intent of the suspect, child abuse may be classified as a class 2, 3, 4, 5 or 6 felony under A.R.S. §13-3623.

B. The initial officer on the scene should make the initial determination of whether there is reason to believe that a crime has occurred. To the extent possible, this should be accomplished by interviewing the reporting adult.

C. If there is any indication that a child has been abused physically, sexually, or emotionally as the result of criminal acts, the child should be taken nearest hospital. Unless they are suspects, the child's parent(s) or guardian(s) should be notified. If the parent or guardian is a suspect, Child Protective Services should be contacted for assistance in placing the child.

D. In most child abuse and neglect situations, a detective will be called out to assist. To the extent possible, the child should not be interviewed about the crime until a detective or officer trained in interviewing children has been called to the scene.

E. A DR will be completed on any suspected abuse or neglect situation and, if there are visible injuries, photographs will be taken.

## **41.27 Canine (K-9) Unit**

This order describes the policy and procedures for the use of police K-9's in department law enforcement efforts. For additional information refer to the Coolidge Police Department K-9 Unit Manual.

### **41.27.1 Policy**

A. THE K-9 TEAM WILL BE USED when needed to successfully and/or safely conduct building searches, area searches, tracking, narcotics detection, and/or evidence recovery. Though primarily used as a "locating tool," the dog's physical capabilities and training may be used as a method of force, when reasonable, against criminals meeting the criteria in Graham vs. Conner or suicidal subjects.

B. ARS 11-1025 governs the use of dogs in police work.

C. ONLY THE ASSIGNED K-9 HANDLER shall control his dog, except in emergency situations.

### **41.27.2 K-9 Unit Assignment**

A. K-9 teams are normally assigned to a patrol shift. The K-9 handler may be dispatched as a primary unit although, if staffing permits, may be used as a backup officer unless exigent circumstances arise or a supervisor decides otherwise. This will maximize their utilization and availability.

B. The K-9 team is responsible for security checks of commercial, industrial, and construction sites, narcotic interdiction through aggressive traffic enforcement, and patrolling all other areas when not answering calls for service.

C. Call-out procedure and compensation: Due to the various specialties of each team and complexity of the task (i.e., area searches during inclement weather, searches of large areas, etc.) the K-9 Unit is subject to call out with the request of officers with supervisor approval.

1. K-9 handlers will receive seven (7) hours of overtime rate pay for "kennel maintenance" per pay period (.5 hours OT per day).

D. Other agency assist: K-9 teams may be assigned to assist other agencies on a case-by-case basis with approval of the shift supervisor.

E. The K-9 Unit shall prepare and conduct the training of other Police Department personnel in the procedures and tactics regarding the utilizations of K-9's as directed.

### **41.27.3 K-9 Patrol Utilizations**

A. Police K-9's provide officers with a tactical advantage when searching for criminal suspects. This advantage is an invaluable tool in the rapid detection of criminal suspects, and protection of officers. The primary functions of the K-9 are:

1. Building searches
2. Area searches and tracking
3. Apprehension of serious offenders in flight
4. Subduing emotionally disturbed/suicidal subjects to prevent self-inflicted Injury
5. Deterrence against public disorder/crowd control
6. Narcotic interdiction

### **41.27.4 Guidelines, Tactics, Restrictions**

A. The K-9 handler has primary responsibility for directing the activities of the search team, absent a K-9 Unit supervisor.

1. In the event of a conflict between a supervisor and a K-9 handler regarding a deployment, ultimate authority to deploy the K-9 rests with the handler.
2. The officer handling the call or incident will assist the search team whenever possible.
3. If a suspect has fled and is to be tracked, the search team officers will secure the area the suspect was last observed and secure the area until the arrival of the K-9 team. Search team officers will be briefed by the K-9

Unit supervisor or handler prior to the search, the general search pattern and tactical plan, to include:

- a. The establishment of a "High Profile" perimeter which will remain clear of any assisting officers.
  - b. Officers should be aware of wind direction at all times to avoid their scent from being blown into the perimeter and distracting the K-9.
  - c. Whether the search is completed "on" or "off" lead.
  - d. The responsibility of the handler to focus on the actions of the K9.
  - e. Officers are present to provide protection to the handler and tactical advantage when locating the suspect.
  - f. Assisting officers are to follow directions issued by the handler.
  - g. Officers WILL NOT immediately give chase to a suspect who is located and attempts to flee, but will await instruction from the handler.
  - h. Search team officers will not wander or search in a direction, out of sight, or without knowledge/consent of the handler. This procedure is to protect those involved in the search from unintentional K-9 induced injuries.
  - i. Officers will keep voice and radio communications to a minimum and maintain flashlight discipline to minimize distractions.
4. When suspect is known to be armed:
- a. Tactical options for requesting SWAT should be considered.
  - b. Utilize appropriate personal protection equipment by all search team members.
  - c. Containment and barricade procedures should be followed if the K-9 alerts indicating the suspect's presence unless exigency requires immediate action.
5. Police K-9's will not be utilized to:
- a. Search for other animals.

- b. Apprehend mentally disturbed persons when a crime is not involved. However, ARS 13-403 does allow use of force to be applied to stop or detain a suicidal subject.
  - c. Enter crowded public places (bars, restaurants, etc.).
- 6. No person shall work or train a Police K-9 (other than the handler) without prior approval of a K-9 Unit supervisor.
- 7. The K-9 handler is responsible for controlling the K-9 at all times.
- 8. Department personnel shall remain cognizant of a K-9's presence and not engage in horseplay or disruptive behavior that may agitate the K-9 (unless pre-planned with prior knowledge of the handler as a training\ exercise).

### **41.27.5 Building Searches**

A. First responders will secure the scene, refrain from entering the building, and stay clear of any possible point of entry or exit.

B. The K-9 handler will decide whether the search is to be done on or off lead. In some instances the K-9 may not be utilized at all due to legal requirements and the need to avoid unintentional injury. (Graham vs Conner requirements)

C. Containment personnel shall avoid looking through windows, standing close to doors or windows and otherwise providing distractions.

D. Officers will follow the direction of the handler during the search and during any encounter with suspects to avoid injury.

### **41.27.6 Narcotic Detection Utilization**

A. The narcotic certified K-9's are able to detect cocaine, heroin, and methamphetamine. All department narcotic detection K-9's will be certified annually by Adlerhorst International or an equivalent.

1. The handler will insure proper safety precautions prior to the search to prevent ingestion of narcotics or other injury to the K-9. The handler has ultimate authority on deployment of the K-9 based on the circumstances of the search needed.
2. Handlers will submit a detailed supplemental report with the original case officer's report when the K-9 alerts to the presence of narcotics. The report will include the K-9's training, experience, and date of last certification.

### **41.27.7 Explosive Detection Utilization**

A. In the event that a search for a possible explosive device is needed, a certified explosive detection K-9 may be requested from another agency by the on-duty supervisor.

1. If an officer or citizen finds a device that is obviously an explosive or explosive device, call a bomb disposal unit. Do not call for the explosive detection K-9 to confirm what is already known.

### **41.27.8 Article/Evidence Detection Utilization**

A. K-9's trained in this detection are not searching for specific types of items, but for human odor transferred to it. The ability to locate such items is dependent on environmental conditions and length of time the item has been exposed.

1. The K-9 cannot discriminate one human odor from another and therefore cannot link a suspect to the item. Further forensic examination will need to be conducted of the located item.
2. Utilize standard crime scene management procedures to prevent further contamination of the area with human odor.
3. Conduct manual searches for additional evidence (i.e. shoe/tire impressions, blood or other bodily fluids).
4. Use of the K-9 may damage other types of evidence in a search area. The case officer and/or on duty supervisor shall confer with the handler and decide on the use of the K-9.

## **41.28 SWAT and Hostage/Crisis Team**

The Department relies upon the Pinal County Regional SWAT when such a team is needed. Generally, SWAT should be called upon for the service of high-risk warrants and arrests and for assistance with barricaded persons or hostage situations. The Team is contacted through Pinal County Sheriffs Office.

The SWAT team is under the command of the Pinal County Sheriff's Office, who shall be contacted when a utilization of the team may be appropriate. Generally, SWAT should be contacted to consider response in the service of a high risk search or arrest warrant, barricaded person situation or hostage situation. If a situation that is ongoing involves the immediate threat of loss of life, officers must be prepared to act themselves rather than await a response by the SWAT team.

When SWAT is called out, the incident commander remains in control of the overall scene. The incident commander will advise the SWAT commander of the desired assistance and will take those actions necessary to support SWAT, including maintaining the perimeter, doing evacuations, etc. Any follow-up that is necessary once the scene is secure remains the responsibility of the incident commander. SWAT shall perform in accordance with the SWAT Procedures Manual, which shall be maintained by the SWAT commander with the approval of the Police Chief.

## **41.29 Civil disturbances and public demonstrations**

A. Civil disturbances, labor-management conflicts and public demonstrations, and other events involving large or disorderly crowds require an appropriate response by the Department.

B. If available, a supervisor shall be dispatched to the scene of any such event.

C. The role of police officers will vary depending on the nature of the event and the size and conduct of the crowd.

1. As in all other situations, it is the responsibility of officers to preserve the peace, prevent crime, arrest offenders, and protect the rights of persons and property.

2. At the same time, it is the responsibility of officer's to remain neutral in their enforcement of the law, protecting the rights of all members of the public to assemble and to exercise their freedom of speech.

D. Officers must be mindful of both the safety of officers and members of the public when determining tactics to be used to control large disorderly groups.

### **41.30 School Resource Officers**

A. The School Resource Officer (SRO) program is a cooperative effort between the Department and local schools to place police officers at a school, or group of schools, to work with the administration and student population to educate students and to reduce crime.

B. The SRO shall:

1. Act as a resource for students and the administration
2. Counsel students on ethical decision making
3. Explain the role of law enforcement in society and educate students about the law.
4. Engage in activities intended to reduce crime involving student, both on and off campus.
5. Be the primary liaison between the assigned schools and the Department.
6. Actively investigate criminal activity at or involving students from the assigned schools.

### **41.31 Bias/Hate Crimes**

A. A hate crime, or bias crime, is a criminal offense committed against a person or property which is motivated in whole or in part by the offender's bias against a race, religion, ethnic or national origin, gender, disability, or sexual orientation.

B. Officers initially responding to a hate crime shall investigate the circumstances consistent with ordinary investigative techniques. If specialized personnel or investigative personnel are needed at the scene, a supervisor should be contacted for approval to call out those personnel.

C. In some circumstance, it may be necessary to call out additional personnel to control responding crowds.

D. All hate crimes shall be assigned to the Investigations Section for follow-up.

### **41.32 Naloxone Utilization Procedures**

The purpose of this policy is to provide approved members with guidelines to utilize Naloxone (Narcan) in order to reduce fatal opiate/opioid overdose.

#### **41.32.1 Policy**

A. It is the policy of the Coolidge Police Department for trained officers to administer Naloxone (Narcan), in accordance with state law and the administrative medical director's guidelines and oversight, to persons suffering from opiate/opioid overdose at the earliest possible time to minimize chances of death.

### **41.32.2 Definitions**

**EMS:** Emergency Medical Services that provide pre-hospital emergency medical care; such practitioners provide out of hospital care for those with an illness or injury.

**Naloxone (Narcan):** an opioid receptor antagonist and antidote for opioid overdose produced in intramuscular, intranasal and intravenous forms. Narcan is the brand name for Naloxone.

**Opiates:** Naturally derived from the poppy plant, such as heroin and opium.

**Opioids:** Synthetic opiate drugs such as fentanyl, morphine, buprenorphine, codeine, hydromorphone, hydrocodone, oxycodone, methadone and oxycodone.

**Opioid Overdose:** an acute condition including but not limited to extreme physical illness, decreased level of consciousness, respiratory depression coma, or death resulting from the consumption or use of an opioid, or another substance with which an opioid was combined, or that a layperson would reasonably believe to be an opioid-related drug overdose that requires medical assistance.

**IN:** Refers to the intranasal (IN) administration of Naloxone.

### **41.32.3 Procedures**

#### **A. General**

1. The Chief of Police shall appoint a Narcan Coordinator to administer the law enforcement program. The Narcan Coordinator's responsibilities will include:

- a. Ensuring that the Narcan kits are current and not past expiration date.
- b. Ensure proper and efficient deployment of Narcan for field use.
- c. Ensure that authorized officers are adequately trained in use and storage.

- d. Ensure that any use of Narcan on a subject is documented in a Case Report.
  - e. Replace Narcan kits that are damaged, unusable, expired or used.
  - f. Ensure proper reporting of Narcan to the Bureau of EMS & Trauma System (BEMSTS).
2. Only officers trained in the use of Narcan are authorized to administer Narcan in the field.
  3. Each Narcan kit shall include:
    - a. Instructions for administration of Narcan;
    - b. Two (2) 4-mg auto-injector doses of naloxone HCl nasal spray;
    - c. Latex gloves.

#### B. Indications and Use

1. Authorized officers shall utilize Narcan on subjects believed to be suffering from an opioid overdose. Information that a subject is suffering from an opioid overdose includes, but is not limited to:
  - a. Pinpoint pupils, even in a darkened environment;
  - b. Depressed or slow respirations;
  - c. Difficulty breathing (labored breathing, shallow breaths);
  - e. Blue skin, lips or fingernails;
  - f. Decreased pulse rate;
  - g. Low blood pressure;
  - h. Loss of alertness (drowsiness);
  - i. Unresponsiveness;
  - j. Evidence of ingestions, inhalation, and injection (needles, spoons, tourniquets, needle tracks, bloody nose, etc.)
  - k. Blood-shot eyes; and,
  - l. Past history of opioid use/abuse.
2. Officers shall follow protocols outlined in their Narcan training.
3. When using Narcan kits, officers will maintain universal precautions against pathogens, perform patient assessment, and determine unresponsiveness, absence of breathing and/or pulse.
4. Officer(s) should up-date communications that the patient is in a potential overdose state and Narcan administration is intended.
5. Communications will promptly notify responding EMS and Paramedics.

6. Officer(s) shall ensure accurate communication to EMS/Paramedics for proper patient record documentation before transport to hospital emergency department.

7. Supervisor notification should be made as soon as practicable, in addition to formal documentation in a written case report and completion of the CPD Narcan Usage Report (Appendix 1) and Prehospital Opioid/Opiate Overdose Report provided by Bureau of EMS and Trauma System.

C. Maintenance / Replacement:

1. Officers authorized to use Narcan kits are responsible for inspecting the kit prior to each shift.

2. Missing or damaged Narcan kits will be reported directly to the duty supervisor as well as written notification made to the Narcan Coordinator.

3. The Narcan Coordinator shall be promptly notified if a Narcan kit is taken off-line or needs replacement/maintenance and shall replace the kit as soon as practicable.

D. Documentation Requirements

1. Upon completion of a medical assist with Narcan administration, the officer shall submit a written report detailing the incident, the care the patient received, and that Narcan was administered and whether the Narcan use was successful.

2. Officers shall complete the CPD Narcan Usage Report (appendix 1) and forward the completed copy via the chain of command to the Narcan Coordinator (similar to the Use of Force form process).

3. Additionally, officers shall complete the Prehospital Opioid/Opiate Overdose Report provided by BEMSTS and forward the report to Records. CPD Records will ensure the Prehospital Opioid/Opiate Overdose Report is submitted to AZ-PIERS.

### Appendix 1 – CPD Narcan Usage Report

| <b>COOLIDGE POLICE DEPARTMENT<br/>NARCAN USAGE REPORT</b>                |       |                            |                                   |                        |                      |                          |
|--|-------|----------------------------|-----------------------------------|------------------------|----------------------|--------------------------|
| <b>Subject Name:</b>   |       |                            | <b>Case #:</b>                    |                        |                      |                          |
| <b>Date of Overdose:</b> /    /  |       |                            | <b>Time of Overdose:</b> AM    PM |                        |                      |                          |
| <b>Location where overdose occurred:</b>                                 |       |                            |                                   |                        |                      |                          |
| <b>Gender of the person who overdosed:</b>                               |       | Male                       | Female                            | Unknown                | Age:                 |                          |
| <b>Race/<br/>Ethnicity</b>   | White | Black                      | Hispanic                          | Asian/Indian           | American Indian      | Pacific Islander         |
| <b>Signs of overdose present (check all that apply)</b>                  |       |                            |                                   |                        |                      |                          |
| Unresponsive   |       | Breathing Slowly           |                                   | Not Breathing          |                      | Blue lips                |
| Slow pulse   |       | No pulse                   |                                   | Other (specify):       |                      |                          |
| <b>Suspected overdose on what drugs (check all that apply)</b>           |       |                            |                                   |                        |                      |                          |
| Heroin<br>opioid   |       | Benzos/Barbiturates        |                                   | Cocaine/Crack          |                      | Suboxone    Any other    |
| Alcohol  |       | Methadone                  |                                   | Don't Know             |                      | Other (specify):         |
| <b>Details of Narcan Deployment</b>                                      |       |                            |                                   |                        |                      |                          |
| <b>Number of doses used:</b>   |       | <b>Did Narcan work:</b>    |                                   | Yes                    | No                   | Not<br>Sure              |
| <b>If yes, how long did it take to work:</b>                             |       | >1 min                     | 1-3 min                           | 3-5 min                | <5 min<br>Don't Know |                          |
| <b>Patient's response to Narcan:</b>                                     |       | Responsive and alert       |                                   | Responsive but sedated |                      | No response<br>to Narcan |
| <b>Post-Narcan withdrawal symptoms (check all that apply):</b>           |       | None<br>Irritable or Angry |                                   |                        |                      |                          |
| Dope sick (e.g. nauseated, muscle aches, runny nose, and/or watery eyes) |       | Physically<br>Combative    |                                   |                        |                      |                          |

|                                     |                      |                      |                  |       |
|-------------------------------------|----------------------|----------------------|------------------|-------|
| Vomiting                            | Other (specify):     | Did the person live: | Yes              | No    |
| What else was done:<br>compressions | Sternal Rub          | Recovery position    | Rescue breathing | Chest |
| Automatic Defibrillator             | Yelled               | Shook them           | Oxygen           |       |
| EMS Narcan                          | Bystander Narcan     | Other (specify):     |                  |       |
| Disposition:                        | Care transfer to EMS | Other (specify)      |                  |       |
| Narcan Information:<br>/ /          | Lot #:               | Expiration date:     |                  |       |
| Notes/comments:                     |                      |                      |                  |       |
|                                     |                      |                      |                  |       |
|                                     |                      |                      |                  |       |
| Officer Name (printed):             | Officer Signature:   | Date of Report:      |                  |       |
|                                     |                      |                      |                  |       |
| Supervisor:                         |                      |                      |                  |       |
| Narcan Coordinator:                 |                      |                      |                  |       |

### 41.33-39 Reserved

### **41.40 DEPLOYMENT AND USE OF AUDIO AND VISUAL RECORDING EQUIPMENT, INCLUDING BODY WORN CAMERAS**

#### **41.40.1 General**

A. Audio/video (AV) documentation of an officer’s daily encounters with members of the public is an important and valuable resource for law enforcement; it can be expected to promote officer safety, enhance effective prosecution and enhance transparency and accountability of the Department’s operations.

Use of this technology provides for audio/video documentation of a police officer’s enforcement and investigative activities from the perspective of the officer’s person.

AV recordings allow for additional documentation of police-public contacts, arrests, and critical incidents. They also are intended to enhance officers’ reports and testimony in court. Video and audio recordings may not depict everything in an officer’s field of vision or range of hearing at the time of an incident. Additionally, everything depicted on AV recordings may not have been seen or heard by the officer at the time of the incident.

Information captured by the AV recordings is not all inclusive. These devices

capture a less broad and less detailed image than the totality of the human senses. An officer's recollection of specific details may be different than what is captured on an audio or visual recording.

B. AV recordings enhance this agency's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.

C. The deployment of the audio/video devices is not intended to interfere with normal operations and patrol procedures. Officers will not endanger themselves at any point for the sake of AV device functioning.

D. AV recording must be done in a manner that respects the public's reasonable privacy expectations.

E. Audio or video recordings of enforcement or investigative actions are evidence and are to be treated as such. All AV audio, video, data, images and metadata captured, recorded or otherwise produced by the equipment is the exclusive property of the Department and is for official use only.

#### **41.40.2 Policy**

It is the policy of this department that officers shall activate AV equipment when such use is appropriate to the proper performance of official duties, where the recordings are consistent with this policy and the law. This policy does not govern the use of surreptitious AV devices used in undercover operations.

#### **41.40.3 System Description**

The Department will deploy recording devices capable of recording audio only or both audio and video. Such devices may be worn on the body, hand carried, or mounted on equipment or vehicles.

Officers will use only those recording devices approved for use by the Department. Axon Body 3. The wearing or use of personal audio or audio/video recorders is prohibited.

#### **41.40.4 General Operation**

Officers assigned an AV device shall be trained in the device's operation; an officer shall not carry an AV device for which the officer has not received training. Officers shall operate all AV devices in compliance with policies and training. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy

and equipment.

Prior to utilizing an AV device, and throughout the officer's on-duty time, the officer shall inspect the device for any physical damage and ensure the device is in working order. Any problems impacting the use of the AV device will be reported immediately to the officer's supervisor. Officers shall begin each shift with adequate recording media for the entire shift assignment.

The supervisor will ensure that any device needing service is reported for service to the Training Officer and the Training Officer shall supply the officer with a different device or vehicle, if one is available.

Officers shall wear or carry AV devices as instructed during training on the specific device.

#### **41.40.5 Activation of AV Devices**

A. The primary function of an AV device is to document contact between officers and members of the public. The primary AV device that will be used by officers is a body worn camera (BWC), capable of recording both audio and video of the officer's actions from the perspective of the officer's person. If a body worn camera is not available, the officer shall wear or carry an audio recording device, if available.

Vehicles equipped with in-car cameras may also be assigned to an officer. Whether or not an officer is wearing a body worn camera, the officer shall engage an in-car camera when the event that is occurring may be captured by the camera.

B. Officers shall activate the AV device, as soon as practicable given the circumstances, to record all contacts with members of the community that occur in the performance of official duties. In situations involving unexpected immediate threats, or similar situations where it is unsafe, officers will only be expected to activate the AV device if/when it can be done safely.

C. Additional arriving units to a scene will begin recording as soon as practical.

D. Once an AV device is activated it shall remain on and shall not be turned off until an investigative or enforcement contact or incident has concluded. For purposes of this section, conclusion of an incident has occurred when an officer has terminated contact with an individual, cleared the scene of a reported incident, or has completed transport of a civilian or an arrestee. In any instance in which cessation of the recording prior to the conclusion of the incident may be

permitted (see subsection E below) the officer shall include in the Department Report of the incident the reason for ceasing the AV recording.

E. If during the course of an investigation an officer needs to meet with a supervisor or other officer to discuss investigatory strategies outside the presence of those citizens involved in the incident, officers should use the mute function if practicable, or when necessary the camera may be turned off. Prior to using the mute function or turning the camera off a comment should be recorded explaining that the use of the mute function or that the camera will be turned off for this purpose. Once the discussion is complete and the officer is back with the citizen, the mute function will be deactivated or the camera will be turned back on.

F. Advising members of the public about recording:

1. Private individuals do not have a reasonable expectation of privacy when talking with police officers during the scope of an officer's official duties, even when the contact is in a private residence.
2. When practical, officers should advise subjects they are being recorded. Doing so often acts as a means to de-escalate contacts with community members.
3. If asked by a citizen, officers shall advise they are being recorded.
4. Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen.
5. Consideration may be given to accommodating a suspect's request or demand to stop recording in return for their cooperation, if/when their cooperation is beneficial to the investigation.

G. While working off-duty assignments within the City, officers who have been assigned an AV device are not required, but are strongly encouraged, to wear and utilize the device in accordance with the provisions of this policy. Any time

spent obtaining or returning the device to the Department is not compensable time.

**41.40.6 Failure to Activate; Exceptions to Activation**

A. If an officer fails to activate the AV equipment, fails to record the entire contact, or interrupts the recording, the officer shall document why a recording was not made, was interrupted, or was terminated.

B. There may be circumstances where the respect for an individual's privacy or dignity outweighs the need to record an event (e.g. – a victim traumatized following a violent assault). Where an officer believes such circumstances exist, or that use of video recording would impede or limit the cooperation of a victim or witness during an investigative contact, or when a victim requests not to be recorded, an officer may deactivate the recording device. The victim's request, when it occurs, shall be recorded prior to deactivation. When appropriate, officers may employ an alternative means of operating the AV device (such as in audio only mode), or may use a different device (for example, an audio rather than an AV device).

C. Department members shall not record known 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. When handling calls for service or incidents involving the treatment of individuals at a medical facility, officers may be required to restrict use of AV recorders in accordance with facility privacy protocols. Where facility protocols do not allow for the recording of an event for which recording would otherwise be required, an officer shall document the reasons for the failure to activate the AV recording device.

E. Body worn cameras shall not be used for purpose of conducting departmental administrative investigations, including undercover/plainclothes operations, without the approval of the Chief. This requirement shall not restrict the routine access to or review of AV recordings by supervisors when investigating complaints of misconduct.

F. Officers involved in an incident where serious injury or death occurs, or where an officer involved shooting has occurred, shall not stop the recording. In such circumstances, the recording shall only be stopped at the direction of the first supervisor on-scene or the Incident Commander. The device will be secured by the investigative detail upon their arrival at the scene. Any involved officer(s) will

turn their AV device over to a supervisor on scene prior to viewing or listening to any recording of the incident. Except as provided by A.R.S. §38-1116, an involved officer shall not view or listen to any recording of the incident, including but not limited to, another officer's AV device or non-departmental devices.

#### **41.40.7 Documentation**

When an AV device is used to record any event, investigation or contact, this fact will be documented on any citation and/or any report prepared regarding the event. When preparing a Department Report, in connection with an investigation or police event, the officer shall indicate that a recording was made.

AV recordings are intended to supplement Departmental reports. Submitted reports are still required to comprehensively capture the totality of the event, investigation or contact.

#### **41.40.8 Use of AV Recordings**

A. In general, AV recordings may be used to:

1. promote officer safety.
2. document statements and events during the course of an incident.
3. enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
4. preserve visual and audio information for use in current and future investigations.
5. provide an impartial measurement for self-critique and field evaluation during officer training.
6. enhance the public trust by preserving factual representations of officer-community member interactions in the form of video and audio recordings.

B. Civilians shall not be allowed to review the recordings at the scene.

C. With approval of the Chief, AV recordings may be used for advanced officer training. Officers are encouraged to inform a supervisor of any recordings that may be useful for training.

D. With the exception of officer involved shootings or other critical incidents,

department personnel may generally review their own digital recordings for report writing and/or training purposes.

E. An investigator who is designated by the Chief of Police and participating in an official department investigation of a personnel complaint, claims investigation, administrative inquiry, or criminal investigation, may review specific incidents contained on recordings.

F. A supervisor may review a specific incident contained on a recording for the purpose of training, critique, early intervention inquiries, civil claims, administrative inquiry, or other articulable reason.

#### **41.40.9 Limitations On Use**

A. In no event may Department recording devices be used off-duty for personal use. BWCs shall be used only in conjunction with official law enforcement duties.

B. The recording devices are intended to document contact with individuals and enforcement action. The devices are not intended to document contact between department members, although some such recording may be unavoidable.

C. Department employees shall not make surreptitious recordings of conversations with other Department employees unless previously approved by the Chief of Police. An AV device, whether or not Department issued, will not be activated for the purpose of recording conversation(s) of fellow employees with or without their knowledge during routine, non-enforcement related activities.

D. Members shall not activate the recording function during the following activities (unless an incident/contact requiring recording occurs):

1. While on employee breaks
2. While writing a report
3. When discussing a case with other members
4. During other administrative functions
5. During general discussions with members

E. An AV device shall not be activated in places where a high level of privacy is expected, such as locker/dressing rooms or restrooms, unless the need to obtain audio or visual evidence necessitates activation.

F. Involved persons may review the recordings only with the specific approval of

a supervisor. Any such viewing shall be documented in a Department Report.

G. Accessing, viewing, copying, or releasing an AV recording for other than official law enforcement purposes is strictly prohibited. Employees shall not edit, erase, duplicate, copy, alter, reuse, modify, destroy, abuse, or tamper with AV recordings or devices. Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a personal recording device such as video camera, cell phone or other device to record or capture digital evidence from a BWC device and/or digital evidence storage is strictly prohibited.

H. In no event shall any recording be used or shown for the purpose of officer ridicule or embarrassment. This includes submission of any portion of a video recording to a media organization, unless previously authorized by the Chief of Police.

I. Any release of an audio and/or video will be pursuant to and follow the procedures for a public records request, discovery, or other lawful mandate.

#### **41.40.10 Retention of Recordings**

All AV recordings are potentially evidence and shall be handled as such. At the end of shift, officers shall download the data from their AV device. Once data is uploaded into the system in its entirety, officers will tag the files of evidentiary value with the case number. Title and Category.

#### **41.40.11 AV Recordings Management**

##### A. Department Program Administrator

The Support Services Commander shall maintain oversight of the AV recording equipment selection, acquisition, implementation, and any systems related to its use. The Training Officer shall maintain all records and information related to the AV program, and shall act as a liaison for any issues.

B. All access to AV data (images, sounds, and metadata) must be specifically authorized by written policy or by written approval of the AV recordings manager, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

##### C. Record Retention and Deletion

1. Recordings not attached to a case or investigation shall be kept *no less than 185 days*. An AV recording that is related to a case or investigation, or which has been designated for retention due to civil litigation, internal

investigation, or other basis by a command level officer, shall be maintained until permission to destroy it has been received from the appropriate prosecution agency or command level officer. Recording retention shall comply with the established records retention and destruction schedules and procedures and evidence retention protocols.

2. In the event of an unintentional activation of AV recording equipment during non-enforcement or non-investigative activities (e.g. - restroom or meal break, other areas where reasonable expectation of employee privacy exists) a department member may request recording deletion. A written request detailing the circumstances of the unintentional recording will be forwarded via the chain of command to the member's Commander. If approved, the actual deletion requires two-party authorization. One of those parties will be the member's Commander; the other will be the Department Program Administrator. The deleted record shall be removed from the general database of recordings, downloaded to other media and stored separately by the Administrator. All records related to any request for the deletion shall be maintained by the Support Services Commander. Such recording shall be destroyed as provided in the general destruction protocol and in compliance with the State public records law.

#### **41.40.12 Public Record Requests**

AV recordings captured as part of a Department employee's duties shall be the property of the Police Department and shall be considered a record of the Police Department. Such recordings are subject to public records requests. Prior to releasing any AV recordings, the Department will ensure proper redaction is completed.

Any questions relating to redaction shall be directed to the Records Division Supervisor.

#### **41.42 DEPLOYMENT AND USE OF SMALL UNMANNED AERIAL SYSTEMS (SUAS)**

##### **41.42.1 General**

The purpose of this policy is to establish guidelines for the use of small Unmanned Aerial Systems (sUAS). This document identifies the responsibilities, requirements, and operations of the department's sUAS program.

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 sUAS will be in strict accordance with

constitutional and privacy rights, state law and Federal Aviation Administration (FAA) regulations.

#### **41.42.1.1 Definitions**

A. Remote Pilot in Command (Remote PIC or Remote Pilot): A person who holds a remote pilot certificate with a sUAS rating and has the final authority and responsibility for the operation and safety of a sUAS operation conducted under CFR 14 Part 107.

B. Small Unmanned Aircraft (sUAS): A UA weighing less than 55 pounds, including everything that is onboard or otherwise attached to the aircraft, and can be flown without the possibility of direct human intervention from within or on the aircraft

C. Small Unmanned Aircraft System (sUAS): A small UA and its associated elements (including communication links and the components that control the small UA) that are required for the safe and efficient operation of the small UA in the National Airspace System (NAS)

D. Unmanned Aircraft (UA): An aircraft 55 pounds or more operated without the possibility of direct human intervention from within or on the aircraft (rarely if ever used by law enforcement, must review extensive FAA regulations if agency decides to use).

E. Visual Observer (VO): A person acting as a flight crew member who assists the small UA remote PIC and the person manipulating the controls to see and avoid other air traffic or objects aloft or on the ground

#### **41.42.1.2 Responsibilities**

A. The sUAS Program Manager is responsible for the education, training, and record management of sUAS operations these responsibilities include:

1. Ensure sUAS operators are effectively able to perform their sUAS duties in a safe and professional manner.
2. Manage sUAS operator training to ensure that departmental and mission specific training needs are addressed.
3. Maintain a list of trained and certified sUAS operator.
4. Identify the training needs of the sUAS program and evaluate internal training options as well as those available through outside agencies or

organizations.

5. Act as the lead instructor for internal sUAS program training and designate additional instructors as needed.
6. Coordinate with outside agencies, manufacturers, and other entities to maintain the program's deployment availability and evaluate future needs of the program.
7. Complete or designate maintenance tasks.
8. Maintain documentation for sUAS deployments and maintenance performed.
9. Maintain a working knowledge of current legal and Federal Aviation Administration (FAA) requirements, national operating standards, sUAS maintenance requirements, and a detailed understanding of any sUAS platforms operated by the Police Department

#### **41.42.1.3 Certification and Training**

A. All sUAS operators must meet FAA certification requirements for remote pilot in command as well as equipment and mission specific training to ensure the safe operation of the sUAS in a public safety capacity. A sUAS may be operated by an officer who is not a certified Remote Pilot in Command if they are being directly supervised by a certified Remote Pilot in Command.

#### **41.42.1.4 Maintenance**

A. The department shall maintain all sUAS according to the manufacturer's specifications.

B. The sUAS Program Manager shall Document all maintenance performed on the sUAS.

C. A damaged sUAS will not be deployed until the necessary repairs have been completed and the unit has been successfully test flown.

#### **41.42.1.5 Authorization To Operate sUAS**

A. sUAS operations in the national airspace system will be conducted pursuant to 14 CFR Part 107 and may include deviations if written waivers are approved by the FAA.

B. The sUAS Program Manager maintains Part 107 waivers and related documentation.

C. Any sUAS operated by the department in the national airspace system will be registered with the FAA and marked with the issued registration number.

#### **41.42.1.6 Operations**

A. Scope of sUAS operations in furtherance of public safety. Except for training, deploy a sUAS with approval of the Patrol Sergeant.

B. All deployments require a certified Remote Pilot in Command, and one or more visual observers who wear clothing identifying them as police officers unless approved by the commander. Document all flights on the appropriate flight log regardless of length or purpose.

C. Deployment applications:

1. Critical incidents and tactical (SWAT) operations to locate threats and provide situational awareness to the command post.
2. Vehicular accident reconstruction.
3. Search and rescue operations.
4. Crime scene photography and documentation.

#### **41.42.1.7 Privacy**

A. Absent a warrant, consent, or exigent circumstances, operators and observers shall not fly into or intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy. Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of persons, objects, or areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such persons, objects, or areas during sUAS operations.

#### **41.42.1.8 Restrictions**

A. The sUAS will not be weaponized, nor be used for random surveillance activities or mass collection of data.

B. The sUAS will not be operated in an unsafe manner or in violation of FAA rules.

C. All sUAS flights will be for official department business or for training purposes only.

D. Operations utilizing sUAS will be conducted only by authorized personnel and will comply with all federal, state, local laws, and FAA regulations.

E. Operate sUAS in accordance with manufacturer's guidelines and specifications.

#### **41.42.1.9 Data Collection**

A. Unless otherwise not applicable by its context, the retention, redaction, release and deletion of all data captured by the sUAS will comply with agency policy on Digital Recording Devices and state law applicable to records retention.

B. All recorded media, images, and audio are the property of the agency and shall not be copied, released, or disseminated without proper authorization.