Operations Manual

Table of Contents

Definitions

CHAPTER 1 LAW ENFORCEMENT ROLE AND AUTHORITY

1.1 State of Arizona Public Employee Loyalty Oath A.R.S. §38-231

1.2 Law Enforcement Code Of Ethics

1.3 Jurisdiction and Authority

1.4 Interrogations and Confessions

1.4.1 Fifth Amendment

1.4.2 Voluntariness

1.4.3 Juvenile Interrogations

1.4.4 Sixth Amendment Right to Counsel

1.4.5 Documenting Interrogations

1.5 Search and Seizure

1.5.1 Reasonable Suspicion

1.5.2 Probable Cause

1.5.3 Seizures of Persons

1.5.4 Contacts and Stops

1.5.5 Seizures of Property

1.5.6 Searches

1.5.7 Search Warrants

1.5.8 Consent Searches

1.5.9 Frisks and Pat-Downs

1.5.10 Searches Incident to Arrest

1.5.11 Community Caretaking

1.5.12 Searches of Residences

1.5.13 Vehicle Searches

1.5.14 Physical Characteristics Orders

1.6 Laws of Arrest

1.6.1 Authority to Arrest

1.6.2 Probable Cause

1.6.3 Use of Force while Making an Arrest

1.6.4 De Facto Arrests

1.6.5 Arrest Procedures

1.6.6 Disposition Following Arrest

1.6.7 Arrests Involving Foreign Nationals
1.6.8 Diplomatic, Legislative, and Statutory Immunity from Arrest
1.6.9 Arrest Warrants
1.6.10 Military Members who are AWOL/ Deserters
1.6.11 Civil Arrest Warrants (non-child support)
1.6.12 Civil Child Support Arrest Warrants
1.6.13 Citizen's Arrests
1.6.14 Telephone Calls for Arrested Persons
1.7 Racial Profiling and Bias Free Policing
1.7.1 Responsibility to Report and Investigation of bias based policing
1.7.2 Review of Department practices
1.8 Use of Force
1.8.1 Constitutional Authority for Use of Force in Law Enforcement
1.8.2 Arizona Law
1.8.3 Policy
1.8.4 De-escalation
1.8.5 The Force Model, An Illustrative Tool
1.8.6 Physical Restraint Devices
1.8.7 Proficiency in the Use of Force
1.8.8 Use Of Force Reporting And Review
1.9 Firearms
1.9.1 On-duty and off-duty carry
1.9.2 Firearms Safety and Security
1.9.3 Firearms Qualification
1.9.4 Handgun Specifications
1.9.5 Handgun Ammunition
1.9.6 Specialized Firearms
1.9.7 Firearms Inspections
1.9.8 Weapons and Ammunition Tracking
CHAPTER 2 AGENCY JURISDICTION AND MUTUAL AID
2.1 Jurisdiction
2.2 Mutual Aid Agreements; Multi-agency Task Forces
2.3 Specific agencies
2.3.1 Fire Department
2.3.2 County Sheriff's Department
2.3.3 Arizona Department of Public Safety (DPS)
2.3.4 Arizona Department of Corrections (DOC)
2.3.5 Arizona Department of Transportation
2.3.6 Arizona Department of Liquor
2.3.7 Federal Law Enforcement Agencies

2.3.8 The Federal Bureau of Investigation
2.3.9 Bureau of Alcohol, Tobacco and Firearms (ATF)
2.3.10 United States Immigration and Customs Enforcement (ICE)
2.3.11 United States Secret Service (USSS)
2.3.12 United States Marshal Service
2.3.13 United States Drug Enforcement Administration (DEA)
2.3.14 United States Postal Service
2.3.15 United States Department of State
2.3.16 State and Federal Probation Officers
2.3.17 National Guard
2.3.18 Other Agencies
CHAPTER 3 CONTRACTUAL AGREEMENTS; LAW ENFORCEMENT SERVICES
3.1 County Jail Services
CHAPTERS 4-10 [Reserved]
CHAPTER 11 ORGANIZATION AND ADMINISTRATION
11.1 Organizational Structure
11.2 Unity of Command, Cooperation, and Coordination
11.3 Chain of Command
11.4 Rank structure
11.5 Seniority
11.6 Orders
11.7 Supervisory Responsibilities
11.8 Release from Active Duty for Cause
11.9 Emergency Command
11.10 Administrative Reports
11.11 Correspondence
11.11.1 Agency Correspondence
11.11.2 Personal Use of Department Address Prohibited
11.11.3 Council or Town Manager Communication and Correspondence
11.11.4 Official Certificates and Commendations.
11.12 Communication: Internal and External
11.13 Storage, Maintenance and Destruction of Department Records
CHAPTER 12 DIRECTION
12.1 General Orders Manual
12.2 Command Directives
12.3 Standard Operating Procedures and Unit Policies
12.4 Conflicts of Policy or Procedure
12.5 Dissemination, Tracking and Review
CHAPTERS 13-14 [Reserved]
CHAPTER 15 PLANNING AND RESEARCH. CRIME ANALYSIS

15.1 Planning and Research Unit
15.2 Long Term Planning
15.3 Goals and Objectives
15.4 Crime Analysis
CHAPTER 16 ALLOCATION AND DISTRIBUTION OF PERSONNEL AND PERSONNEL ALTERNATIVES
16.1 Allocation of Personnel
16.2 Specialized Positions
16.3 Reserve Officer Program
16.4 Volunteer Program
CHAPTER 17 FISCAL MANAGEMENT AND AGENCY PROPERTY
17.1 Finance Section
17.1.1 Compliance with Budget Procedures
17.1.2 Cash Accounts
17.1.3 Property Inventory and Control
17.2 Department Vehicles
17.2.1 General Requirements
17.2.2 Vehicle Equipment and Maintenance
17.2.3 Collisions Involving Town Vehicles
17.2.4 Automatic Vehicle Locator
17.3 Other Equipment Used in the Performance of Duties
17.3.1 Department Issued Cellular Telephones and Pagers
17.3.2 Privately Owned Electronic Equipment
17.3.3 Radios
17.3.4 Operational Readiness of Stored Property
17.4 Department Facilities
17.4.1 Emergency Evacuation
CHAPTERS 18-20 [Reserved]
CHAPTER 21 CLASSIFICATIONS; DUTIES AND RESPONSIBLITIES
21.1 Classifications
21.2 Duties and Responsibilities
CHAPTER 22 COMPENSATION, BENEFITS AND CONDITIONS OF WORK
22.1. Compensation
22.1.1 Assignment Pay (FTO's, Canines, etc.)
22.1.2 Special Assignment Term Limits
22.1.3 Shift Differential
22.1.4 Uniform and Equipment Allowances
22.1.5 Court Pay
22.2 Working Hours and Overtime
22.2.1 Working Hours
22.2.2 Overtime

22.2.3 Accumulated Compensatory Time
22.3 Lactation Break Policy
22.4 Other Employee Leave and Benefits
22.5 Separation From Employment
22.6 Retirement Credentials
22.7 Light or Modified Duty
22.8 Medical Releases to Return to Work Following Industrial Injury
22.9 AWOL (Unauthorized Leave Without Pay)
22.10 Physical Fitness for Duty Examinations
22.11 Off-Duty Work As a Peace Officer
22.11.1 General Requirements
22.11.2 Prohibited Off-Duty Work
22.11.3 Emergency Call to Duty from Off-Duty Work
22.11.4 Additional Limitations
22.11.5 Maximum Hours and Maximum Hours Between Shifts
22.11.6 Special Circumstances
22.12 Outside Employment (not as a peace officer)
22.12.1 Eligibility
22.12.2 Maximum Hours and Maximum Hours Between Shifts
22.13 Court Appearances
22.13.1 Conflicts
22.13.2 Subpoenas
22.13.3 Evidence
22.13.4 Attorney Pre-Trial Interviews
22.13.5 Emergency Situations
22.13.6 Civil Matters
22.13.7 Compensation
CHAPTER 23 WORKPLACE SAFETY/ ACCIDENTS AND INJURIES
23.1 Accidents Involving Police Personnel and Property
23.2 Occupational and Workplace Safety
23.2.1 Industrial Injuries
23.3 Exposure to Bodily Fluids, Infectious Material or Communicable Disease
23.3.1 Exposure Control Officer
23.3.2 Blood Borne Pathogens Exposure Control Plan
23.3.4 Tuberculosis (TB) Exposure Control Plan
23.3.5 Employee Exposure to Blood Borne Pathogens
23.3.6 Testing Sources of Significant Exposure
23.3.7 Decontamination of Public Areas or Public Property
23.4 Industrial Leave
CHAPTER 24 [Reserved]

CHAPTER 25 GRIEVANCE AND APPEAL PROCEDURES
CHAPTER 26 DISCIPLINARY PROCEDURES
26.1 Code of Conduct
26.1.1 General Standards of Expected Conduct
26.1.2 Expected Conduct Toward the Public
26.1.3 Security and Confidentiality of Department Business
26.1.4 Lawful and Proper Conduct
26.1.5 Insubordination Prohibited
26.1.6 Failure to Follow an Order
26.1.7 Cowardice Prohibited
26.1.8 Abuse of Authority; Cruel, Unlawful or Improper Treatment Prohibited
26.1.9 Gifts, Gratuities, Fees, Rewards, Loans, Etc. Prohibited
26.1.10 Endorsements
26.1.11 Untruthfulness
26.1.12 Required Knowledge
26.1.13 General Responsibilities and Requirements
26.1.14 Reporting Violations Required
26.1.15 Actions Taken Under Color of Authority
26.1.16 Consorting Prohibited
26.1.17 Maintenance of Minimum Standards Required
26.1.18 Strikes or Labor Stoppages Prohibited
26.1.19 Prohibited Uses of Property
26.1.20 Chain of Command
26.1.21 On-Duty Requirements
26.1.22 Prohibited On-Duty Conduct
26.1.23 Completion of Assignments
26.1.24 Alcohol, Intoxicants, or Drugs
26.1.25 Use of Tobacco Products
26.1.26 Investigations
26.1.27 Gambling
26.1.28 Offensive Conduct, Materials, and Statements
26.1.29 Call Out
26.1.30 Emergency Stand-by
26.1.31 Standards for Police Action While Off Duty
26.1.32 Involvement in Neighborhood Disputes Prohibited
26.1.33 Nepotism
26.1.34 Statutory Conflicts of Interest
26.1.35 Debts
26.1.36 Employee Personal and Emergency Contact Information
26.1.37 Town and Personally-Owned Equipment

26.1.38 Outside Employment and Business Interests (non-law enforcement)
26.1.39 Secondary Work as a Peace Officer
26.1.40 Political Activity
26.1.41 Public Discussions
26.1.42 Endorsements/Recommendations
26.1.43 Reporting to Supervisors
26.1.44 Personal Use of the Internet and Social Media Sites
26.2 Use, Ownership and Examination of Town property and Employee Personal Property Brought Onto Town Premises
26.2.1 Town/Department Electronic Information. Use of Computers, Cell Phones, and Other Communication Devices
26.2.2 Work Areas and Vehicles
26.2.3 Personal Property on Department Premises
26.3 Drug and Alcohol Policy
26.3.1 Purpose
26.3.2 Use of Controlled Substances
26.3.3 Use or Possession of Medical Marijuana Prohibited
26.3.4 Use of Alcohol; Impairment
26.3.5 Use of Prescription and Over the Counter Medications
26.3.6 Available Resources
26.3.7 Employee Alcohol and Drug Testing
26.3.8 Testing Procedures
26.3.9 Positive Tests/Procedures
26.3.10 Evaluation and Random Testing Following Positive Tests
26.3.11 Off-Duty Impairment
26.4 Uniform, Equipment, and Appearance Standards
26.4.1 Purpose
26.4.2 Uniform, Equipment, and Appearance Manual
26.5 Discipline
26.5.1 Determining Appropriate Discipline
26.5.2 Levels of Discipline
26.5.3 Administration Of Discipline
26.5.4 Documentation Required
26.5.5 Permanent Record Keeping
26.6 Equal Employment Opportunity
26.6.1 Discrimination
26.6.2 Harassment-Free Work Environment
26.6.3 Sexual Harassment
26.6.4 Disability Discrimination
26.6.5 Discrimination Based on Religion
26.6.6 Family/Medical/Pregnancy Leave
26.6.7 Retaliation

26.6.8 Responsibility of Supervisors and Commanders
26.6.9 Department Employees
26.6.10 Confidentiality Required
26.7 Commendations and Awards
CHAPTERS 27 – 30 [Reserved]
CHAPTER 31 RECRUITMENT
31.1 Recruitment
31.2 Minimum Requirements
CHAPTER 32 SELECTION
32.1 Hiring of Employees
32.2 Polygraphs and Background Investigations
32.3 AZPOST Requirements
32.4 Probationary Period
32.4.1 Extending Probation Periods
32.4.2 Issuing Badge Numbers
32.5 Retention of Applicant Records
CHAPTER 33 TRAINING AND CAREER DEVELOPMENT
33.1 Training
33.2 Recruit Training
33.3 Proficiency and Continuing Training Requirements
33.4 Daily Training Program
33.5 Non-Sworn Training
33.6 Remedial Training
33.7 Training for Specialized Duties, Special Assignments and Promotions
33.8 Training Files
CHAPTER 34 PROMOTIONS AND TRANSFERS
34.1 Promotion
34.2 Transfer
CHAPTER 35 PERFORMANCE EVALUATION
35.1 Performance Management Process
35.2 Early Intervention Program
35.3 Personnel Files and Access
35.3.1 Applicant and Background File
35.3.2 Personnel File
35.3.3 Medical File
35.3.4 Supervisor's Desk File
CHAPTERS 36-40 [Reserved]
CHAPTER 41 PATROL
41.1 General Reporting Procedures
41.1.1 Responsibilities of Initial Responding Officers

41.1.2 Crime Scene/Traffic Collision Reports
41.2 General Patrol Procedures
41.3 Officer Needs Emergency Assistance
41.4 Emergency Community Notifications
41.5 Incident Command
41.5.1 Initial Officers On-Scene
41.5.2 Incident Command System
41.6 Emergency Vehicle Operations, Pursuits, and Emergency Driving
41.6.1 Definitions
41.6.2 Emergency Response Driving – Code 3
41.6.3 Pursuit Driving
41.7 Routine Response to Calls and Traffic Enforcement
41.8 Body Armor
41.9 Missing Persons .....RESTRICTED
41.10 [RESERVED]
41.11 Dealing with Persons of Diminished Mental Capacity
41.11.1 Dealing with Intoxicated Persons
41.11.2 Dealing with Vulnerable Adults
41.11.3 Dealing with the Mentally Ill
41.11.4 Mental Health Detentions
41.11.5 Emergency Petition Process when Evaluation Agency Available (36-524).
41.11.6. Emergency Petition Process When Evaluation Process Not Available Or Immediate Action is Necessary (36-525).
41.11.7. Court Ordered Committals (A.R.S. § 36-540).
41.11.8 Order Of Medical Director Rescinding Outpatient Treatment (36-540).
41.11.9 Patients Who Are Absent Without Leave (AWOL)(36-544)
41.11.10 Violent Or Potentially Violent Subjects
41.11.11 Transportation
41.11.12 Mentally Ill Juveniles
41.11.13 Firearms Seizure
41.12 Limited English Proficiency (LEP)
41.12.1 Definitions
41.12.2 Provision of Services
41.12.3 Available Services to Persons of Limited English Proficiency
41.12.4 Procedures for Accessing Interpretation Services
41.12.5 Interrogation, Interviews, and Bookings
41.12.6 Training; Language Assistance Policy And Interpreter Skills
41.12.7 Monitoring And Updating Language Assistance Efforts
41.12.8 Complaint Procedures for LEP Persons
41.13 Providing Services to Individuals With Disabilities

41.13.1 Service Animals
41.14 Civil Disputes
41.14.1 Movers / Department of Agriculture; Division of Weights and Measures and the Department of Public Safety
41.14.2 Auto Repossessions
41.14.3 Residential Landlord-Tenant Disputes
41.14.4 Hotel and Motel Disputes
41.14.5 Mechanic's Liens on Vehicles
41.14.6 Towed Vehicles
41.14.7 Child Custody and Visitation Issues
41.15 Death Investigations
41.16 Animals
41.16.1 Bats, Bees and Snakes
41.16.2 Animals Secured in Vehicles During Hot Weather
41.16.3 Destruction of Animals
41.17 Immigration
41.17.1 Policy
41.17.2 Consensual Contacts
41.17.3 Individuals Lawfully Stopped or Detained
41.17.4 Civil and criminal immigration violations
41.17.5 Arrests
41.17.6 Contact with ICE/CBP
41.17.7 Consular Notification
41.17.8 U-Visas
41.18 Domestic Violence
41.19 Sexual Assaults
41.20 Aggravated Assaults
41.21 Stolen/Embezzled Vehicles .....RESTRICTED
41.22 In-Progress Robbery .....RESTRICTED
41.23 Identity Theft .....RESTRICTED
41.24 Liquor Law Enforcement
41.25 Town Code Offenses
41.26 Child Abuse and Neglect
41.27 Service Dog Unit (SDU)
41.27.1 Care of the Service Dog
41.27.2 Deployment of a Service Dog
41.28 SWAT and Hostage Negotiation Team
41.29 Civil disturbances and public demonstrations
41.30 School Resource Officers
41.31 Bias/Hate Crimes
41.32 Deployment and Use of Audio and Visual Recording Equipment, including Body Worn Cameras

41.32.1 General
41.32.2 Policy
41.32.3 System Description
41.32.4 General Operation
41.32.5 Activation of AV Devices
41.32.6 Failure to Activate and Exceptions to Activation
41.32.7 Documentation
41.32.8 Use of AV Recordings
41.32.9 Limitations on Use
41.32.10 Retention of Recordings
41.32.11 AV Recordings Management
41.32.12 Public Record Requests
CHAPTER 42 CRIMINAL INVESTIGATION
42.1 Investigative Protocols
42.2 Use of Polygraphs in Investigations
42.3 Cold Cases
42.4 Informants .....RESTRICTED
42.5 Eyewitness Identification
42.5.1 Show-Up (One-on-one) Identification
42.5.2 Photographic Lineup Identification
42.6 Use of Interview Rooms
CHAPTER 43 VICE, DRUGS AND ORGANIZED CRIME RESTRICTED
43.4 Medical Marijuana
43.4.1 Lawful possession, use, transportation
43.4.2 Seizure of marijuana
43.4.3 Marijuana dispensaries
43.5 Asset Forfeiture
CHAPTER 44 JUVENILE OPERATIONS
44.1 Arrests and Temporary Custody of Juveniles
44.1.1 Temporary Custody
44.2 Juvenile detention at police facilities
44.3 Interviews of Juveniles
44.4 Disposition of detained juveniles
44.5 Juvenile Traffic and Liquor Offenses
44.6 Juvenile Victims
44.7 Welfare Calls Involving Children
44.8 Department of Child Safety (DCS)
44.9 Temporary Custody; Temporary Custody Notice (TCN)
CHAPTER 45 CRIME PREVENTION AND COMMUNITY INVOLVEMENT
45.1 Neighborhood Meetings and Programs

45.2 Speaking Engagements
45.3 Neighborhood Watch Program
45.4 Tri-Star Multi-Housing Program
45.5 Crime Prevention Through Environmental Design (CPTED)
45.6 Residential and Business Security Surveys
45.7 Violence in the Workplace
45.8 Observer Program
45.9 Special community events
CHAPTER 46 CRITICAL INCIDENTS
46.1 Handling and Investigation of Critical Incidents
CHAPTER 47 Emergency Management and Homeland Security
47.1 Emergency Management and Homeland Security
47.2 All Hazards Plan
47.3 Hazardous Materials Incidents
47.4 Bomb Threats .....RESTRICTED
47.5 Terrorism Liaison Officer Program
47.6 Visiting dignitaries; security operations
CHAPTERS 48-51 [Reserved]
CHAPTER 52 OFFICE OF INTERNAL AFFAIRS
52.1 Investigation of Complaints of Employee Misconduct
52.1.1 Receipt and Assignment of Complaints
52.1.2 Complaints assigned to O.I.A.
52.1.3 Complaints Investigated by the Supervisor
52.1.4 Sequence of Criminal and Administrative Investigations
52.1.5 Criminal Investigations
52.1.6 Administrative Investigations
52.1.7 Administrative Interviews with Department Personnel
52.1.8 Use of Polygraphs
52.1.9 Gathering of Evidence
52.1.10 Duration of Investigations
52.1.11 Completion of the Investigation and Final Report
52.1.12 Dispositions
52.1.13 Review
52.1.14 OIA File Maintenance and Security
52.1.15 Release of Reports
52.1.16 OIA file
52.2 *Brady* Material
CHAPTER 53 INSPECTIONS
CHAPTER 54 PUBLIC INFORMATION
54.1 Public Information

54.2 Media Access to Police Scenes
CHAPTER 55 VICTIM/WITNESS ASSISTANCE
55.1 Victims' Rights
55.2 Address Confidentiality Program
55.2.1 Overview of the Program
55.2.2 Use of an ACP Substitute Address
55.2.3 Request for Emergency Disclosure of the Address
55.2.4 Service of Process on an ACP participant
55.2.5 Maintenance of Secure Address Records
55.3 Next of Kin Notification
55.4 Death Cases Involving other Jurisdictions
55.5 Specific Types of Victim Assistance
55.6 Victim Assistance Advocates
CHAPTER 56 Peer Support
56.1 Notifications
CHAPTERS 57-60 [Reserved]
CHAPTER 61 TRAFFIC OPERATIONS
61.1 Traffic Enforcement
61.2 Leaving the Scene
61.3 Enforcement of Parking Regulations
61.4 Suspended Driver License or Registrations
61.4.1 Seizure of Arizona Driver License
61.4.2 Seizure of Arizona Registration and License Plates
61.5 Issuing Citations
61.5.1 Traffic Enforcement Involving Juveniles
61.5.2 Traffic Enforcement Involving Legislators
61.5.3 Traffic Enforcement Involving Foreign Diplomats and Consular Officials
61.5.4 Open for Future Policies
61.5.5 Uniform Traffic Enforcement
61.6 Traffic Collision Investigations
61.7 Driving Under the Influence of Intoxicating Liquor or Drugs
61.7.1 Standardized Field Sobriety Tests
61.7.2 Arrest of DUI Suspects
61.7.3 Administrative Per Se and Implied Consent
61.7.4 Chemical Testing
61.7.5 Right To An Independent Test
61.7.6 Search Warrants For Blood Or Urine Testing
61.7.7 Disposition of the Suspect and Suspect's Vehicle
61.7.8 DUI Countermeasure Enforcement
61.8 Towing, Impounding And Inventory Of Vehicles

61.8.1 Vehicle Inventories
61.8.2 Towing Vehicles And Required Vehicle Inventories
61.8.3 Abandoned Vehicles
61.8.4 Impounding Vehicles as Evidence
61.8.5 Vehicle Impounds Under A.R.S. §28-3511
61.9 Stranded Motorists
61.10 Roadway Hazards
61.11 Directed Traffic Enforcement
61.12 Parking Enforcement
61.13 Vehicle Escorts
CHAPTERS 62 – 69 [Reserved]
CHAPTER 70 DETAINEE TRANSPORTATION
CHAPTER 71 PROCESSING AND TEMPORARY DETENTION
71.1 Injury to Prisoner
71.2 Restraining Prisoners
71.3 Police Facility Prisoner Tracking
71.4 Temporary Detention In Detention Cells
71.5 Arraignment Procedures
71.6 County Jail Booking Procedures
71.7 Special Transport Situations
CHAPTER 72 [Reserved]
CHAPTER 74 LEGAL PROCESS
74.1 Enforcement of Court Orders
74.2 Injunctions Against Harassment
74.3 Orders of Protection
74.4 Out of State Orders of Protection
74.5 Emergency Orders of Protection
74.5.1 Procedure for Obtaining an Emergency Order of Protection
74.6 Preliminary Injunction (Divorce and Cases Involving Out of Wedlock Births)
CHAPTERS 75-80 [Reserved]
CHAPTER 81 COMMUNICATIONS ……RESTRICTED
81.2.2 Dispatch Guidelines and Call Priority System
81.2.3 Communications During Response to a Call for Service
81.2.4 Recording and Playback
81.2.5 Emergency Messages
81.3 Emergency Communications Operations
81.4 Alternative Methods of Communication
81.5 Communications Center Facilities and Equipment
81.5.1 Security
81.5.2 Alternative Power Source

CHAPTER 82 CENTRAL RECORDS
82.1 General
82.2 Release of Police Reports and Other Records
82.3 Public Records Requests
82.4 Internal Records Requests
82.5 Sealed and Expunged Records
82.6 Criminal Information Systems
82.7 Arrest/Identification File
CHAPTER 83 COLLECTION AND PRESERVATION OF EVIDENCE
83.1 Definitions
83.2 Evidence Section
83.3 Collection of Evidence at the Scene
83.3.1 Scene Management
83.3.2 Latent Fingerprints
83.3.3 Photographs
83.3.4 Biological Evidence Collection
83.4 Collection of Evidence at Police Facilities
83.4.1 Fingerprinting Subjects
83.4.2 Photographing Subjects
CHAPTER 84 PROPERTY AND EVIDENCE CONTROL
84.1 Submission of Evidence
84.1.1 Submission of Evidence for Laboratory Analysis
84.2 Firearms
84.3 Other Evidence
84.4 Submitting Property that is not Evidence
84.4.1 Found Property
84.4.2 Property for Disposal
84.4.3 Property Held for Safekeeping
84.4.4 Prisoner Property
84.5 Security of Property Room
84.6 Checkout And Return Of Property
84.7 Release And Disposition Of Property
84.7.1 Conversion of Property to Department Use
84.7.2 Special Retention for Biological and Cold Case Evidence
84.7.3 Destruction of Marijuana and Narcotics

INTRODUCTION

Department Mission Statement and Values

Mission Statement

To provide unparalleled service and unwavering protection, with uncompromised integrity, to every citizen in the Town of Marana.

Vision Statement

The Marana Police Department will be the role model for public safety agencies in the State of Arizona.

Code of Conduct

All members of the Police Department, whether sworn, non-sworn, reserve or volunteer, are responsible for holding themselves to a higher standard in their private and professional lives.

Definitions

The following definitions cover terminology and abbreviations used throughout the manual issued by the Department. Definitions contained within individual policies are intended to define terms within those policies only.

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

Administrative Services Division: A Lieutenant manages and oversees the following units and functions: Crime Scene Unit, Records Section, General Orders, PIO, OIA, Volunteer Program, Fleet, Recruiting, Homeland Security and Training.

Advanced Officer Training: Recurring training given to all sworn members in accordance with AZPOST standards.

Area of Assignment: A geographical area of variable size to which one or more officers are specifically assigned.

Arrest: An arrest occurs when a person is taken into custody for the purpose of criminal prosecution or interrogation, and is not free to leave. To be legal under the 4th Amendment, an arrest must be based on probable cause.

AZPOST: Arizona Peace Officers Standards and Training Board.

Basic Training: The course of instruction undertaken by police officer recruits to achieve peace officer certification.

Board of Inquiry (BOI): A board convened by the Chief of Police to investigate circumstances surrounding specific incidents (e.g. officer-involved shootings) to determine the appropriateness of actions in terms of policy and training.

Bureau: A primary functional unit of the Department composed of two or more subordinate sections.

Call: Police activity assigned to a member requiring verbal or written clearance.

Chain of Command: The line of authority extending from the Chief of Police through a single subordinate at each level of command.

Color of Authority: Any action taken by a member of the agency when the member's official capacity is known declared or implied.

Command Post: A location or facility established for the purpose of directing police operations.

Commander: A sworn member with the rank of Lieutenant or above. All Commanders hold supervisory authority regardless of their assignment.

Controlled Substance: Any substance the possession of which is restricted or prohibited by state or federal law.

Discipline and "Disciplinary Action": When used to refer to action taken regarding the status of an employee, includes corrective action, suspension, reduction in pay, demotion (which may include reduction in rank for sworn employees), and termination.

Deadly Force: Any application of force that in the manner of its use or intended use creates a substantial risk of causing death or serious bodily injury.

Deadly Weapon: Any weapon that in the manner of its use or intended use creates a substantial risk of causing death or serious bodily injury.

Department: The Marana Police Department and all personnel assigned to the agency.

Department Property: Property owned or controlled by the Town of Marana and controlled by or assigned to the Department.

Department Report (DR): Documentation of police action or information in written or electronic form constituting an official record of the Department.

Detail: A group of members assigned to perform a specialized task.

District: A geographic area of assignment of varying sizes within a patrol division.

Division: Functional grouping of related activities within the Department.

Employee(s): Sworn and non-sworn persons, other than volunteers and Reserve Police Officers, assigned to the Department.

First-line Supervisor: A person in direct charge of a group of non-supervisory employees.

FTO: Field Training Officer; may refer either to an officer designated to instruct officers in their programmatic instruction following graduation from basic training, or to the program itself.

FTS: Field Training Supervisor – refers to sergeants who have been designated to instruct new sergeants in their programmatic instruction following promotion.

Functional Supervision: The temporary supervision of employees by a supervisor (not an acting supervisor) other than those employees' immediate supervisor.

General Orders (GOs): Information or direction distributed in written form that effects a change to subject matter addressed in Rules and Procedures or other similar Department manuals. General Orders may originate from the Chief of Police or any Bureau Commander.

Incident Commander: An officer who takes control of an incident for which the Department has responsibility. The initial incident commander at any incident is the officer assigned to the call or, for self-reported activity, the first officer at the scene. An incident commander may be of any rank.

Industrial Injury or Claim: Any injury, claim of injury, or physical or mental examination resulting from a job-related activity or incident.

Information Directive: Information or instructions distributed in written form that are of importance to more than one Division. Information Directives may originate from the Chief of Police or Bureau Commander.

Insubordination: Disrespect for or to authority.

Line Inspection: An inspection of a subordinate and their readiness for duty. Typically conducted at least monthly and items checked may include uniform, driver license, required equipment, body armor, firearm (to include cleanliness and appropriate number of rounds), MTC audit, and department vehicle.

LPO: Lead Police Officer.

May: Action is permissive.

MDC: Mobile Data Computer; a vehicle mounted computer unit.

MVD: The Arizona Department of Transportation, Motor Vehicle Division.

MVR: Mobile Video Recorder; a vehicle mounted video system.

Must: Action is required, barring articulable extenuating circumstances; synonymous with shall.

Non-deadly Force: Any application of force that in the manner of its use or intended use does not create a substantial risk of causing death or serious bodily injury.

Non-deadly Weapon: Any weapon that in the manner of its use or intended use does not create a substantial risk of causing death or serious bodily injury.

Non-Sworn: An employee of the Department who does not possess current peace officer certification.

Off Duty: Time when an employee is not being paid either by the Department to work or by another employer to work secondary employment.

Officer(s): Refers to all sworn employees of the Department, including Reserve Police Officers; synonymous with sworn.

On Duty: Time when an employee is being paid to work in any assignment as a Department employee.

Operations Pamphlet: A pamphlet distributed with policies, guidelines and/or procedures for specific events or purposes.

Order: An instruction issued by a supervisor.

Outside Employment: Services that are non-law enforcement related and from which an individual receives or intends to receive personal compensation, rendered to an employer other than the Town of Marana (including self-employment) by any Department member. Approval to conduct outside employment duty is required annually.

Patrol Commander: A Lieutenant assigned to an Operations Division of the Operations Bureaus.

Pay Period: A two (2) week period beginning at 0001 hours on a Saturday and ending at 2400 hours on the second consecutive Friday.

Permanent Employee: An employee who has successfully passed the probationary period for newly hired employees.

Permanent Job: An authorized Special Duty job at which a member has been or will be continuously employed on a regular basis.

Personnel: All employees, reserve police officers and police volunteers.

Physical Force: As defined by A.R.S. §13-105, “physical force” is force used upon or directed toward the body of another person and includes confinement, but does not include deadly physical force.

PIO: Public Information Officer; a sworn member, usually a Sergeant, assigned media relation duties.

Police Chief: The commanding officer of the Department. All references in this Manual to the Chief are to the Chief personally or to the officer designated by the Chief to perform the specific function.

Policy: A written statement dealing with the objectives and the principles that guides the performance of a Department activity.

Post-Basic Training: The training period for new officers after being certified as peace officers but before being assigned to the FTO program.

PPR: Personnel Performance Report.

Private Employer: An individual or group, other than the Town of Marana that has entered into an agreement with the Town regarding Special Duty police services.

Probationary Employee: An employee, regardless of classification, who has not completed the probationary period specified for their classification by the Town of Marana.

Procedure: A written directive that is a guideline for carrying out Department policies and functions.

Recruit: A police officer trainee who has not yet graduated from basic training.

Report: Documentation of police action or information in written or electronic form constituting an official record of the Department.

Reserve Police Officer: An unpaid volunteer of the Department who is an AZPOST certified peace officer.

SARA Model: A problem-solving strategy, which emphasizes the four phases of the problem-solving process: scanning, analysis, response, and assessment. See also Strategic Targeted Operational Planning (STOP).

Search: Examination of an area or item.

Search Warrant: An order in writing issued in the name of the State of Arizona, signed by a magistrate, directed to a peace officer, commanding the peace officer to search for personal property, persons or items described within the warrant.

Section: A group of employees usually assigned to perform a support function.

Section Commander/Head: A sworn or non-sworn member, generally equivalent in rank to a Lieutenant, in charge of a Section. See also Commander.

Seizure: A governmental termination of freedom of movement through means intentionally applied. When, under the totality of the circumstances, a reasonable person would believe that he or she was not free to go, a seizure has occurred. This can occur either by physical contact or by command and compliance. Property has been seized when there is some meaningful interference with an individual's possessory interest in that property.

Serious Physical Injury: "Includes physical injury that creates a reasonable risk of death, or that causes serious and permanent physical disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb." A.R.S. §13-105.

Shall: Action that is required. Barring articulable extenuating circumstances; synonymous with must.

Shift: Assigned duty hours.

Should: Means an action is recommended, barring articulable extenuating circumstances.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites, micro-blogging sites, photo- and video-sharing sites, wikis (Wikipedia), blogs, and news sites.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Special Assignment: Police service, which requires the member, be excused from the performance of regular duties or an assignment classified as such for testing and retention purposes.

Special Duty Employment: Law enforcement related services rendered to a private employer by Department members during off-duty hours (e.g., point control, security or anytime working in a police capacity) from which an individual receives or intends to receive compensation, or a similar assignment a member has volunteered to work without compensation.

Squad: A group of sworn and/or non-sworn members supervised by a first-line supervisor.

SSB: Support Services Bureau which includes Records, Internal Affairs, and the Administrative Services Division.

Stop: A temporary detention of a person for investigation (a temporary detention is considered a seizure of a person and is subject to the requirements of the Fourth Amendment). A stop occurs when an officer uses police authority either to compel a person to halt, to remain in a certain place, or to perform some act (such as walking to a nearby location where the officer can use a radio or telephone). When a reasonable person would believe he or she is not free to leave, a stop has occurred.

Strategic Targeted Operational Planning (STOP): A program designed to assist commanders in effectively addressing problems through implementation of response strategies designed to attack root causes of problems using the SARA model in the context of our STOP program. See also SARA Model.

Strip Search: The search of a person after removal of articles of clothing, other than outerwear, for the purpose of finding evidence, weapons or contraband. Strip searches may only be requested with the express permission of a Commander and shall not be conducted by a Department member.

Supervisor: An officer or non-sworn employee who has attained a supervisory classification, or an employee assigned by a superior to supervise the work of others.

Sworn: An employee holding current peace officer certification issued by AZPOST. This includes police officers and reserve police officers.

Town limits: The area within the corporate limits of the Town of Marana.

Unit: An operational group with a specific assignment.

Will: Means action that is required, barring extenuating circumstances.

Work Week: The period of seven (7) days, beginning at 0001 hours on Saturday and ending at 2400 hours on the following Friday.

CHAPTER 1 LAW ENFORCEMENT ROLE AND AUTHORITY

1.1 State of Arizona Public Employee Loyalty Oath A.R.S. §38-231

Every Department employee shall take, prior to employment, and shall subsequently abide by during their employment, the Arizona Loyalty Oath. The oath reads as follows:

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

1.2 Law Enforcement Code Of Ethics

All sworn employees of the Police Department shall abide by the tenets of the Law Enforcement Code of Ethics:

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

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

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

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

1.3 Jurisdiction and Authority

A. The Marana Police Department is responsible for providing all law enforcement services within the town limits of the Town of Marana.

B. Pursuant to A.R.S. §13-3871, the authority of an Arizona peace officer extends to any place in the State, with one exception. An officer may not stop a person solely based on reasonable suspicion of criminal activity outside of the jurisdiction without the prior consent of the chief law enforcement in the jurisdiction, or that person's authorized representative.

C. As required by Arizona law, in order to exercise the authority of a peace officer, a person must be certified by or exempted from certification by AZPOST. All Department sworn personnel shall be AZPOST certified.

D. Arizona certified peace officers have the authority to:

- Make full custody arrests for felonies and misdemeanors under state law, unless arrest authority is exclusively granted to others.
- Cite and release persons arrested for criminal misdemeanors, as authorized by law.
- Detain persons for civil traffic matters under A.R.S. Title 28.
- Execute search warrants.

E. An officer is governed by General Orders at any time the officer is exercising police powers or functioning as a peace officer.

1.4 Interrogations and Confessions

1.4.1 Fifth Amendment

The Fifth Amendment to the Constitution provides, among other rights, the right of a person not to be a witness against him or herself. This right is known as the right against self-incrimination. The U.S. Supreme Court has determined that the right against self-incrimination means that a person in the custody of the police is to be warned of the right to remain silent and the right to an attorney prior to police questioning. These are known as the *Miranda* rights.

A person is entitled to make a voluntary choice regarding any discussion with the police, and may not be forced to talk to the police or to confess to a crime.

1.4.1.1 Miranda warnings

A. When *Miranda* warnings are required, they should be read directly from the officer's rights card, as follows:

You have the right to remain silent.
Anything you say may be used against you in a court of law.
You have the right to the presence of an attorney to assist you prior to and during questioning, if you so desire.
If you cannot afford an attorney, you have the right to have an attorney appointed for you prior to questioning.
Do you understand these rights?

B. An officer shall read *Miranda* warnings to a person when a person is <u>both</u> in custody <u>and</u> being interrogated.

1. A person is in custody for the purpose of determining whether *Miranda* warnings must be provided when a person has been formally arrested or is in circumstances that would lead a reasonable person to believe he or she under arrest. This determination depends on the totality of the circumstances. A person is in custody for *Miranda* purposes when:

   - The person has been actually placed under arrest, or
   - The person's freedom of movement has been restrained to the degree associated with a formal arrest (i.e., handcuffs, guns, lockups, etc.).

   A person may be seized under the Fourth Amendment (not free to leave), yet not considered to be in custody for purposes of Miranda (arrest or restraint to the degree associated with formal arrest).

2. Interrogation occurs when an officer:

   - Asks direct questions which are likely to elicit an incriminating response, or
   - Says something or performs some action that is reasonably likely to elicit an incriminating response (known as the functional equivalent of interrogation).

C. There are situations in which a person has been detained for investigation or placed in custody, but *Miranda* warnings are not required prior to asking questions. *Miranda* warnings are not required to be read in the following situations:

- When public safety is paramount. The public safety exception is limited and applies only when public safety is paramount and it is necessary for the officer to act as quickly as possible. When an officer arrives at the scene of a violent crime, for example, he/she may ask those on scene if there is anyone who needs immediate medical assistance without first reading *Miranda.* Similarly, the officer who chases a suspect known to be armed through a public area, but finds the person to be unarmed upon arrest, may immediately ask what happened to the gun. Officers must be aware that this exception is permitted only when absolutely necessary – once the danger is eliminated, no further questions may be asked.

- At traffic stops. *Miranda* warnings do not need to be read to persons stopped for traffic violations, unless the stop involves a crime, such as a DUI. *Miranda* is not required for the initial stop and questioning of a DUI suspect, however the person should be read their *Miranda* warnings if the person is placed in custody and before interrogation.

- When a person voluntarily enters a police station, or telephones a police officer, and makes a statement or confession. Until the person is taken into police custody, *Miranda* warnings are not required.

- When a person who is in custody makes voluntary or spontaneous statements. Such statements are admissible as evidence even though *Miranda* warnings have not been read, even when made by a person who is in police custody. Officers may not ask clarifying questions about volunteered or spontaneous statements in the absence of a valid waiver of *Miranda* rights. If the warnings have not been read, or if the person has invoked his or her rights, the officer should simply document the statements made without asking any follow-up questions.

- During the initial questioning at an investigative detention. Even though a person subject to investigative detention is not free to leave, *Miranda* does not apply until an arrest is made or the person's freedom of movement is limited to a degree commonly associated with an arrest. The initial few questions at an investigative detention, to determine whether criminal activity has occurred or is ongoing, do not require *Miranda*.

- When asking routine booking questions. *Miranda* warnings are required only when a person is being interrogated about a crime. Routine booking questions are not considered interrogation.

- When collecting handwriting, voice samples and/or other physical evidence. *Miranda* only applies to testimonial communication; it does not apply to physical evidence. As long as the officer does not interrogate the person while collecting the physical evidence, *Miranda* warnings are not required.

1.4.1.2 Invocation of Miranda rights

Once a person invokes his/her rights, officers are to immediately stop questioning the person.

A. Invocation of right to silence.

If a person invokes the right to silence, the interrogation must immediately be stopped. No further

questioning may take place unless the person changes their mind, either on their own or after a later request by the officer.

1. A person may change their mind about invoking their right to silence. If the person changes his/her mind and seeks to speak with the officer again, the officer may speak to and question the person but must first reread the *Miranda* warnings to the person and have the person waive their rights.

   a. An officer may seek to reinitiate questioning. If a person invokes their right to silence, an officer may approach the person after a reasonable break in questioning (at least two hours), reread *Miranda*, and seek a waiver from the person.

   b. The right to silence is not offense specific. The right to silence, once invoked, applies to questioning about all crimes, not just the one the person has been charged with committing.

B. Invocation of right to counsel.

1. If a person invokes their right to an attorney, the interrogation must immediately be stopped.

   a. A person may change their mind about invoking their right to an attorney. If the person changes his/her mind and seeks to speak with the officer again, the officer may speak to and question the person but must first reread the *Miranda* warnings to the person and have the person waive their rights.

   b. Once the right to counsel is invoked an officer may not approach the person to try to get the person to change their mind. Further questioning is prohibited unless:

      - The suspect's attorney is present.
      - The person initiates the conversation and waives the right previously invoked.
      - The person is released from custody (or, if the person remains in jail or prison, is released into the general population) for at least 14 days, the officer rereads *Miranda* warnings, and the person waives the right previously invoked.
      - The person has been sentenced on the crime charged.

1.4.1.3 Miranda rights waiver

A. A person may waive their rights with a written waiver, a verbal waiver, or through conduct that indicates a waiver. For example:

- A person may waive their rights by clearly stating that they understand their rights and waive their rights. At that point, an officer may begin asking questions.

- A person may waive their rights by simply answering questions once the warnings have been read.

- A person may make a conditional waiver – "Depends on the question," for example. At that point, an officer may begin asking questions. If the person indicates they do not wish to answer a question, officers may continue with other questions, until the person states they do not want to answer any questions or requests an attorney.

- A person may respond by saying something that is unclear or equivocal. Such statements should

be clarified before questioning begins (or continues). A person might say, for example, “I don’t know, do you think I need an attorney?” or “Maybe I should just wait and talk to you later,” or “Hey, I don’t have to answer your questions if I don’t want to.” These types of statements should be clarified by the interrogating officers. Officers should ask whether the person wishes to answer questions or not.

B. Officers should not offer advice or make any other comments about whether an attorney is needed.

C. When an officer becomes aware, during an interview or interrogation that a person may be mentally ill, the officer should proceed cautiously, explaining basic legal principles carefully in an effort to determine whether the person understands the situation. When it is apparent that a person does not understand or cannot communicate effectively, due to apparent mental illness, the officer should proceed to complete the contact or investigation without further interrogation.

1.4.2 Voluntariness

Confessions are presumed to be involuntary. Therefore, in addition to meeting *Miranda* requirements, an officer must be able to demonstrate that a confession was not coerced, that it was freely given and that it was not the result of duress or confusion. Officers shall not use coercion, threats or promises to elicit confessions or admissions. Officers shall not engage in excessively long interrogations without breaks for the suspect’s personal needs, e.g., food, rest and use of the restroom facilities. Interrogation techniques should take into consideration the person’s age, mental capacity, drug or alcohol impairment and general health.

1.4.3 Juvenile Interrogations

A. Juveniles have the same rights under *Miranda* as adults. In determining whether a juvenile is in custody for purposes of *Miranda*, the officer should consider the fact that the person is a juvenile. If the officer believes a juvenile, based on the juvenile’s age, would believe he/she is in custody, the officer should read the juvenile *Miranda* warnings.

B. A parent may invoke a juvenile’s rights under *Miranda.* The law does not require a parent to be present at the interview of a juvenile. However, the presence or absence of a parent may affect whether statements made by the juvenile are considered to be voluntary and therefore admissible. Unless the parent is a suspect or a co-defendant, an officer shall:

- Make a reasonable effort to notify parents of the arrest of a juvenile.
- Permit an in-custody juvenile who asks to call a parent to do so.
- Ask, prior to the start of any questioning, if the juvenile wants a parent, guardian or custodian present during the interview and, unless time is of the essence, delay a reasonable period of time for the person to arrive.
- If a parent refuses or is unable to respond in a reasonable time, inform the juvenile and clarify whether they are willing to answer questions without the parent being present.
- If a parent is being disruptive during the interview, the parent may be asked to leave the interview. The officer must then clarify with the juvenile whether they are willing to answer questions without the parent being present.

- If the juvenile does not want the parent to be present during questioning, and the juvenile appears to have the maturity and experience to reasonably make such a decision, exclude the parent from the interview.

C. Officers have an obligation to ensure that the juvenile understands his or her *Miranda* rights and waives those rights voluntarily. There is a heightened concern with the voluntariness of confessions by juveniles. An officer should not interrogate a juvenile if the officer believes the juvenile is incapable of intelligently understanding their rights. Officers should consider the age, intelligence, educational background, mental capacity, physical condition, prior experience in the criminal justice system, need for an interpreter and injury (if any) of the juvenile prior to questioning. Officers shall:

- Use or complete the form required by the prosecuting attorney or court for juvenile *Miranda*, if a specific form is required by the local prosecution office or court; if none, advise a juvenile of *Miranda* rights following the same guidelines for an adult interview or interrogation.

- If further explanation of the rights is necessary, thoroughly document the explanation that was provided in the officer's report, or electronically record it.

- Advise the juvenile, when applicable, that the juvenile either may be, or will be, tried as an adult. See A.R.S. §13-501.

- Limit the duration of the interview to a reasonable period of time (not to exceed two hours without supervisory approval).

- Limit to two the number of officers present during the interview (under normal circumstances).

1.4.4 Sixth Amendment Right to Counsel

A. The Sixth Amendment to the Constitution provides, among other rights, that a person has the right to the assistance of an attorney whenever a person is charged with an offense that may result in jail time (a loss of liberty). This right to an attorney begins when a person is indicted for a crime, a complaint is filed for a criminal offense, or a person has an initial appearance on a criminal case. This right to counsel means, among other things, that the person is entitled to have an attorney present during any dealings with police or prosecutors concerning the pending charges.

B. In Arizona, formal adversary proceedings begin once the person has had an initial appearance or has been indicted. After a person has been indicted or had an initial appearance, officers may question the person in any of the following circumstances:

- The person's attorney is present.

- The questioning relates to a different crime than the one for which the person is facing charges.

- The person is in custody, has not invoked the right to counsel, is advised of and waives the person's right to counsel (*Miranda* warnings should be read to the person).

- Whether or not in custody, the person initiates the conversation with the officer, is advised of and waives their right to have an attorney present.

- Once the person is released from custody (or, if the person remains in jail or prison, is released into the general population) for at least 14 days. The officer may approach the person, remind him or her of the right to counsel, and seek to question the person.

1.4.5 Documenting Interrogations

A. During any investigation of a violent crime against persons, officers shall electronically record (audio or video) the complete interrogation of all suspects. In all other criminal investigations, the complete interrogation of a suspect should be electronically recorded (audio or video) if feasible to do so.

B. When recording equipment is used, it should be activated at the beginning of any interrogation of the person, and should include the reading of rights and the waiver of those rights. Any break in the recording (to adjust the recording equipment, to take a break, etc.) should be explained on the recording. The recording equipment should be reactivated immediately upon resuming the interrogation.

C. All recordings shall be preserved as evidence, following department evidence procedures, whether or not the recording has been transcribed. The officer doing the interrogation shall include in a police report that the interrogation was recorded and that the record was preserved as required.

D. Any problem with the recording equipment will be fully documented in the report.

1.5 Search and Seizure

A. The Fourth Amendment to the U.S. Constitution guarantees people the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. In addition, Article 2, §8 of the Arizona Constitution provides: “No person shall be disturbed in his private affairs, or his home invaded, without authority of law.” Arizona and United States Supreme Court decisions regarding searches and seizures place the responsibility on the police to ensure that a person’s Fourth Amendment rights are respected and not violated.

B. Officers shall observe constitutional guidelines, as interpreted by the U.S. Supreme Court, the Ninth Circuit Court of Appeals and the Arizona courts, when making seizures of persons or property and when conducting searches of persons or property. The law of search and seizure is announced by court decision and continues to develop. The guidelines in this policy are intended to assist officers in their application of the law; officers are required to maintain current training and are expected to stay informed in the area.

1.5.1 Reasonable Suspicion

An officer may stop a person based on reasonable suspicion. The officer must be able to articulate the specific factors that provide the justification for the stop. The elements of reasonable suspicion include:

> Facts and circumstances that would lead a reasonable police officer to suspect that some criminal activity is taking, will take, or has taken place, and facts and circumstances connecting the person under suspicion with the suspected criminal activity.

Reasonable suspicion may arise out of a contact, or it may exist independently of a contact.

1.5.2 Probable Cause

An officer may also stop a person based on probable cause; the officer must be able to articulate the specific facts that comprise probable cause to stop or arrest a person. Probable cause to arrest is defined as:

Facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead

a reasonable person to believe a crime is being, has been or will be committed and that the person to be arrested is committing, has committed or will commit that crime.

To have probable cause to stop or arrest someone is to have facts sufficient to demonstrate a “fair probability” that the person has committed or was involved in the crime.

1.5.3 Seizures of Persons

The Fourth Amendment prohibits unreasonable seizures of persons or property. With regard to seizures of persons, the United States Supreme Court has determined that an officer may seize a person when the officer has *reasonable suspicion* or *probable cause* to believe that the person is engaged in criminal activity.

1.5.4 Contacts and Stops

A. An officer may initiate a voluntary *contact* at any time, for any reason and in any place the officer has a right to be. A contact is not a seizure, stop or arrest, but rather is a consensual interaction between an officer and a person.

B. Persons contacted shall not be detained against their will or searched without their voluntary consent. An officer may not use force or coercion in initiating a contact or in attempting to obtain cooperation once the contact is made. Officers shall act in a professional and courteous manner. A person who does not respond to the officer’s greeting or approach must be allowed to go on their way. Restraining the person in any manner converts the contact into a stop.

C. A *stop* is considered a seizure under the Fourth Amendment and occurs whenever a person is detained by a police officer. An officer may stop a person if the officer has reasonable suspicion or probable cause that the person has committed, is committing, or is about to commit a crime or a civil traffic offense. Officers shall make all stops in an objectively reasonable manner, which may include a verbal request, an order, or the use of physical force.

D. Vehicles may also be stopped based on reasonable suspicion or probable cause. A vehicle may be stopped for investigation if the officer has reasonable suspicion or probable cause to believe the driver or occupants are involved in criminal activity or have committed a traffic offense. The driver and passengers may be ordered out of the vehicle or ordered to remain within the vehicle.

E. A marked vehicle should make all vehicle stops unless none is available or the time required for the marked unit to respond would be excessive, or if waiting for a marked unit would jeopardize an arrest or investigation. Generally, officers driving unmarked police vehicles while not wearing a police uniform will not attempt to make vehicle stops.

1.5.4.1 Conduct During a Stop

A. Every phase of a stop will be considered in the determination of whether the stop was reasonable and therefore lawful.

B. A person may be detained at or near the scene of a stop for a reasonable period of time. The length of a stop may not exceed the time necessary to determine whether or not a crime or traffic offense has been committed and whether the person will be arrested or released. A stop becomes unlawful if it is prolonged beyond the time reasonably required to complete the reason for the stop, unless separate reasonable suspicion of criminal activity justifies the continued seizure. This applies to both stops of individuals and stops of vehicles.

C. Officers shall act professionally and courteously toward the person stopped. Officers not in uniform

making stops shall identify themselves as law enforcement officers as soon as practical. Officers shall explain the reason for the stop.

D. Officers may question a detained person for the purpose of obtaining name, address, and an explanation of presence and conduct. The person may not be compelled to answer those or any other questions. See 1.5.4.5 regarding when the failure to state one's true full name or to produce identification may result in a person's arrest under Arizona law.

E. Officers shall not search a subject who has been stopped based solely on reasonable suspicion of criminal activity except when there is justification to perform a frisk or when the person consents to a search.

1.5.4.2 Requesting Social Security Number Information

A. The Federal Privacy Act of 1974 requires that before requesting a person's social security number (SSN), the person must be provided with all of the following information:

- Whether providing their SSN is voluntary or mandatory.
- The statutory authority for making the request.
- The purpose for which the information will be used.

B. Completion of the *Arizona Traffic Ticket and Complaint* form requires the driver's social security number. Persons who are being cited for violations of Title 28 shall be advised that:

- Providing their SSN is required by Arizona law and Arizona Supreme Court Rule, and
- SSN is used to ensure accurate record keeping in the administration of driver's license and vehicle registrations systems.

The social security number shall not be entered on the copy of the citation provided to the person.

C. Before requesting an SSN for any citation issued for violations other than Title 28 statutes, the person shall be advised that:

- Providing their SSN is voluntary and requested as a matter of Department policy, and
- SSN is used to ensure accurate record keeping.

D. No action shall be taken against a person who refuses to provide a social security number, even if it is required for a Title 28 violation as described above. If a person refuses to provide a social security number, the officer shall write "refused" in the space provided for the number on the form or report.

1.5.4.3 Field Interviews

The purpose of a field interview is to assist in the investigation and prevention of crime.

A. Officers shall conduct a field interview whenever a stop is made and may conduct a field interview when a contact is made. A field interview shall be conducted with professionalism and courtesy. Reasonable questions posed by a person shall be answered. The officer shall explain the reason for the contact or stop if asked to do so. Officers not in uniform should fully identify themselves as police officers and shall exhibit their badges or credentials prior to initiating any field interview. All officers, whether or not in uniform, shall furnish a person with their identification number upon request. Required department

documentation shall be completed.

B. If an individual asks for a copy of the field interview report, the officer shall provide the person, in writing, the date, time and location of the field interview. The person shall be advised that he/she can present that information to the Records Section and a copy of the report, if one is made, will be made available to him/her in accordance with the existing records release protocols.

1.5.4.4 Arrests

An arrest is a seizure and occurs when a person is taken into custody for the purpose of criminal prosecution or interrogation, and is not free to leave. An arrest must be based upon probable cause. See 1.6 for additional information on arrests.

1.5.4.5 Requesting and requiring identification

A. Arizona law provides that, when an officer has reasonable suspicion that a person has committed a criminal offense, the person must state the person's true full name. If the person refuses to do so, the law requires the officer to advise the person that his or her refusal to answer is unlawful. If the person continues to refuse to provide his/her true full name, he/she is subject to arrest for a violation of A.R.S. §13-2412.

B. Officers may request a person to produce identification, but people are not generally required to carry or produce identification. When the person has been operating a vehicle, the officer may demand to view certain documents (such as operator's license and vehicle registration). The statutory requirement in Arizona law to provide identification applies only to those who are operating a motor vehicle.

1.5.5 Seizures of Property

A. Property may be seized pursuant to a search warrant that particularly describes the place to be searched and the item to be seized, and provides authority for the item's seizure.

B. Property that is contraband, evidence of a crime, or any item subject to seizure, may be seized by an officer without a warrant if the property is in plain view and if the officer is in a place the officer has the right to be. This seizure is lawful because a person has no right of privacy in an item that is in plain view.

C. In order to be considered an item in plain view, the item must be immediately apparent to the officer as subject to seizure simply by looking at the item. In other words, the officer must have probable cause to believe the item constitutes evidence or contraband. An officer may not manipulate the item or move it in any way; doing so is a search under the Fourth Amendment.

1.5.6 Searches

A. The Fourth Amendment requires a search warrant prior to any search performed by a law enforcement officer, or an officer's agent, of a person, or of an area or item in which a person has a reasonable expectation of privacy. It is also a search under the Fourth Amendment when the government physically occupies private property for the purpose of obtaining information (such as placing a GPS device on a vehicle or taking a trained drug-sniffing canine onto the porch of a home to search for drugs).

B. No search may be performed without a warrant, unless the search can be justified by one of the exceptions to the warrant requirement. A search warrant is the preferred manner in which to conduct a search, but searches conducted pursuant to an exception to the warrant requirement are lawful and admissible.

1.5.6.1 Reasonable Expectation of Privacy

It is a search under the Fourth Amendment when an officer examines those things or areas in which a person has a reasonable expectation of privacy. The examination of an item or area in which a person has

no reasonable expectation of privacy is not a search under the Fourth Amendment and is not regulated by the Fourth Amendment. Examples of areas/items in which there is no expectation of privacy include:

- Garbage - When a person places garbage by the curb, or discards garbage into a communal dumpster, there is no longer any reasonable expectation of privacy in that garbage. Therefore, no Fourth Amendment protection is implicated by a search of that garbage.

- Abandoned Property - A person who abandons property by voluntarily relinquishing control has surrendered any privacy interest the person may have had in the property. Such property is subject to search by an officer without a warrant.

- Open Fields - An “open field” is any unoccupied or undeveloped area outside of the curtilage of a home. The area that is considered an open field is not subject to a reasonable expectation of privacy. A search of an “open field” is not governed by the Fourth Amendment.

- Personal Characteristics - A person has no reasonable expectation of privacy in those items that the person subjects to the plain view of others. Examples include a person’s voice, handwriting or personal appearance. Personal characteristics that are not subject to public examination (blood content, scrapings under a person’s fingernails, etc.) are items in which a person has a reasonable expectation of privacy.

- Dog or Human Sniff - Sniffing the air around a person or property that is in a public place or a place open to the public is not considered a search, as there is no reasonable expectation of privacy in the air. This does not extend to using a canine to search within the curtilage of a home for drugs, as a physical occupation of private property by the government for the purpose of obtaining information is considered a search.

1.5.6.2 Searches Not Subject to Fourth Amendment Protection

Not every examination of a person or their property is a considered a search. For example:

- Visual Aids or Photographic Equipment - The use of flashlights or photo surveillance to view or examine property that is otherwise open to public view is not considered a search, as it simply enhances the officer’s senses using equipment that is generally available to the public. Use of specialized equipment not generally available – the use of heat sensing equipment on a residence, for example – is considered a search, and is subject to the Fourth Amendment.

- Plain View - This is not a search issue, but rather a seizure issue, since no search is performed. When a police officer sees an object in "plain view" and there is probable cause it is evidence, contraband, or otherwise subject to seizure, the officer may seize it, as long as the officer can do so without reaching into an area in which the officer has no right to be and as long as the officer does not move or manipulate the item to establish the probable cause.

- Search by Non-Government Agent - The Fourth Amendment does not provide protection against actions of private persons. Property seized by private persons in a manner that would otherwise violate the constitution if seized by a government agent may be used by an officer in a criminal investigation. However, an officer may not use a non-officer as an “agent” to search if the officer would not be authorized to conduct the search.

1.5.7 Search Warrants

A. A search warrant may only be issued based upon probable cause and must be supported by an

affidavit naming and describing particularly the property or persons to be seized and the persons and/or premises to be searched. When applied to search warrants, the probable cause inquiry is focused on two separate questions:

- First, is there probable cause to believe that the items sought are subject to seizure (evidence, contraband, instrumentalities, or fruits of the crime)?

- Second, is there probable cause to believe that the items sought will be found at the location to be searched?

B. By statute, a search warrant may be issued to:

- Recover stolen or embezzled property.
- Seize property used as a means of committing a public offense.
- Seize property in the possession of any person who intends to use it as a means to commit a public offense.
- Seize property in the possession of another to whom it may have been delivered for the purpose of concealing or preventing it from being discovered.
- Seize property that shows or tends to show that a particular offense has been committed, or that a particular person has committed an offense.
- Seize a person who is the subject of an outstanding arrest warrant.
- Search and inspect property when done so by an appropriate official in the interest of public health, safety, or welfare as part of an inspection program authorized by law.

C. The affidavit for a search warrant presented to a magistrate shall be based on the personal knowledge of the applicant or another peace officer, reliable information from a person who is named in the search warrant, and/or information received from a confidential informant whose reliability has been established at the time the warrant is issued. The officer/affiant shall document facts that amount to probable cause for each location, item, and person to be searched or seized.

D. The officer/affiant shall precisely ("particularly") describe those premises to be searched, especially those composed of apartments, duplexes, or any places where more than one family or unrelated people live. The affiant should always list the address, unit/apartment number, etc., if available. The description should be detailed enough that another officer can find the location without the address.

If there is probable cause that a vehicle on the premises contains an item(s) subject to seizure, the vehicle must be listed and described as specifically as possible given the information known to the officer. A warrant to search premises does not automatically extend to include the search of outbuildings or a person at the premises at the time of the search. If officers have probable cause to search certain persons who may be present at the premises, the officers shall include those persons and the probable cause to search them in the affidavit and warrant. If a person is named in the warrant, he/she should be specifically described. When a description is fairly generic or when multiple people at the location could match the description, officers should attach a photograph (if available) and/or list the officers who will be present who have seen the named person(s) and can identify the named person(s).

E. When drafting an affidavit specifically requesting a nighttime search, the officer must be able to establish that there is good cause for searching then, rather than waiting until daytime. Daytime is anytime between 0630-2200 hours.

F. An officer seeking a no-knock warrant must specifically articulate, in the affidavit, the reasons a no-knock entry is necessary and have the judge approve a no-knock entry in the Search Warrant. The affidavit must include facts demonstrating that an announced entry would endanger the safety of any person or would result in the destruction of any of the items described in the search warrant.

G. A no-knock entry may be conducted without the judge pre-approving a no-knock entry in the Search Warrant. This should only be done when the justification for the no-knock entry was not known at the time the warrant was signed. The reasons for an unannounced entry are that an announced entry would endanger the safety of any person or that it would result in the destruction of evidence.

H. The officer drafting an affidavit to obtain a search warrant shall submit the completed affidavit to the officer's supervisor for review and approval prior to submission to the magistrate.

1.5.7.1 Obtaining a Search Warrant

A. A search warrant may be obtained from any magistrate in the State of Arizona, including Supreme Court Justices, Court of Appeals and Superior Court Judges, Justices of the Peace and Magistrates. A completed *Affidavit for Search Warrant and Search Warrant* shall be presented to the magistrate who, if satisfied that probable cause exists, will sign the warrant. Only sworn testimony, in addition to the affidavit, can be appropriately considered by the magistrate prior to the issuance of the warrant. Therefore, any communication in support of the affidavit, whether verbal or written, shall be made under oath. Verbal communication, including the oath, must be electronically recorded and transcribed for later submittal to the court.

B. By statute, applications for a warrant may be submitted in person, by facsimile, or by telephone.

1.5.7.2 Telephonic, Faxed and Electronic Search Warrants

A. Telephonic, faxed and electronic (not available in all jurisdictions) search warrants may be used under the same circumstances as a standard search warrant and may be used whenever time is of the essence.

B. Faxed Warrant Procedure

- Prepare the affidavit and search warrant as usual.
- Fax the affidavit and search warrant to a magistrate.
- If approved, the magistrate will sign the search warrant and fax it back to the officer.
- The faxed search warrant with the magistrate's signature is deemed to be a valid search warrant.

C. Telephonic Warrant Procedure

- Prior to making the call, officers should prepare notes outlining the presentation they plan to make to the magistrate to establish probable cause.
- Equipment should be prepared to record the phone call, which is required.
- The call to the magistrate may be placed from any telephone, but should be placed from an area where there is little or no background noise.
- As a courtesy, the magistrate shall be called and told that the officer would like to obtain a telephonic search warrant. The officer should offer to call back in a few minutes, to allow the magistrate time to prepare for the call if necessary.
- When the magistrate is prepared to begin, the recording equipment must be started, and these procedures followed:

    - If possible, another officer shall be present to serve as a witness to the conversation.
    - The requesting officer shall give name, rank, department, and identifying number to the

magistrate. The purpose of the call shall be stated to the magistrate.

- Prior to reciting any facts pertaining to probable cause, the magistrate must place the officer under oath. The failure to give an oath will invalidate the warrant.
- After stating the date and time, the officer shall then begin to recite the facts that constitute probable cause. Upon completion, the officer shall ask the magistrate if there are any questions.
- If the magistrate finds that probable cause exists, the officer must read verbatim the previously completed *Standard Arizona Duplicate Original Search Warrant* to the magistrate.
- The magistrate will then direct the officer to sign the duplicate original warrant. The warrant shall be signed by the officer for the magistrate, the magistrate's name shall be listed, and both the officer and witness shall sign, indicating their name, rank, identifying number and department.

· When all these procedures are completed, and just prior to disconnecting the call, the officer shall state the time at which the conversation with the magistrate is finished. The officer should then check the recording to ensure it worked.

· After authorizing a signature on a duplicate original search warrant for the requesting officer, the magistrate is required by law to make an original search warrant, with the time of issuance of the duplicate warrant entered upon the original.

· When the magistrate authorizes the officer over the telephone to sign a search warrant in the magistrate's name, the duplicate original search warrant has the same authority as a search warrant signed by the magistrate.

· The *Duplicate Original Search Warrant* shall be executed in the same manner as an original search warrant. In addition, the exact time of the execution of the warrant must be entered on the face of the warrant by the officer executing it.

D. Electronic Warrant Procedure

· Not all Superior Court systems in Arizona have implemented systems that permit application for search warrants through a secure Internet connection. The system has, however, been implemented in Maricopa County Superior Court and may be implemented by other courts in the near future.

· The electronic system permits the completion of search warrant requests, oaths, orders, returns and signatures to be done online.

· Officers shall be trained in the use of the electronic system prior to using it.

1.5.7.3 Executing a Search Warrant

A. A sworn supervisor shall be in charge of all search warrant executions. The supervisor is responsible for all notifications, warrant information review, warrant procedure conduct and security, appropriate memos, making sure that the entry and all interviews are recorded, and other tactical or administrative details regarding the procedures. All officers involved in the initial entry shall wear body armor. Supervisors may permit exceptions to this requirement when appropriate (for example, when the entry is being done through use of a ruse).

B. A supervisor shall be in attendance for the duration of the search warrant procedure. Uniformed patrol

supervisors and officers will be used as situations dictate but will be returned to their regular duty assignments as soon as reasonably practical.

C. Undercover officers whose dress and appearance are not conventional for law enforcement personnel will not be involved in the search warrant entry team and normally will not be in view of any persons inside the premises until entry has been accomplished and the premises secured.

D. Search warrant locations known or believed to involve drug laboratories or other hazardous scenarios will be, when feasible, referred to officers or units with training in handling such scenes.

E. The following shall be done before execution of a warrant.

- In all instances in which a forced entry may be necessary, a briefing shall be held. This briefing shall include raid and arrest operations planning which outlines at a minimum:

  - All personnel involved and their assignments.
  - Diagrams, sketches, photographs and/or maps of the target location.
  - Special equipment needed or utilized such as body transmitters, recording devices, and video equipment.

- One officer will be assigned to record, as completely as possible, all conversations surrounding the execution of the warrant. Special attention should be given to the announcement of presence and authority.

- As soon as practical after a Department employee concludes that a search warrant may be executed, a surveillance of the target location shall be implemented, unless the premises are already secured.

- If the warrant is to be served outside the Department's jurisdiction, the law enforcement agency for the jurisdiction in which the warrant is to be served will be notified.

F. Knock and Announce

Officers are to knock and announce prior to all entries to serve search warrants unless a magistrate has authorized an unannounced entry in the issuance of a warrant, or a supervisor has approved the unannounced entry as authorized in A.R.S. §13-3916. The search warrant affiant (author) shall request approval for a no-knock entry when the factual basis required is present and a no-knock entry is desired. No-knock entries without a magistrate's authorization should only be made, pursuant to 13-3916, when new facts arise after the issuance of the warrant. The supervisor granting the approval for a no knock entry after the warrant has been issued shall prepare a police report completely documenting the facts and circumstances that arose after the issuance of the warrant and justified the "no-knock" entry.

- When knocking and announcing, officers shall announce, in a voice loud enough to be heard by occupants inside, that they are police officers and they have a search warrant for the premises. The knock and announcement as well as the entry should be recorded. The only exception to this paragraph is service on an individual or property already in police custody.

- A.R.S. §13-3916 provides that an officer may break into a building, premises, or vehicle or any part thereof, to execute a warrant when:

- After notice of the officer's authority and purpose, the officer receives no response within a reasonable time.
- After notice of the officer's authority and purpose, the officer is refused admittance.
- A magistrate has authorized an unannounced entry.
- The particular circumstances and the objective articulable facts are such that a reasonable officer would believe that giving notice of the officer's authority and purpose before entering would endanger the safety of any person or result in the destruction of evidence.

G. Serving the Warrant

When the supervisor of the detail executing the search warrant anticipates forcing entry into an occupied structure and/or using force against the occupants, the supervisor shall:

- Determine and make provisions for communications and specialized equipment needs,
- Coordinate required assistance from specialized support units, (e.g., SWAT),
- Consider availability of medical resources,
- Develop strategies and tactics for approaching, entering, securing, and leaving the structure,
- Discuss the threat potential and the anticipated necessity for using force and making arrests with all those involved in the entry and search teams,
- When the potential for violence is imminent or considered significant, review the plan of execution with the supervisor's immediate superior to evaluate effectiveness and approve the necessity of the action.
- Photographs shall be taken of any damage caused by the execution of the warrant.

- The supervisor, or officer designated to do so by the supervisor, should have possession of the search warrant, hand it directly to the person upon whom the warrant is served, and explain its purpose as soon after entry as feasible. It is not legally required that the person be shown the affidavit to the search warrant, but this is permissible. If the location is not occupied, the search warrant copy shall be left at a visible location within the searched area.

- Deviation from these procedures must be lawful, based on sound judgment, and cleared through the supervisor responsible for the search warrant. A sworn supervisor will be in charge of all search warrant executions.

H. Seizure of Property

- Although several officers may engage in the search, one officer shall be designated the "finder." That officer is responsible for documenting the circumstances of the search for and seizure of all property. Another officer shall be designated as the "recorder" and be responsible for marking, sealing, photographing, and recording the evidence.

- Officers may search only in those places where the evidence they are authorized to seek may reasonably be found. For example, an officer may not search for a sawed off shotgun in a matchbox.

- During the execution of the warrant, officers may seize those items described in the warrant, as well as any items which the officer has probable cause to believe are subject to seizure, including contraband, evidence, instrumentalities, fruits of the crime, etc., even though such items are not

named in the warrant. Such items may be seized only if they have been found within the course of a proper search under the warrant.

- When an officer seizes property under the warrant, a detailed receipt for the property seized will be given to the person from whom it was taken or in whose possession it was found. If the property is seized when a person is not present, a receipt will be left at the location where the property was found. Any officer present and participating in the search may sign the receipt.

I. Returning the Search Warrant

A warrant shall be executed within five calendar days. If necessary, the time for execution may be extended by five additional days, with the written authority of the magistrate. The warrant shall be returned to the issuing magistrate within three business days after the warrant is executed. The return shall include a written list of all property seized as the result of the warrant, along with the warrant. A return shall be filed even if no property is seized.

When property such as a computer is seized, it shall be included in the return just as other property is included. If there is additional forensic work to be done on the computer at the time the return is filed, that fact should be noted on the search warrant return.

1.5.7.4 Search warrants for tracking devices

A. The policies set forth in 1.5.6 that apply to general search warrants apply to search warrants for tracking devices except as provided in A.R.S. 13-4291 through 4293.

B. A tracking device search warrant may be issued on any of the following grounds:

- When the object to be tracked was used, is being used or is about to be used as a means of committing a public offense.
- When the object to be tracked is in the possession of a person who has committed, is committing or is about to commit a public offense.
- When the object or person to be tracked constitutes any evidence that tends to show that a particular public offense has been, is being or is about to be committed or tends to show that a particular person has committed or is committing the public offense.
- When the person to be tracked is the subject of an outstanding arrest warrant.

C. The tracking device warrant shall authorize use of the device at any time of day or night and shall specify the length of time the device may be used. That time may not exceed sixty days, unless an extension of the time period is ordered by the court.

D. Installation, maintenance and removal of the device are authorized by the warrant.

E. The tracking device must be installed and/or delivered within ten calendar days after issuance of the warrant (may be extended by the court) and must be returned within three business days after expiration. The return must include the time and date of initiation and the time period during which the tracking occurred.

F. The person who was tracked, or whose property was tracked, must be notified within ninety days after the tracking device's use ends.

1.5.7.5 Cell site simulator device search warrants.

A. The policies set forth in 1.5.6 that apply to general search warrants also apply to cell site simulator device search warrants, except as provided in A.R.S. 13-4291 and 13-4294.

B. A cell site simulator device search warrant may be issued on the following grounds:

- When the communications device to be identified is in the possession of a person who has used the communications device, is using the communications device or is about to use the communications device as a means of committing a public offense.
- When the communications device to be identified constitutes any evidence that tends to show that a particular public offense has been committed or tends to show that a particular person has committed or is committing the public offense.

C. The cell site simulator device warrant shall authorize use of the device at any time of day or night and shall specify the length of time the device may be used. That time may not exceed sixty days, unless an extension of the time period is ordered by the court.

D. The cell site simulator device warrant must be initiated within ten calendar days after issuance of the warrant (may be extended by the court) and must be returned within three business days after expiration. The return must include the time and date of initiation and the time period during which the tracking occurred.

E. The person who was tracked, or whose property was tracked, must be notified within ninety days after the tracking device's use ends. Delay may be allowed as prescribed in 13-3919.

F. A cell site simulator device may not be used to intercept, obtain or access the content of any stored oral, wire or electronic communication unless the interception or access is authorized by statute. A cell site simulator device may be used to track a communications device pursuant to A.R.S. section 13-4293.

G. If the cell site simulator device is used to locate or track a known communications device, all non-target data must be destroyed within sixty court business days after the return of the search warrant to the court.

H. If the cell site simulator device is used to identify an unknown communications device, all non-target data must be destroyed within sixty court business days after the return of the search warrant, unless the court orders the non-target data to be preserved.

1.5.8 Consent Searches

A. Consent is more than just an exception to the warrant requirement. Consent is a waiver, not only of the warrant requirement, but also of the probable cause or reasonable suspicion requirement.

B. The person giving consent must have common access or control over the item or area. If, under the totality of the circumstances, the officer ascertains facts that make it reasonable to believe that the person granting consent has authority, the consent will be considered valid.

Refer to *1.5.12.4* regarding consent searches of a residence in which there is more than one occupant.

C. Consent must be voluntary. The standard for determining voluntariness is clear and convincing evidence under the totality of the circumstances. Some of the factors that are considered in determining voluntariness include:

- Knowledge of the right to refuse. While officers are not required to inform the person of the right to refuse, it is helpful to do so.
- Assistance of the subject in conducting the search.
- Whether the subject was cooperative or uncooperative.
- The subject's prior arrest record, which may demonstrate knowledge and experience with police procedures.
- Whether the consent is given in writing, verbally or inferred through actions of the person.
- The length of time during which consent was sought (be brief).
- Any threat of consequences if consent is not given.
- The surrounding circumstances, i.e., the number of officers present, drawn weapons and detention in handcuffs.
- Whether the subject is in custody or investigative detention. Consent is most likely to be found voluntary if the subject is free to leave; least likely to be found voluntary if the subject is under arrest.
- Ability to understand the request for consent. If the subject does not speak
- English, the consent shall be sought in the subject's native language.
- Age, education, and intelligence of the subject.
- Physical condition of the suspect – intoxicated, injured, etc.
- Whether force was previously used against the subject. If force was used and it is feasible to do so, officers other than the ones who used the force should seek the consent.

1.5.8.1 Scope

The extent of the search is limited by the consent given. The subject can stop the search at any time, or restrict the scope of the search at any time. It is recommended that a *Consent to Search Form* be completed, signed by the subject and witnessed by the officer or that the person's consent be recorded.

1.5.9 Frisks and Pat-Downs

A. Under the Supreme Court's decision in *Terry v. Ohio*, a stop and a frisk are separate concepts that require separate legal justifications, though occasionally the same facts may justify both (such as when officers have reasonable suspicion to stop a person they
believe just committed an armed robbery).

B. An officer may stop a person for the purpose of investigating criminal activity when the officer has reasonable suspicion, based on specific articulable facts (facts that can be documented or listed in a police report), and taking into account their training and experience that the person to be stopped has, is, or will be involved in criminal activity. See section 1.5.3.1 above.

C. An officer may frisk or pat-down a person for weapons when the officer has lawfully detained the person and the officer has reasonable suspicion, based on specific articulable facts that the person is presently armed and dangerous. This does not require that the officer see something that appears to be a weapon.

D. A frisk or pat down consists of a carefully conducted and limited touching of the outer clothing of the suspected person for the purpose of discovering weapons which might be used to assault the officer. A frisk may be extended beyond the outer clothing to areas that the available information indicates might hold weapons. For example, this would apply when the person is wearing bulky clothing where the officer cannot feel the contents or when an officer sees or feels a bulge in some part of the person's clothing, which bulge might be a weapon.

E. Suspicious activity alone does not allow a frisk. Officers do not have a right to frisk people solely for

officer safety reasons. The only lawful justification for a frisk is reasonable suspicion, based on the totality of the circumstances, that a person may be presently armed and dangerous.

F. An officer may not frisk a person during a consensual encounter unless:

- The officer has developed reasonable suspicion of criminal activity, or
- The person consents to the search.

G. The reasonable belief that a person is armed and dangerous may be based on facts such as:

- The person's appearance, including clothing that bulges in a manner suggesting the presence of objects capable of inflicting injury or statements or actions suggesting the possibility that the subject is armed.

- The person's actions, including furtive movement as if to hide or reach for a weapon when the officer approached; words or actions that are threatening.

- In combination with other facts, prior knowledge of the person, including whether the person has an arrest record for weapons or other violent offenses, or whether the person has a reputation in the community for carrying weapons or for assaultive behavior.

- In combination with other facts, location of the incident, including whether the area is known for criminal activity, is a high crime area, or is in a remote area.

- In combination with other facts, time of day and whether the encounter is taking place in a well-lit area, or whether the area is dark.

- The police purpose for the stop, including whether the officer can articulate facts and circumstances that lead the officer to believe that the person stopped may have been involved, or be about to become involved, in a serious and violent, or armed, offense.

- Companions, including whether the officer has frisked a companion of the suspect that revealed a weapon and whether the officer has immediately available assistance to be able to safely interact with the number of subjects that have been stopped.

1.5.9.1 Scope

A. The frisk shall be confined in scope to an intrusion reasonably designed to discover guns, knives, clubs, or other instruments that might be used to assault the officer.

B. The purpose of this limited search is not to discover evidence of crime, but to allow the officer to pursue the investigation without fear of violence. A frisk is generally limited to a pat down of the outer garments of a suspect, particularly those areas most likely to contain a weapon. The frisk may be extended to areas which information indicates might hold potentially lethal weapons. For example, a commonly justified extension of a frisk beyond the pat-down search occurs when an officer sees or feels a bulge in some part of the person's clothing, which bulge might be a weapon.

1.5.9.2 Procedure

A. The frisk may be conducted immediately upon making the stop or at any time during the stop, but should be made as soon as the officer develops a reasonable belief that the person stopped is presently armed and dangerous and the frisk can be safely accomplished.

B. If the frisk discovers a sizeable item, the officer shall seize it and consider it in determining if probable cause exists to arrest the person.

C. Persons frisked but not arrested shall have any objects taken from them returned to them upon completion of the contact, unless the objects constitute contraband or evidence of a crime.

1.5.9.3 Securing Separable Possessions

A. If the person is carrying an object immediately separable from the person (e.g., a purse, shopping bag, briefcase) the object shall be removed from the person's control.

B. In the absence of articulable facts indicating that the object contains a weapon, officers shall not look inside the object, but shall place it in a secure location out of the person's reach for the duration of the stop. If officers have reasonable suspicion indicating that the object contains a weapon, it may be searched for the weapon. In addition, if something occurs during the stop that causes the officer to reasonably suspect the possibility of harm if the object is returned unexamined, the officer may briefly inspect the interior of the item before returning it.

1.5.9.4 Plain Feel During a Frisk

If while conducting a "frisk," an officer feels an object whose contour or mass makes its identity as a weapon immediately apparent or gives the officer probable cause to believe the item is contraband, this item may be seized. If, however, the officer is sure this item is not a weapon, but is unsure whether it is contraband, the officer may not squeeze or manipulate the item in order to identify it.

1.5.9.5 Documentation

A. Proper documentation of stop and frisk activity serves to ensure the proper exercise of law enforcement authority and enhance an officer's ability to reconstruct those factors that authorized the stop or frisk, and what took place during the contact. It also serves to protect the officer from allegations of wrongdoing.

B. Officers who have stopped or frisked any person shall document the event as required by Department procedures.

C. If the stop or frisk was based in whole or in part upon an informant's tip, the officer making the stop or frisk will attempt to obtain and record the identity of the informant, and record the facts concerning the tip (e.g., how it was received, the basis of the informant's reliability, and the origin of the informant's information) in a report.

1.5.10 Searches Incident to Arrest

A search incident to arrest of a person is permissible in only two situations:

- After a full custodial arrest and prior to transport to jail, police station, or DUI checkpoint or van.
- After an arrest, even when a person is to be released, to search for evidence related to the offense with which the person has been charged.

1.5.10.1 Scope

A. An officer has the authority to conduct a full search of the person of an arrestee following a full custodial arrest and prior to transport.

B. The search incident to arrest of an arrestee who will be released is limited to a search for evidence related to the offense with which the person is charged. For example, a person arrested for shoplifting

may be searched for additional stolen merchandise prior to being released.

C. Cell phones in the possession of an arrestee may not be searched based solely on the fact that the person has been arrested. If the officer has probable cause to support the issuance of a search warrant, the officer should seize the phone and proceed to seek a warrant for its search.

D. No warrant is necessary to search a cell phone if the person voluntarily consents to a search of the phone (see 1.5.7) or if there are exigent circumstances which require an immediate search of the phone (for example, facts suggest that a person who has abducted a child may have information on his phone that could be immediately accessed relevant to locating the abducted child).

1.5.10.2 Strip Searches

No officer shall perform a strip search of a suspect without the express permission of a Commander and a search warrant or facts demonstrating a clearly articulated danger requiring immediate action by the officer. A strip search must be done outside of the view of unnecessary persons and no opposite sex personnel shall be present, unless unavoidable. Strip/body cavity searches shall be conducted by medical or jail staff utilizing medical or jail facilities to ensure safety and privacy for the individual. In every case, the search shall be documented in a report.

1.5.11 Community Caretaking

A. Warrantless searches of persons that are done in response to emergency situations involving an injured or unconscious person requiring aid, rather than as a search in a criminal investigation, are considered lawful.

B. The scope of an emergency search of a person is limited to the extent necessary to effectuate the purpose. Officers must be able to demonstrate that the emergency presented by the injured or unconscious person was readily apparent and there was a need to intrude upon the privacy interests of that person for one or more of the following reasons:

- Identification of the person in order to contact relatives or friends.
- Determination of the need for specific medication, i.e., medical bracelet. necklace, or card, or evidence of medication.
- Discovery of the nature of the injury or problem by examination.

C. Community caretaking searches may also be permitted when an officer is engaging in conduct intended to promote public safety (for example, removing a handgun lying on the front seat of the arrestee's locked vehicle, when the vehicle is parked on a public street in a busy commercial area).

1.5.12 Searches of Residences

Searches of a person's residence without a warrant are presumed to be unreasonable. Officers must be prepared to justify, in detail, any entrance to a residence that is not authorized by a warrant, whether entry is gained by consent or via exigent circumstances.

1.5.12.1 Abandoned Premises

A. A person has no reasonable expectation of privacy (and therefore no Fourth Amendment rights) in a residence or other premise that the person has intentionally or constructively abandoned.

B. The most common application of this concept would be in an abandoned rental property. The tenant who abandoned the property would no longer have a reasonable expectation of privacy, so a search of the premises could not violate the tenant's Fourth Amendment rights. However, the landlord would have a right to privacy in the premises. In such an instance, the officer must seek consent from the landlord to

search the premises.

C. Intent to abandon will not be presumed. Whether abandonment has occurred will be determined by reference to the Arizona Landlord and Tenant Act and a review of all circumstances.

1.5.12.2 Open Fields and Curtilage

A. The "open fields" around a residence are defined as the unoccupied or undeveloped area outside of the curtilage. The Supreme Court has determined that there is no reasonable expectation of privacy in the open fields around a home and, therefore, a search of open fields does not raise a constitutional issue. However, areas within the curtilage of a home are treated as a part of the residence and are subject to the Fourth Amendment.

B. "Curtilage" is normally defined as the area around the home to which the activity of home life extends. To determine curtilage, the U.S. Supreme Court considers:

- The proximity of the area to the home.
- Whether the area is included within an enclosure surrounding the home.
- The nature of the uses to which the area is put. Intimate activities similar to those usually conducted in the home make the area more likely to be considered curtilage.
- The steps taken to protect the area from observation by people passing by.

C. Curtilage generally will include the back yard and front yard, as well as the private portion of a driveway. In the absence of a warrant, consent or exigent circumstances, officers may enter the front yard using only the sidewalk or pathway that is meant for the public to use to approach the main door of the residence.

1.5.12.3 Aerial Views

Naked-eye aerial observation of areas around a home, even within the curtilage, does not constitute a search. As long as the observations are made with the naked eye and from a public vantage point where the officers have a right to be, the surveillance will be constitutional. A fly over of the property for surveillance is lawful if it does not interfere with the person's use of the property or reveal intimate details connected with the home or curtilage. For example, a flight so low that the downdraft or noise would interfere with the reasonable use of the property might be considered unconstitutional.

1.5.12.4 Consent Search of a Residence

A. The totality of the circumstances will be considered in determining whether or not consent is voluntary. Consent may only be granted by someone who the officer reasonably believes has the authority to grant consent. Officers must make a reasonable inquiry as to a person's authority to grant consent prior to relying on that person's consent (in other words, just because a person answers the door at a home does not mean the person has authority to consent to a search of the home).

B. When there is more than one occupant in a residence; officers are to comply with the following direction from the United States Supreme Court:

- Officers may search jointly occupied premises without a search warrant if one of the joint occupants consents to the search.

- Officers may not search jointly occupied premises without a search warrant based on consent if one of the *physically present* occupants refuses to consent (even if another occupant consents).

- If a joint occupant who has denied consent for a search is removed by an officer, as long as the

removal is objectively reasonable, another joint occupant may consent to the search. Removal is objectively reasonable if it was the result of a valid detention or valid arrest.

C. The extent of the search is limited by the consent given. The subject can stop the search at any time, or restrict the scope of the search at any time.

D. Officers shall not perform a consent search on a residence unless the person consenting signs the Department *Consent to Search* form or unless their consent is recorded and the officer is satisfied that the person voluntarily consented.

1.5.12.5 Public Safety or Emergency Search of a Residence

A. This exception to the warrant requirement generally relates to factual situations in which it appears that a fight is in progress, or a person may be hurt or in need of immediate medical assistance. Examples include welfare checks, domestic violence situations where the crime reasonably appears to be ongoing, and entry into the home a mentally ill person who is a danger to self or others or is in need of immediate aid.

B. This exception is based upon the need for immediate aid, not on the need for investigation or the seriousness of an offense. The reasonableness of an officer's entry under the emergency aid exception is a question of fact for the trial court. Officers shall document specific facts warranting the necessity for the immediate entry including that:

- There must be probable cause to believe an emergency is at hand and that there is an immediate need for assistance for the protection of life or property.

- There must be a reasonable basis to associate the emergency with the area or place to be searched.

- The search may extend only to those areas where it would be reasonable, in light of the nature of the emergency, to search.

1.5.12.6 Protective Sweep

A. Officers may, when they reasonably perceive an immediate danger to their safety, make a warrantless, protective sweep of a residence. Protective sweeps are authorized in only two circumstances, both involving the place of arrest. They are:

- The area "immediately adjacent" to the place of arrest. Officers may search this area for a person who may present a danger to them, without any reasonable suspicion to believe a person is present.

- Other areas, near but not adjacent to the place of arrest. To do a lawful protective sweep of such an area, an officer must have a reasonable belief, supported by specific and articulable facts, that the area harbors someone who could pose a safety threat.

B. The protective sweep exception to the warrant requirement does not authorize officers to search a residence simply because they are interviewing an occupant, either at the threshold or within the residence. Officers must be able to meet the standards noted above in order to lawfully perform a protective sweep of a residence.

C. The search is limited to those areas in which a person may be found.

1.5.12.7 Hot Pursuit Entry into a Residence or Other Building

A. To justify entering a building or home when in hot pursuit, the pursuit must be ongoing and the officer must have been in pursuit of the subject usually all the way from the scene of the crime. Although an officer need not be in sight of the fleeing suspect at all times, the officer or another person must be in active pursuit of the fleeing suspect if this exception is to be applied.

B. By statute in Arizona, this exception is limited to felony offenses. Once the officer enters the building, the search is limited to those areas in which the person may be hiding.

1.5.12.8 Entry to stop the Destruction of Evidence

A. This exception applies to residential and commercial buildings, and to vehicles. To justify entering to stop the destruction of evidence, there must be facts indicating the ongoing destruction, or the immediate danger of destruction, of contraband or crime-related evidence. The search is limited to those actions necessary to preserve the evidence until a search warrant can be obtained.

B. The smell of burning or fresh marijuana, standing alone, is probable cause that the person or persons involved are engaged in criminal activity and may provide probable cause for the issuance of a search warrant. However, if officers have reason to believe that one or more of the persons involved in the situation have a medical marijuana card, that information must be considered in the determination of probable cause.

1.5.12.9 Search of a Residence Incident to an Arrest

If an officer is lawfully in a home and makes a lawful arrest, the officer may do a search incident to that arrest. The search is limited to the areas under the immediate control (or “wingspan”) of the arrestee at the time of arrest and areas where the suspect requests to go and is allowed to go by the arresting officer.

1.5.12.10 Community caretaking exception

The community caretaking exception to the warrant requirement does not apply to an officer’s entry into a residence.

1.5.13 Vehicle Searches

1.5.13.1 Consent Searches

As in all consent searches, the main issue is the voluntariness of the consent. The owner or the person with apparent authority over the vehicle (the driver) may consent to its search. A third party may give consent, if that person has joint access to or control over the vehicle, as long as no one objects who has equal or greater access or control.

Neither reasonable suspicion nor probable cause is required. The extent of the search is limited by the consent given. The subject can stop the search at any time, or restrict the scope of the search at any time. It is recommended that a *Consent to Search* form be completed, signed by the subject and witnessed by the officer, or that the person’s consent be recorded.

1.5.13.2 Search of Vehicles Incident to Arrest

A. If the arrestee was a recent occupant of the vehicle and was arrested in close proximity to a vehicle, the vehicle may be searched incident to arrest without a warrant or other exception to the warrant requirement only under the circumstances listed below:

- When it is reasonable to believe that evidence relevant to the crime for which the person is being arrested may be found in the vehicle, or

- When the person being arrested is unsecured and within reaching distance of the passenger

compartment at the time of the search.

B. If the arrestee has been secured and there is no reason to believe the vehicle contains evidence relevant to the crime for which the person is being arrested, the vehicle may not be searched incident to arrest. Officers may not delay securing the arrestee for the sole purpose of justifying a search of the vehicle.

C. Officer Safety will justify a search of a vehicle incident to a custodial arrest only when officers can document facts that demonstrate that their safety was jeopardized by bystanders or other occupants of the vehicle who are present, confronting the officers, and in a position to obtain a weapon from the vehicle.

D. The scope of the search of the vehicle incident to arrest does not include a search of the trunk of the vehicle and includes only the passenger compartment and all containers, locked or unlocked, within the passenger compartment.

1.5.13.3 Vehicle contains Evidence or Contraband
A. A vehicle may be searched without a warrant if an officer has probable cause to believe there is contraband, evidence or any item subject to seizure in the vehicle. Examples of facts that are considered probable cause include:

- A reliable drug dog alerts on the vehicle.
- An officer sees contraband in plain view in the vehicle.
- The suspect vehicle from a bank robbery is stopped within 2 minutes of the robbery and only a half mile from the scene.

B. If probable cause exists only for a single item (for example, all that was taken from the home during the burglary was the flat screen television), the search must cease once that item is found (the TV is in the back seat of the vehicle). If probable cause exists for contraband or evidence generally (the proceeds of a home burglary), the search may continue throughout any portion of the vehicle which may contain the items subject to seizure, including all containers, locked and unlocked, as well as the trunk.

1.5.13.4 Vehicle Frisk
A. For a vehicle to be frisked the officer must have made a lawful stop based upon reasonable suspicion or probable cause **and** the officer must have a reasonable suspicion that the vehicle contains weapons or ammunition that poses a danger to the officer.

B. The scope of a vehicle frisk is limited to those areas in the passenger compartment of the vehicle in which a weapon may be placed or hidden.

1.5.13.5 Vehicle Inventory
Prior to tow or release, officers will inventory any vehicle required to be inventoried under 61.8.2.

1.5.13.6 Vehicle Searches and Other Issues
A. Opening Locked Containers - When possible, officers shall open a locked vehicle, container, trunk, or glove compartment with a key or combination rather than by force. If keys are unavailable, and time permits, officers shall contact a locksmith to respond and open the vehicle or container. If time does not permit, the officers shall explain to the owner or person in possession, if the officer is in contact with that person, that the item will be opened with force if the key or combination is not provided.

B. Location of Search - In those cases where it is not feasible to conduct the search at the scene of the incident, and there is probable cause to search the vehicle or consent to move the vehicle, the vehicle shall be secured in police custody at all times until it is searched. The search shall be conducted as soon as practicable.

C. Search for Vehicle Identification Number (VIN) - The VIN is normally visible through the windshield. If the vehicle is unlocked, an officer may move items on the dashboard of a vehicle that are blocking the view of the public VIN from the outside of the vehicle. When checking the registration of a vehicle, the officer may compare the VIN on the registration with the VIN on the vehicle.

D. Motor Home/Mobile Home - A motor home or mobile home, if apparently mobile, is treated the same as a motor vehicle for the purposes of warrantless searches. Motor homes and mobile homes that are apparently affixed to a location, e.g., water hookups, skirts, lack of wheels, shall be treated as residences, not as vehicles.

E. Aircraft and watercraft – Aircraft and watercraft are subject to the same exceptions to the warrant requirement as are automobiles.

F. Abandoned Vehicle – If a vehicle is truly abandoned, there is no need for a search warrant or other exception to the warrant requirement, as there would be no reasonable expectation of privacy in the vehicle. This does not mean a vehicle that is dismantled, or possibly junked on a person's private property, is abandoned. Any time a person would have a reasonable expectation of privacy in the vehicle, it is not abandoned.

G. Registration - A search for registration in a vehicle can be done without a warrant only if the officer has reasonable suspicion to believe the vehicle is stolen.

H. Forfeiture - An officer does not need a warrant to seize a vehicle in a public place if there is probable cause to believe it is subject to forfeiture. Otherwise, the vehicle that is to be seized for forfeiture must be lawfully seized as part of a criminal case or subject to a court order.

1.5.14 Physical Characteristics Orders

A. A.R.S. §13-3905 provides that a court may issue an order authorizing an officer to take a person suspected of committing an offense into custody for the purpose of obtaining evidence of identifying physical characteristics. "Identifying physical characteristics" is defined in the statute as including, but not being limited to, the fingerprints, palm prints, footprints, measurements, handwriting, hand printing, sound of voice, blood samples, urine samples, saliva samples, hair samples, comparative personal appearance or photographs of an individual.

B. The application must include a proposed order and an affidavit. The officer's affidavit, when requesting any identifying physical characteristic other than a blood sample, must include:

- Reasonable cause that a felony has been committed.
- Reasonable cause that procurement of evidence of identifying physical characteristics will contribute to the identification of the person responsible for the offense.
- That the evidence cannot be acquired from the officer's own agency or the Department of Public Safety.

When the request is made for a blood sample, the affidavit must include a statement of probable cause

(rather than reasonable cause) to believe that procurement of evidence of identifying physical characteristics will contribute to the identification of the person responsible for the offense.

C. The proposed order is required to specify the following information:

- The alleged criminal offense that is the subject of the application.
- The specific type of identifying physical characteristic evidence that is sought.
- The relevance of the evidence to the particular investigation.
- The identity or description of the individual who is to be detained for obtaining the evidence.
- The name and official status of the investigative officer authorized to detain the individual and obtain the evidence.
- The place at which the evidence will be obtained.
- The time that the evidence shall be taken, except that no person may be detained for a period of more than three hours for the purpose of taking evidence.
- The period of time, not exceeding fifteen days, during which the order shall continue in force and effect. If the order is not executed within fifteen days and is not extended by the magistrate, a new order may be issued pursuant to this section. The magistrate may extend the time for execution of the order for no longer than fifteen days.

Collection of physical characteristics, (e.g., buccal cells, blood, urine and semen) may also be procured with a search warrant if prior to indictment, or an order under Arizona Rules of Criminal Procedure Rule 15.2 if after indictment. If the person has been indicted, no action should be taken prior to consultation with the Deputy County Attorney handling the case.

1.5.14.1 Procedures to Follow to Obtain a Court Order
To obtain a court order for physical characteristic evidence, the investigating officer shall prepare both a court order and an affidavit in support of the court order. An order may be obtained in person or by telephone, radio or other means of electronic communication, in the same manner as a search warrant.

1.5.14.2 Execution of the Court Order
The court order to seize physical characteristics evidence must be executed at the time and place specified in the order, or as soon afterwards as possible if the suspect cannot be found on the date specified in the order. The order is valid for 15 days; if not executed within 15 days it may be extended for an additional 15 days by the magistrate. The person may be held for no more than three hours, beginning from the moment the person is first detained.

The officer executing the order may use a reasonable amount of force to take the evidence specified in the order. If the nature of the physical characteristic evidence requires the cooperation of the suspect (e.g., giving a voice or handwriting sample), and there is no cooperation, the suspect will be in violation of the court order and can be held in contempt of court for failure to comply with the order or arrested for A.R.S. §13-2810.

The order must be returned not later than thirty (30) days after its issuance. The return shall include a sworn statement indicating the type of evidence taken, if any.

1.6 Laws of Arrest

1.6.1 Authority to Arrest

An officer may arrest a person if the officer has probable cause to believe:

- A felony has been committed, and probable cause exists to believe the person to be arrested has committed the offense.

- A misdemeanor or a petty offense has been committed, and probable cause exists to believe the person to be arrested has committed the offense.
- The person is the subject of a valid misdemeanor or felony arrest warrant, or an Arizona civil arrest warrant. Only sworn officers may execute these warrants.

1.6.2 Probable Cause

For purposes of making an arrest, probable cause is defined as:

> Facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead a reasonable person to believe a crime is being, has been or will be committed and that the person to be arrested is committing, has committed or will commit that crime.

To have probable cause to stop or arrest someone is to have facts sufficient to demonstrate a "fair probability" that the person has committed or was involved in the crime.

1.6.2.1 Location of Arrest and Warrant Requirements

A. An officer who has probable cause may make an arrest with or without a warrant under the following circumstances:

- At any time, in a public place, or in any building in which an officer has the legal right to be present.
- At the suspect's residence if the officer has lawfully entered the residence or the curtilage where the arrestee is located.
- At a third party's residence if the officer has lawfully entered the residence or the curtilage where the arrestee is located.

B. An officer must confirm an arrest warrant and have probable cause to believe the person is at the residence in order to make a forcible entry into a person's residence to arrest him/her.

C. An officer must confirm an arrest warrant and have a search warrant in order to make forcible entry into the home of a person other than the arrestee to make the arrest.

D. Forced entry into a residence to make an arrest with a warrant should generally be limited to felony offenses. Officers shall not, except when approved by a supervisor, force entry into a person's home to serve a misdemeanor warrant.

E. It is an arrest to surround a residence and order a person inside to exit the residence. For the arrest to be lawful, officers must have probable cause <u>and</u> either an arrest warrant or an exception to the warrant requirement (such as exigent circumstances).

1.6.3 Use of Force while Making an Arrest

A. All persons shall be treated professionally, humanely and with regard for their legal rights. When making an arrest, officers shall use only that force which is objectively reasonable.

B. Officers shall use only the minimum force necessary to affect an arrest or restraint, and to ensure the safety of the arrestee, the officers and others. Intentional, unjustified assaults committed by Department employees shall constitute gross misconduct, and may result in criminal prosecution and administrative action, up to and including termination.

C. Only restraining devices and techniques authorized by the Department will be utilized in the restraint, transportation and detention of arrestees. Officers shall consider using an ambulance with restraints to control and transport disabled, mentally ill, injured or extremely violent prisoners. An officer may be

assigned to travel in the ambulance or follow immediately behind, depending on the circumstances, to provide security.

1.6.4 De Facto Arrests

A. Officers are cautioned that detaining persons for unreasonable periods of time, or transporting persons against their will to a police facility or other site in the absence of probable cause, is a de facto arrest requiring probable cause.

B. A person may be subject to an investigatory detention based on reasonable suspicion of criminal activity. The length of time of an investigatory detention may not exceed that necessary to determine whether or not a crime has been committed and whether the person will be arrested or released. An investigatory detention that exceeds that length of time may be determined to have been an arrest, requiring probable cause.

C. The United States Supreme Court has held that a person who is transported against his or her will to a police facility has been arrested. If there is no probable cause to support the arrest, the arrest is unlawful under the Fourth Amendment. Unless an officer has probable cause, the officers shall not transport a person, without the person's consent, to a police facility. Brief transport of an individual for a show-up identification, when the detention is in close proximity to the time and location of the crime is permitted, if supported by reasonable suspicion.

1.6.5 Arrest Procedures

If feasible, prior to taking any police action, including an arrest, an officer shall identify him/herself as a police officer. An officer who makes an arrest shall:

- Inform the person being arrested of the cause of the arrest.
- If the arrest is pursuant to an arrest warrant, inform the arrestee of the existence of the warrant.

Officers are not required to provide the foregoing information to an arrestee if:

- Providing this information would imperil the arrest.
- The arrestee is presently engaged in commission of the offense.
- The officer is in pursuit of the arrestee immediately after commission of the offense or after an escape.
- The arrestee flees or forcibly resists the officer before the officer has a chance to provide the information.

1.6.6 Disposition Following Arrest

1.6.6.1 Full Custodial Arrest (Booking)

A. Officers shall make a custodial arrest of any person arrested for a felony offense, when required by law (for example, certain domestic violence offenses) or pursuant to an arrest warrant. Exceptions to this policy require the approval of a supervisor.

Officers should make a custodial arrest of a misdemeanant in the following situations:

- The suspect cannot be satisfactorily identified.
- The suspect refuses to sign a promise to appear or by overt action or statement gives the officer reason to believe that the person will not appear in court.

- The suspect committed the misdemeanor in the officer's presence and a release would be inappropriate.
- There is information indicating that similar charges are pending against the subject.
- A supervisor directs the custodial arrest of the suspect.

B. Officers making a full custodial arrest of an individual shall perform a thorough search that individual incident to arrest.

C. A person who is physically arrested shall be booked into jail in the County in which the person is arrested. The person may also be taken before the nearest and most accessible magistrate in the County in which the person is arrested. In either situation, an initial appearance before a magistrate must occur within twenty-four hours of the arrest, or the person must be released.

1.6.6.2 Booking for Both Felony and Misdemeanor Charges.
When a subject is arrested for both felony and misdemeanor offenses, the officers shall book the arrestee into jail on the felony offense(s) only and fully document the misdemeanor offense(s) in a department report.

1.6.6.3 Cite and Release
A. Arizona law authorizes an officer to complete a citation and release a person charged with a misdemeanor or petty offense, instead of taking the person into custody, if the person signs a written promise to appear in court on the cited charge(s). Release on a promise to appear is not permitted when:

- A custodial arrest is mandated by statute or Department procedures (for example, in certain cases of domestic violence).
- The offender is under the age of 18 and comes under the jurisdiction of the Juvenile Court for an offense for which citation and release is not authorized by the Juvenile Court.
- In the opinion of the officer the release could jeopardize the safety and welfare of the suspect or any other person.
- The suspect has been cited and refuses to leave, or continues to commit a violation of the law.
- An identification (obtaining fingerprints or photograph) or custodial arrest would be more appropriate.

B. If the officer is unsure of the identity of the arrestee, the officer shall conduct procedures to accurately identify an arrestee prior to citing and releasing the arrestee. Officers may also conduct identification procedures if the information would assist in a criminal investigation. These procedures include fingerprinting and photographing the arrestee prior to release.

C. Either a fingerprint (right index fingerprint on the citation) or a two fingerprint biometric-based identifier is required prior to release by citation on violations of Title 13 sex offenses and domestic violence offenses and Title 28 DUI offenses. In addition, these arrestees shall be provided with a notice of mandatory fingerprinting form, which shall advise the arrestee to appear for fingerprinting prior to arraignment.

1.6.7 Arrests Involving Foreign Nationals
A. The United States is obligated under international treaties and Arizona law enforcement is also obligated under A.R.S. §13-3906 to notify foreign consulates in certain situations when foreign nationals of their country are arrested, or otherwise detained for an extended period.

B. Whenever a foreign national is arrested or detained, the arresting officer shall determine whether notification is by treaty mandatory or voluntary. Each time a foreign national from a country is arrested or detained for an extended period of time, the officer with custody of the subject shall contact Communications to determine whether notification is voluntary or mandatory. Communications maintains a list of countries that require mandatory notification as well as fax numbers for Embassies and Consulates across the United States. A list of countries and their status as voluntary or mandatory, translations of the advice to be given to the arrested person, consulate fax sheets, and fax numbers for all consulates are also available at

https://travel.state.gov/content/travel/en/consularnotification.html

C. If the arrestee is from a voluntary notification country, the officer must advise the arrestee that, unless the arrestee waives notification, the officer will advise their consulate of their arrest. The officer shall document the time that the arrestee was advised and whether or not the arrestee waived notification.

Mexico is a voluntary notification country. If a Mexican national is taken into custody or any other national from a country where consular notification is voluntary, the officer with custody of the subject must read statement number one (1) on the back of the Consular Notification Form and Fax Sheet to the arrestee. The officer will then document that the statement was read as well as the arrestee's indication of understanding and whether the arrestee wished for Consular Officials to be notified in the basic case report.

D. If the arrestee is from a country that requires mandatory notification of consular officials, then the arresting officer shall advise the arrestee that his or her consulate will be notified of the arrest. The officer with custody of the subject must read statement number two (2) on the back of Consular Notification Form and Fax Sheet to the arrestee. The officer will then document that the statement was read as well as the arrestee's indication of understanding in the Case Report.

- The officer shall fax the completed Consular Notification Form and Fax Notification Sheet to the appropriate Consulate or Embassy office.
- Submit the original copy of the Consular Notification Form and Fax Sheet and the fax receipt to Records.

E. If the arrestee does not waive notification, or if the arrestee is from a mandatory notification country, the officer shall complete and fax the consulate notification fax sheet to the appropriate consular or embassy office. A copy of the fax notification should be attached to the officer's report.

F. Once notification of the appropriate consulate or embassy has been made it is not necessary to wait for a reply before continuing with the investigation. If the consulate does contact the officer and ask to talk with the suspect, the consulate is entitled to reasonable, private access. That access does not take priority over the investigation. Unless the official is licensed to practice law in the United States, the consulate or consular official may not act as an attorney and may not invoke any of the suspect's rights on the suspect's behalf.

1.6.8 Diplomatic, Legislative, and Statutory Immunity from Arrest

1.6.8.1 Legislators

A. Federal legislators are privileged from arrest except in cases of treason, felonies, or misdemeanors amounting to a breach of the peace, during the following:

- While the legislature is in session, and

- While traveling from or returning to their homes to attend a session.

B. State legislators are privileged from arrest except in cases of treason, felonies, or misdemeanors amounting to a breach of the peace. State legislators shall not be subject to any civil process including civil traffic citations, during the following:

- While the legislature is in session.
- And for 15 days prior to the start of the session.

C. The decision to arrest shall be referred to a supervisor in all cases. Arrest will be made for misdemeanors only in the following cases:

- A violent offense.
- Disturbance of public order (such as disorderly conduct or trespass).
- Driving while under the influence of intoxicating liquor (DUI).

1.6.8.2 Foreign Dignitaries

A. Foreign diplomatic agents (ambassadors and foreign ministers), their families and staff may enjoy complete immunity from arrest, and their property or residences may not be searched, even with a warrant. These persons may also not be compelled to testify or provide evidence in court proceedings. Generally, foreign consuls, their families and employees are not immune from arrest.

B. Persons protected by diplomatic immunity may be detained if they have committed a seriously violent crime and there is reason to believe they present a continuing danger. The FBI will immediately be contacted to take custody of the person.

C. Persons protected by diplomatic immunity will have an identification card provided by the U.S. Department of State that contains a photograph of the person, the person's name, title, mission, City and state, date of birth, identification number, expiration date and State Department Seal. It may also contain a statement regarding the application of immunity to the person. If the officer is uncertain as to the validity of the identification or the application of immunity to the person detained, a supervisor should be contacted immediately.

Agents of the FBI or the State Department may be contacted to assist in verifying consular status as well as the existence and scope of a person's immunity.

1.6.8.3 National Guard Members

Active duty National Guard members may not be arrested, except for felonies, while in camp, maneuvers or formations, or while engaged in armory drill, or while on their way to or from such duties. If a Guard Member commits a misdemeanor during this time, an investigation will be completed so that a warrant or summons may be issued after the period of immunity expires. This immunity does not extend to civil traffic violations not requiring detention.

Civil traffic offenses shall be handled as with any other person. Officers are reminded of Title 28 provisions regarding driver license requirements for military personnel. This allows them to forgo the renewal of their driver license from their home state if they are on active duty and have current military ID.

1.6.8.4 Persons Under Subpoena

A witness under subpoena is privileged from arrest, except for treason, felony, or breach of the peace, while attending or traveling to and from court.

1.6.8.5 Military Personnel

If an active-duty member of any of the armed forces of the United States is arrested for a crime other than minor civil infractions or minor traffic offenses, the arresting officer will notify the arrestee's immediate supervisor. If the arrestee is **active duty,** the officer shall telephone Davis Monthan AFB directory assistance at (520) 228-3900 and advise them that an active-duty military member has been arrested. Officers must provide the following information:

- Name, rank, date of birth and serial number of arrested subject.
- The offense(s) with which the person is charged.
- The case number.

Officers will also advise the military law enforcement personnel that a copy of the report will be available from the Records Section. Officers will not disclose the criminal history of the arrested military member.

1.6.9 Arrest Warrants

1.6.9.1 Obtaining an Arrest Warrant

An officer who seeks to have an arrest warrant issued must contact the appropriate prosecutor's office to apply for the warrant. The officer shall present the facts of the case to the prosecutor. If approved by the prosecutor, the prosecutor will prepare a criminal complaint. The officer may then be requested to appear before the appropriate Magistrate, Justice of the Peace or Superior Court Judge and swear to the facts underlying the complaint. The warrant will then be issued and signed by the judge.

1.6.9.2 Service of Arrest Warrant

A. Arrest warrants may be served by peace officers and, when the person to be arrested is already incarcerated in a jail facility or surrenders to that jail facility, by a detention officer at the jail facility where the detention officer is employed. Officers who have reason to believe that a warrant exists for a person may detain that person pending validation of the warrant. The warrant must be confirmed prior to arrest.

B. A warrant shall:

- Contain the name of the person to be arrested or, if the name is unknown, any name or description by which the person can be identified with reasonable certainty.
- Include the criminal charges and shall command that the person be arrested and brought before a magistrate.
- State the bond, if bail is available as a matter of right, and contains the magistrate's signature or wording indicating that the original warrant has a signature.

C. A warrant that is not sufficiently specific to allow an officer to verify the identity of the person to be arrested is invalid and an officer should not make an arrest based on that warrant.

D. The officer shall verify the identity of the person to be arrested. If it is necessary to establish identity, a fingerprint check may be made. If identification is inconclusive, the person shall be released.

E. To make a forcible entry to arrest a person on an arrest warrant, an officer must have:

1. To arrest the suspect in his/her own home:
   - An arrest warrant, and
   - Probable cause to believe the suspect is home.
2. To arrest the suspect in someone else's home:

- An arrest warrant, and
- Probable cause to believe the suspect is home, and a search warrant.

1.6.9.3 Warrant Verification

A. No warrant shall be served without verification. If the warrant is local, it shall be verified as still valid through the Communications section.

B. If the warrant is from another agency, Communications shall contact that agency by telephone and request warrant verification. The name and identification number of the person who verifies the warrant shall be included in the arresting officer's report. A computer entry from ACIC or NCIC is not sufficient for verification of a warrant and may not form the basis for an arrest.

C. It is not necessary to obtain a copy of an arrest warrant prior to serving it; however, if the suspect requests to see a copy, the officer shall secure a copy and provide it to the arrestee as soon as practicable.

D. If the warrant itself is verified but the issuing agency is unable to immediately confirm that they will extradite or, if in Arizona, arrange for an out-of-county transfer, the warrant shall not be served and the suspect shall be released. If the warrant is verified but extradition or out-of-county transfer is denied, or if the warrant is no longer valid, the suspect shall be released (if there are no other charges). If the warrant is verified but not being served, for whatever reason, the person shall be advised that the warrant remains active. Persons arrested on out-of-county, out of state or international warrants shall be booked at the jail in the county of arrest.

E. The officer shall include within the written report all efforts made to establish identity and to confirm the warrant. If the warrant is not served, the report shall include a complete explanation of the reasons for the non-service. In addition, the officer making the decision not to serve the warrant is responsible for advising communications that the warrant will not be served. The Communications dispatcher who receives this notification shall re-file the warrant for future service.

1.6.9.4 Juvenile Arrest Warrants

Juvenile warrants are valid only until the person is 18 years of age. Juvenile warrants shall be served in the same manner as adult warrants, except that the juvenile shall be detained at Pima County Juvenile Detention Center.

1.6.9.5 Non-service of Warrants

An officer has the discretion not to serve a misdemeanor warrant if doing so would be a hazard to the health and well-being of the defendant, if the offense is minor and the defendant is accompanied by minor children, and in similar situations. An officer who elects not to serve a warrant shall advise the subject that the warrant remains active. The officer shall document the contact in a DR and shall include all current information on the person named in the warrant, including physical description, current residential and business addresses and other relevant information.

1.6.9.6 Department Warrants – Extradition/Out-of-County Transfer Policy

Other law enforcement agencies inquiring about the Department's extradition and out-of-county transfer policy on warrants shall be advised this Department will extradite and cooperate with out-of-county transfers from the Pima County Jail.

1.6.10 Military Members who are AWOL/ Deserters

A. When a person is suspected of being absent without leave (AWOL), or a deserter, from the armed forces, the officers shall confirm the person's status with military authorities. A service member will be

detained once an officer is advised by an appropriate military representative that the proper written order exists to arrest the person and hold them as AWOL or as a deserter.

B. Confirmation shall be made by contacting the military police at the closest military or reserve military installation and providing the person's name, rank, social security number, date of birth, unit designation or station, and any other available information. If the AWOL or desertion status is confirmed and military authorities advise that the proper order exists to hold the person, the person shall be arrested and transported to jail. The military unit requesting detention will be requested to provide a copy of the written order as soon as practicable. The name and rank of the military person requesting the hold shall be included in the booking paperwork at the jail and in the DR; the charge description will be listed as Desertion in violation of Article 86, Uniform Code of Military Justice.

C. When an arrestee is subsequently discovered to be AWOL or a deserter, the above verification and documentation process shall be followed and the arrestee shall also be booked on the AWOL or desertion charge.

1.6.11 Civil Arrest Warrants (non-child support)

A. A "civil arrest warrant" is a court order issued in a non-criminal matter directing officers to arrest a person and bring the person to the court. Civil arrest warrants do not necessarily contain a statutory violation or a criminal charge.

B. A civil arrest warrant must be verified with the court prior to service. Generally, unless the warrant specifically states otherwise, a civil arrest warrant may only be served between the hours of 0630-2200. If the contact occurs during this time and the warrant is verified by the court, it shall be served on the person. (At any other time of day, the officer shall simply advise the person of the existence of the warrant but will not serve the warrant.) If the court is in session, the person arrested may be transported directly to the court; otherwise the person shall be booked into jail.

The location the prisoner will be transported to will be determined by the arrival time at the receiving facility:

- Arrival between 0730 and 1300 hours, weekends and holidays excluded, the prisoner will be transported to the holding area, Judicial Security Unit of the Pima County Sheriff's Department (PCSD), located on the 7th floor of the Superior Court Building at 110 West Congress.

- While en route to the Judicial Security Unit, the transporting officer will request that MPD Communications advise the Unit that they are en route with a "10-95 civil" and provide the estimated time of arrival. Upon arrival, Judicial Security will take custody of the prisoner. All other times, the prisoner will be transported to the Pima County Adult Detention Facility where they will be booked.

- The officer is required to complete a basic police report, classified "Assist Other Agency/County Criminal Justice (60.02)" with the subject indicated as the "suspect" only. No arrest information or interim sheet is required. All reports relative to the arrest will refer to the charge as "Civil Rule 34.1".

1.6.12 Civil Child Support Arrest Warrants

A. A child support arrest warrant is a court order issued in a child support case directing officers to arrest a person and bring the person to court. Child support arrest warrants may be served at any time of day or night (24 hours a day) and will be executed like any other arrest warrant.

B. Child support warrants may be verified by contacting the Clerk of the Court to verify the warrant and the release amount, (the amount of money set by a Superior Court judge or commissioner that is a portion of the suspect's delinquent child support.) If the warrant is valid, the person may be transported directly to the court; otherwise the person shall be booked into jail under A.R.S. §25-681, Civil Child Support Arrest Warrant. The officer shall complete a DR documenting the service of the warrant.

1.6.13 Citizen's Arrests

A. Before accepting an arrestee from a person claiming to have made a citizen's arrest, an officer shall confirm that the arrest is lawful. Members of the public may make arrests in the following circumstances:

- When the person to be arrested has in the presence of another committed a misdemeanor amounting to a breach of the peace (for example, trespass, DUI, assault, threatening and intimidating, and disorderly conduct), or a felony, or
- When a felony has in fact been committed and the person making the arrest has reasonable grounds to believe that the person to be arrested committed it.

B. The officer should, prior to accepting custody of the person, ask the person making the arrest whether or not he/she has made an arrest and, if so, that individual should advise the arrested person of the cause for the arrest. The officer may then take custody of the person. Once the officer takes custody of the arrestee, the officer must inform the person that he/she is under arrest and provide the reason for the arrest.

C. The person making the arrest should be advised that they are not required to sign a criminal complaint, but that they may receive a subpoena to testify in court as a witness.

1.6.14 Telephone Calls for Arrested Persons

A. When a suspect is detained or arrested and transported to a police facility prior to being booked into jail, the suspect should be given the opportunity to make two telephone calls within two hours of the time the suspect arrives at the facility, unless extenuating circumstances exist for postponing the calls (e.g., search warrant is being drawn and contraband may be removed or destroyed if the suspect is allowed to make a call). If the call is delayed due to extenuating circumstances, the relevant specific information shall be included in the DR.

Long distance calls must be paid for by the prisoner (credit card, collect, or by charging to a third number).

B. If a prisoner requests to contact an attorney, officers shall dial the telephone number requested and place the prisoner in a detention cell or similar area with the telephone, in order to ensure the prisoner's right to a confidential conversation with the attorney. The officer shall move far enough away so as not to overhear the conversation, or leave the room, while maintaining visual contact with the arrestee.

If the prisoner is unable to contact an attorney for any reason, the reason shall be noted in the DR and the officer shall discontinue all interrogation concerning the criminal case, unless the prisoner, without any coercion or duress, indicates they want to talk without consulting their attorney.

C. Telephone numbers called shall be listed on the Arrest/Booking Record if the prisoner is booked or on the applicable reports if the subject is released.

1.7 Racial Profiling and Bias Free Policing

A. It is the policy of this Department to provide services and enforce laws in a professional, nondiscriminatory, fair and equitable manner. The department recognizes that bias can occur at both an individual and an institutional level and is committed to eradicating both.

B. Bias-based policing is the different treatment of any person by officers based upon any discernable characteristic of an individual, unless the characteristic is part of a specific suspect description (see paragraph D). For purposes of this policy, “discernable characteristics” include, but are not limited to: age, disability status, economic status, familial status, gender, gender identity, homelessness, mental illness, national origin, race, ethnicity, color, religion, sexual orientation, and veteran status.

C. Officers shall not make decisions or take actions that are influenced by bias, prejudice or discriminatory intent. Law enforcement and investigative decisions must be based upon observable behavior or specific information.

D. Officers may take into account the discernible personal characteristics of an individual in establishing reasonable suspicion or probable cause only when the characteristic is part of a specific and reliable suspect description based on trustworthy and relevant information that links a specific person to a particular unlawful incident. Officers must articulate specific facts and circumstances that support their use of such characteristics in establishing reasonable suspicion or probable cause.

E. Employees shall not express – verbally, in writing or by other method – any prejudice or derogatory comments concerning discernible personal characteristics.

1.7.1 Responsibility to Report and Investigation of bias based policing

A. Supervisors and commanders are responsible for ensuring all personnel in their command are operating in compliance with this policy.

B. Employees who have observed or are aware of others who have engaged in bias-based policing shall report such incidents to a supervisor, providing all information known to them, before the end of the shift during which they make the observation or become aware of the incident.

C. If a person alleges bias-based policing, the employee shall call a supervisor to the scene to review the circumstances and determine an appropriate course of action. For purposes of this policy, an allegation of bias-based policing occurs whenever, from the perspective of a reasonable officer, a subject complains that he or she has received different treatment from an officer because of any of the discernible personal characteristics listed above. If the person declines to speak with a supervisor or wishes to leave before the supervisor arrives, the employee will offer the person the supervisor’s contact information and information on how to file a complaint with the Office of Professional Standards. Officers may not detain or extend the detention of a person solely to await the arrival of a supervisor.

D. Where there has been an allegation of bias-based policing, whether from another employee or a community member, the investigating supervisor will document the circumstances of the allegation and the steps that were taken to resolve it. At minimum, if the person involved will provide it, the documentation shall include the person’s name, address, phone number, email address and contact information of witnesses. All documentation shall be forwarded to Internal Affairs.

1.7.2 Review of Department practices

A. The Department is committed to eliminating policies and practices that have an unwarranted disparate impact on protected classes. It is possible that the long-term impacts of historical inequality and institutional bias could result in disproportionate enforcement, even in the absence of intentional bias. The Department’s policy is to identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement.

B. The Support Services Division, with the assistance and input of supervisors and commanders, shall review available data from law enforcement practices – including stops, citations and arrests – to identify

any practices that may have disparate impact. Alternative enforcement practices will be implemented when identified and available.

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1.8 Use of Force

Employees shall treat all members of the public with whom they have contact fairly, without bias and in adherence with the rights afforded by the United States Constitution, federal law, and the Constitution and laws of the State of Arizona.

Officers must understand their authority and the limits placed upon their authority. This is especially true when it comes to the use of force by a police officer.

1.8.1 Constitutional Authority for Use of Force in Law Enforcement

The United States Supreme Court has made it clear that law enforcement is entitled to use some degree of force in the enforcement of laws: "the right to make an arrest or investigatory stop necessarily carries with it the right to use some degree of physical coercion or threat thereof to affect it." *Graham v. Connor*, 490 U.S. 386 (1989).

The degree of force that may be used is that which is "objectively reasonable." In *Graham v. Connor*, the Court explained that:

> *The test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.*
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> * * *
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> *The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation.*

In *Brower v. County of Inyo*, 489 U.S. 593 (1989), the U.S. Supreme Court defined a seizure under the Fourth Amendment as a governmental termination of freedom of movement through means intentionally applied and clarified that a use of force may constitute a seizure under the Fourth Amendment.

In *Tennessee v. Garner*, 471 U.S. 1 (1985), the U.S. Supreme Court set the framework for analysis of the use of deadly force by law enforcement. A police officer may use deadly force to apprehend a suspect if "the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or to others." The court further stated deadly force may be used when "it is necessary to prevent escape and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

1.8.2 Arizona Law

Arizona statutes that address justification for the use of physical force are:

- A.R.S. §13-409 Justification; use of physical force in law enforcement

- A.R.S. §13-410 Justification; use of deadly physical force in law enforcement

1.8.3 Policy

A. Officers may only use force that is “objectively reasonable;” this means force that reasonably appears necessary based upon the facts and circumstances as perceived by a reasonable officer on the scene. In other words, the threat or impending use of force is imminent and inaction poses a substantial risk. The officer using force must be able to articulate why the force used was “objectively reasonable” under the circumstances.

B. Officers should determine the amount of force to be used based upon sound judgment, their training and experience and with respect for the sanctity of human life. The use of force is not a subjective determination left to the complete discretion of the involved officer. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

C. It is neither the policy of the Department, nor the intent of this policy, that officers unnecessarily or unreasonably endanger themselves or others. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. The type and amount of force used must be within the range of "objectively reasonable" options. When a subject is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly.

D. Under no circumstances will the force used be greater than what is “objectively reasonable” to achieve lawful objectives and to conduct lawful public safety activities. Officers will be held accountable for their action, as well as inaction, when using force in the execution of their duties. Officers are expected to ensure appropriate medical aid is rendered in all incidents involving the use of force when it is safe to do so.

E. It is not possible for any written policy statement concerning an officer’s use of force to cover all of the fact scenarios that may occur during the performance of an officer’s duties. While there is no way to specify the exact amount or type of force that is reasonable to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

1.8.4 De-escalation

A. When safe under the totality of the circumstances, and time and circumstances permit, officers shall use de-escalation tactics in order to reduce the need for force.

B. De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.
C. When safe and feasible under the totality of circumstances, officers shall attempt to slow down or stabilize the situation so that more time, options and resources are available to resolve the incident.
D. When time and circumstances reasonably permit, officers shall consider whether a subject’s lack of compliance may be a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:

- Medical conditions

- Mental impairment
- Developmental disability
- Physical limitation
- Language barrier
- Drug interaction
- Behavioral crisis

An officer's awareness of these possibilities, when time and circumstances reasonably permit, shall then be balanced against the facts of the incident facing the officer when deciding which tools, tactics and techniques are the most appropriate to bring the situation to a safe resolution.

E. Mitigating the immediacy of the threat, when reasonable, gives officers time to utilize additional available resources, and the time available to call for additional resources or officers. The number of officers on scene may increase the available force options and may increase the ability to reduce the overall force used.

F. Other examples include:
- Placing barriers between an uncooperative subject and an officer
- Containing a threat
- Moving from a position that exposes officers to potential threats to a safer position
- Decreasing the exposure to potential threat by using
  - Distance
  - Cover
  - Concealment
- Communication from a safe position intended to gain the subject's compliance, using:
  - Verbal persuasion
  - Advisements
  - Warnings
- Avoidance of physical confrontation, if time permits, unless immediately necessary (for example, to protect someone, or stop dangerous behavior)
- Calling extra resources or officers to assist:
  - CIT officers
  - Officers equipped with less-lethal tools
- Any other tools, tactics and techniques that attempt to achieve law enforcement objectives by gaining the compliance of the subject

1.8.5 The Force Model, An Illustrative Tool

1.8.5.1 The Force Model

A. The force model has been developed for illustrative purposes only, to explain the various levels of resistance and force that may take place during a use of force incident. The model is based upon the concept that, as the resistive individual increases the type of resistance or threat to the officer, the officer may increase the amount and type of force necessary to overcome the resistance. Conversely, the officer may decrease the level of force as compliance is attained. The model is not intended to limit or expand the force that is reasonable in any particular situation; it is intended instead as a methodology to assist officers in understanding and applying the legal principals set forth in this policy.

B. When determining the force to be used, the totality of the circumstances involved in the incident must

be considered. Officers may initiate the use of force at any level of that is reasonable under the circumstances. Under the law, the most important circumstances that influence the amount and type of force that will be considered objectively reasonable for an officer to use include:

- Whether the subject poses an immediate threat to the safety of the officers or others, including the behavior and actions of the subject, such as resistive actions, aggressive acts, weapons known or reasonably believed to be available to the subject, etc. Whether the subject poses an immediate threat to the safety of the officers or others is the most important factor to be considered.

- The nature of the offense, including the severity of the crime and the level of violence.

- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Additional circumstances that may influence the amount and type of force that is objectively reasonable for an officer to use include, but are not limited to:

- The actions and behavior of the person; what the person is doing or saying that creates a reasonable concern for the safety of the officer or others.

- Apparent abilities of the subject and the officer, including size, age, fighting skills known or exhibited, unusual strength or resistance to pain that may be associated with drug or alcohol ingestion, injuries, conditioning, and level of exhaustion.

- The availability of weapons, or the threat to use weapons to which the subject may reasonably have access.

- Whether the subject has a known history of violent behavior.

- Whether more than one suspect or officer is involved or readily available to assist.

- Whether other dangerous or exigent circumstances exist at the time of arrest.

1.8.5.2 Examples of Types of Resistance That May Be Encountered

A. **Psychological Intimidation.** Psychological intimidation includes non-verbal cues indicating the subject's attitude, appearance, and physical readiness, which may include, but are not limited to:

- Clenched fists; puffing up the chest,

- Assuming a fighting stance by turning sideways, widening foot stance, etc.,

- Facial expressions that may warn an officer of the subject's emotional state.

This is often referred to as "body language," which may influence an officer's decision on how to approach a subject or what level of force to use if the subject starts to resist a detention or arrest. These non-verbal actions often warn an officer of a subject's potential for violence when the subject has not made verbal threats.

B. **Verbal Non-Compliance**. Verbal non-compliance includes verbal responses indicating the subject's unwillingness to comply with direction and may include verbal threats made by the subject.

A person has a constitutionally protected right to express verbal protest to an officer. As a general rule, speech directed at an officer is protected by the First Amendment. However, as a general rule, "fighting

words," including threatening and intimidating, are not protected speech.

A person commits threatening or intimidating if the person threatens or intimidates by word or conduct:

- To cause physical injury to another person or serious damage to the property of another; or
- To cause, or in reckless disregard to causing, serious public inconvenience including, but not limited to, evacuation of a building, place of assembly, or transportation facility; or
- To cause physical injury to another person or damage to the property of another in order to promote, further, or assist in the interests of or to cause, induce or solicit another person to participate in a criminal street gang, or criminal syndicate or racketeering enterprise.

The appropriate reaction to verbal threats made by a subject depends on the specific facts faced by an officer and the totality of the circumstances. An officer's decision regarding the reasonable force necessary to control a subject will be based in part on the officer's perception of the verbal threat and the subject's apparent ability and willingness to carry out that threat, as well as the officer's knowledge of his or her own capabilities to manage the threat presented.

C. **Passive Resistance**. Passive resistance includes physical actions that do not directly prevent the officer's attempt at control. When using passive resistance, the offender never makes any attempt to defeat the physical actions of the officer. Passive resistance is usually in the form of a relaxed or "dead weight" posture intended to make the officer lift, push, or pull the subject to establish control.

D. **Defensive Resistance**. Defensive resistance includes physical actions, other than solely running prior to physical contact, that attempt to prevent the officer's control, but do not involve direct attempts to assault the officer. For example, the offender attempts to push or pull away in a manner that does not allow the officer to establish control. However, the subject does not attempt to assault the officer.

E. **Active Aggression**. Active aggression includes behavior that is a physical assault on the officer or another, where the offender prepares to strike, strikes, or uses other physical techniques in a manner that may result in injury to the officer.

F. **Aggravated Active Aggression**. Aggravated active aggression includes a physical assault on the officer or another person in a manner that creates a substantial risk of causing serious physical injury or death.

1.8.5.3 Types of Force

Officers must be aware that any type of resistance may quickly escalate and may require a different type of force to overcome the resistance/aggression, including deadly force. Any training in types of force, when to deploy force, or how to deploy force shall be done by trainers authorized by the department. When the use of authorized weapons or techniques taught by the department-authorized firearms and defensive tactics instructors are not practical, officers confronted with aggravated active aggression may resort to any reasonable method to overcome the attack. Types of force that the officer may use include:

- **Officer Presence.** The officer is clearly identified as an officer and his/her authority is established by presence in uniform, or by verbally identifying him/herself, and when possible, clearly displaying a badge or identification. The presence of a police canine at a scene falls under this category. It is at this initial stage of police/subject contact that the officer uses his/her presence to the greatest extent possible to take control of the situation and avoid escalation. The first aspect is non-verbal communication skills, starting with the officer's facial expressions.

- **Verbal Direction**. Verbal direction is communication by the officer intended to control the actions of a subject, including direction or commands.

- **Empty Hand Control**. Empty hand control is a phrase that incorporates a number of subject control methods. These may be as simple as gently guiding a subject's movement, or more dynamic techniques such as strikes. Empty hand controls are divided into two categories:

  1. **Soft control** techniques, which present a minimal risk of injury. Generally, these techniques are used to control passive or defensive resistance. However, soft control techniques can be utilized for any level of resistance if tactically appropriate and legally permissible.

Soft control techniques may include, but are not limited to:

- Handcuffing or the use of other authorized restraint devices
- Control holds - sometimes involving pain compliance, including wrist locks, joint locks, pressure points, and other authorized techniques. When applied correctly with no resistance, there is no pain to the subject.

2. **Hard control** techniques, which may cause physical injury. These techniques are usually applied when lesser forms of control have failed or are not applicable because the suspect's initial resistance is at a heightened level. In such situations, officers may risk injury to themselves or may need to escalate force if hard control techniques are not used. Generally, these techniques are used to control active aggression, although these techniques may be used in some situations when facing defensive resistance. Officers will first attempt verbal persuasion and soft empty hand techniques when practical.

Hard control techniques may include, but are not limited to:

- Closed fist strikes
- Hammer fist strikes
- Palm strikes
- Elbow strikes
- Knee strikes and kicks

When hard control techniques are applied to these areas and the subject is under control he or she shall be asked if they want medical assistance, unless the need is obvious. If the need is obvious or the subject asks for medical assistance, medical assistance will be sought and a supervisor will be notified. If the subject is booked, jail staff will be advised of the use of force and it will be noted on the booking slip.

"Take Downs." A take down is the forceful direction of the suspect to the ground. Generally, these techniques are used to counter defensive resistance or active aggression.

Non-deadly Weapons. Non-deadly weapons provide a method of controlling subjects when deadly force is not justified. They are generally used when empty hand control techniques are either not sufficient or not tactically the best option for the safety of the officer, the suspect, and/or others. However, they can be used whenever reasonable to do so. When non-deadly weapons are used, injury is likely and appropriate medical care shall be provided.

Officers should not use authorized non-deadly weapons unless they have received the required training for both when and how the weapons are used. Authorized non-deadly weapons include electronic control devices, police canines, impact weapons, chemical agents and specialized non-deadly ammunition.

A. **Oleoresin Capsicum (OC) spray and Chemical Agents**. These are generally used when reasonably necessary to subdue a person who is threatening or attempting physical harm to himself or

others, resisting or interfering with an arrest, to disperse an unruly crowd, to prevent an attack by an animal or to prevent rioting or disperse rioters. The department authorized chemical agents include OC spray is SABRE Red Stream containing 10% Oleoresin Capsicum and it shall be carried by all patrol officers. OC spray that contains alcohol or any other flammable ingredients shall not be used.

The following are guidelines for the use of OC spray:

- Against subject(s) who are using, at a minimum, defensive resistance.
- Direct a one-second burst directly to the face
- When possible, spray from a distance that allows the spray to atomize, usually 2-4 feet.
- Do not spray from a distance of 2 feet or less
- Assess the effect and reasonableness of additional applications prior to spraying additional times.

Following Use Of The Spray:

- When possible and when such an area is reasonably available, the subject should be handcuffed and removed from the exposure area to a well-ventilated area.
- Assistance should be requested from medical personnel.
- Unless the subject refuses and if available, flush the face with water and/or apply a wet towel to the face.
- Do not leave the subject unattended.
- Keep the subject in a freestanding or upright position. Do not lay the subject on the stomach while transporting.

B. **Impact Weapons**. Impact weapons are generally used when the officer is facing active aggression or aggravated active aggression. Passive resistance such as an arrestee's refusal to enter or exit a vehicle or holding onto a fixed object to avoid accompanying an officer, etc., is not sufficient in itself to justify the use of impact weapon strikes.

1) The types of authorized impact weapons are expandable baton, side handle baton, and straight baton. Officers must be certified in the use of the baton they carry by successfully completing a training course endorsed by the department. These weapons will not be altered in any way unless approved by the department. It is the responsibility of the officer to ensure they are baton certified prior to carrying a baton.

2) In exigent circumstances, flashlights may be used as impact weapons. Such use shall be in compliance with the requirements for the use of impact weapons.

3) The primary target for impact weapons shall be large muscle groups and nerve motor points. Officers will not purposely strike or jab subjects with an impact weapon in the head, neck, kidneys, groin, spine, joints, or sternum unless the situation escalates to aggravated active aggression.

C. **Specialized Non-deadly Ammunition**. This type of ammunition is generally used when officers are facing active aggression or aggravated active aggression. Specialized non-deadly ammunition is most often used in situations where there is a likelihood of injury to the officer, suspect, or a third person. This may include situations where the subject has picked up a rock, bat, or similar item that could incapacitate an officer and keeping a safe distance is advisable, or to prevent a person from harming themselves.

While specialized non-deadly ammunition is meant to be non-deadly, it is important for officers to understand that this ammunition can be deadly. Officers firing specialized non-deadly ammunition shall be

certified to use the ammunition to be deployed and aware of current acceptable target areas and distance.

1) The only department authorized specialized non-deadly ammunition is the CTS Brand Super Sock Bean Bag Impact munitions. Other type of non-deadly ammunition may be utilized by Pima Regional SWAT.
2) The CTS Brand Super Sock Bean Bag is fired from a standard 12 gauge shotgun that is modified in appearance and is intended to fire only non-deadly ammunition. The only modification to the shotgun is the replacement of the black stock with an orange-colored stock. This color change allows officers to easily identify that the shotgun is for non-deadly purposes.
3) Only officers that have been trained, qualified, and are authorized in the use of non-deadly ammunition may deploy non-deadly ammunition. Officers must attend yearly refresher training and qualifications and pass the qualification in order to be authorized to use specialized non-deadly ammunition.
4) The primary target area for non-deadly munitions fired from a shotgun is the lower abdomen, arms below the elbow, buttocks or legs of the suspect. Secondary target areas include the arms above the elbow, back (excluding the spine) and the knees of the suspect. Officers shall not intentionally target any other area.
5) When specialized non-deadly ammunition is deployed, the deploying officer shall, if practicable, ensure he/she has another officer present to provide lethal cover. Prior to firing the specialized non-deadly ammunition, the officer shall announce his or her intention to fire in order to alert the lethal cover officer(s) and other officers present.

Each type of specialized non-deadly ammunition also has range requirements:

- The Super-Sock Bean Bag should be deployed within the following range requirements: optimal ranges are between 15 feet (minimum) and 60 feet (maximum).
- When firing the specialized non-deadly ammunition, the firing officer should be aware that follow up shots may be required if the previous rounds miss or fail to incapacitate the suspect. Prior to firing additional shots, the officer shall assess the reasonableness of each additional shot before firing.
- Officers shall not fire stun bag or less-than-lethal rounds through any barrier (i.e., glass, fence, wall, etc.) as the rounds could tear, releasing lead shot.
- Firing the less-than-lethal round at a suspect at a range of less than 5 yards is considered the use of deadly force.

D. **Electronic Control Device.** Department authorized and issued electronic control devices may be deployed when reasonable against a subject engaging in acts of active aggression or aggravated active aggression, or to prevent a person from harming him/herself. The Advanced Taser X26P is the only CEW authorized by the department and it shall be carried by all patrol officers.

1) Officers shall deploy the electronic control device only as long as reasonable. Absent an on-going threat to officer safety, the primary objective is to approach the suspect and restrain him/her so that the suspect can be taken into custody safely.

2) The electronic control device is designed to continue to cycle as long as the trigger is depressed. When practicable, officers deploying the electronic control device shall assess the effectiveness of the electronic control device after the initial application, prior to administering additional cycles to the suspect.

3) When a subject is displaying defensive resistance, or higher levels of force, the electronic control device may be activated and displayed as a visual deterrent.

4) Prior to use of the electronic control device:
   - When circumstances permit, the officer shall advise the subject that, if the subject's disruptive behavior does not cease, the electronic control device will be used.
   - When possible, officers shall announce their deployment of the electronic control device as a safety precaution to any officers providing cover with firearms.
   - In inter-agency operations, officers shall confirm that officers from another agency have not used flammable OC spray on the subject prior to deploying the electronic control device.

5) The electronic control device shall only be carried or deployed by those employees that have successfully completed the appropriate training by a certified instructor. The CEW shall be carried secured by each employee using an authorized duty holster, on the opposite side from the primary firearm.

6) Person(s) authorized to carry the CEW shall upon issuance and at the beginning of each shift perform a spark test and inspect the weapon for proper functioning, battery charge, and count of cartridges. The lead CEW instructor or officer's supervisor shall be responsible for inspecting the CEW on a quarterly basis and maintaining records and inventory. CEW instructors shall download data from each CEW for annual transmission to the Training Unit.

7) Methods of deployment.

   The electronic control device may be deployed by two methods:
   - Drive stun, which involves contact with the suspect.
   - Probe deployment, which involved firing the cartridge from a distance.

8) Target areas for deployment:

   - The subject's back, below the neck to the legs, if practicable.
   - The subject's side or front, splitting the belt line (one probe into the lower chest area and one below the pelvic region or into the upper thigh).
   - The front center mass of the subject's body may be used if the primary and secondary target areas are unavailable.
   - Officers will not intentionally target the face or genitals.

9) Officer's responsibilities following deployment.

   - Once the subject has been taken into custody, officers will (while wearing latex gloves), remove the probes, unless the probes have penetrated the neck, face or groin area. In that case, officers will either call paramedics to the scene or transport the subject to the hospital for probe removal. Once the probes have been removed, the subject shall be transported to jail.
   - If an officer uses three or more cycles of the device on a subject, either paramedics will be called to the scene or the subject will be transported to the hospital to be medically evaluated.
   - Photographs of the affected area shall be taken after the probes are removed.
   - The probes and cartridges will be logged as evidence if, as a result of an CEW deployment, the suspect is transported for medical purposes.
   - Officers shall immediately notify their supervisor whenever the CEW is used.

- Officer shall complete the Use of Force Report form, and an offense, incident or supplemental report when the CEW is threatened, displayed, used or unintentionally discharged.
- Officers shall also complete a Taser Cartridge Work Request form when a cartridge has been discharged.
- Officers who use an CEW in the course of apprehending a suspect shall be required to turn the assigned CEW into the Training Unit for data download with 24 hours after the use of force incident. The Training Unit must download the data and submit the printed report to the Office of Internal Affairs as part of the Use of Force incident.

10) The electronic control device shall not be deployed unless the officer can document why the device's use was objectively reasonable to prevent serious physical injury or death of any person on:

- A subject who is in danger of falling from a significant height (e.g., one who is on a tree or roof).
- A subject who is near flammable liquids or gasses (including alcohol based OC spray).
- Any subject that is fully secured in restraints (i.e., handcuffs, RIPP, Zip-ties, etc.).
- Females who are or are believed to be pregnant.
- Persons who appear frail, a juvenile, or a person who is operating a motor vehicle, unless reasonable to prevent serious physical injury or death.
- To awaken a sleeping, unconscious, or intoxicated person.
- On a person operating a motor vehicle.
- On juveniles, unless reasonable to prevent serious physical injury or death.

E. **Canines**. The use of a police canine is considered a non-deadly use of force when properly deployed. However officers must be aware that the Ninth Circuit Court of Appeals has held that the improper use of a canine may amount to the use of deadly force. The appropriate use of a canine is detailed in the department's canine policy.

F. **Deadly Force.**

As defined by the 9th Circuit Court of Appeals, deadly force is force that creates a substantial risk of causing death or serious bodily injury. Force that creates a substantial risk of causing death or serious bodily injury is also the definition of aggravated active aggression.

1) **Techniques**. Officers are taught during their academy training about reasonable force, deadly force, warning shots, when and how to use non-deadly weapons and when and how to use deadly force and firearms. Use of a firearm is not the only means of employing deadly force; it may become necessary for officers to protect themselves or others with means other than a firearm. When the use of techniques taught by the department is not practical under the circumstances, officers may resort to any reasonable means to overcome aggravated active aggression.

2) **Authorized Use of Deadly Force**. Deadly force is authorized in the following situations:

- When reasonable to protect the officer or a third person from another's imminent use or threatened use of deadly force.
- To prevent the escape of a subject whom the officer has probable cause to believe has committed or intends to commit a felony involving the infliction or threat of serious physical injury or death and is likely to endanger human life or cause serious physical injury to another unless apprehended without delay.

3) **Use of Firearms**. When the use of a firearm on a suspect appears imminent officers will, when practical, issue a verbal warning.

A. Officers may discharge a firearm in connection with police duties:

§ At department approved range training.
§ To kill an imminently dangerous or seriously injured animal. When dealing with a dangerous animal, deadly force shall not be used unless the animal represents an immediate danger to the officer or a third party. When an officer comes in contact with a seriously injured or dangerous animal, the officer will attempt to notify the appropriate agency e.g., Animal Control, Livestock, etc. In any instance in which an animal is shot, the officer's supervisor will review the incident to determine if the shooting was in policy. In the case of the shooting of a seriously injured animal, the officer shall first notify a supervisor for approval and then thoroughly document the circumstances of the incident in a case report.
§ When approved by a supervisor under special circumstances for tactical purposes, when other reasonable alternatives are not available (for example, to shoot out a street light at a scene to protect police personnel or to disable a vehicle prior to anyone entering or getting close to the vehicle). Such uses are rare and will be carefully evaluated by the chain of command, or
§ When deadly force is authorized, as stated above.

B. Officers will not:

- Unnecessarily draw or display a firearm, or carelessly handle a firearm.
- Generally, fire warning shots.
- Use a firearm under circumstances in which a substantial and unjustifiable risk of serious physical injury or death to bystanders exists.
- Deliberately place themselves in the path of a moving vehicle or one prepared to immediately move.
- Fire at a moving vehicle unless deadly force is being used against the officer or a third person and the use of deadly force does not create a substantial and unjustifiable risk of serious physical injury or death that outweighs the benefit of its use. In such cases the deadly force shall be directed at the driver or occupant using the deadly force, as appropriate.
- Fire from a moving vehicle, unless deadly force is being used against the officer or a third person and the use of deadly force does not create a substantial and unjustifiable risk of serious physical injury or death that outweighs the benefit of its use.

C. De-escalation required. Once the threat of serious physical injury or death has passed, the officer will de-escalate the force as reasonable, using approved non-deadly force/tactics.

D. Following the use of deadly force:

- If a person is injured by the use of deadly force, medical assistance will be summoned. If the scene is not secure, the medical assistance will be directed to a secure area nearby until it is safe to proceed.
- Officers who have used deadly force that resulted in serious physical injury or death shall be removed from active duty, for their well-being and for administrative and investigative purposes. The removal from active duty shall be for no less than 2 shifts

and may last as long as the duration of the investigation, as deemed appropriate by the Police Chief. Officers who have used deadly force that did not result in serious physical injury or death may be removed from active duty, for their well-being and for administrative and investigative purposes, as deemed appropriate by the Police Chief.

1.8.6 Physical Restraint Devices

A. **Restraint Devices**

1. Restraint devices are intended to prevent a person from, among other things:

- Leaving the scene of an investigative detention or arrest.
- Initiating or escalating violence against the officer, another person and/or themselves.
- Destroying evidence or property.

2. Unless medical circumstances reasonably preclude the officer from placing a person in a restraining device, officers shall restrain individuals as necessary and appropriate in accordance with the Fourth Amendment. As soon as practical, a restrained person shall be placed in an upright position. The only exception is for transportation by a medical transport.

3. The following restraint devices are authorized by the Department:

- Handcuffs. Only Department approved handcuffs are authorized for use by department personnel. Officers shall carry at least one set of handcuffs; additional handcuffs may be carried at the officer's discretion. All handcuffs must be carried in Department approved carriers.
- Handcuffs shall be doubled locked to avoid injury to the suspect. If a suspect complains that the handcuffs are too tight, officers will check the handcuffs. Generally, officers should be able to slide a finger between the suspect's wrist and the handcuffs.
- Barring unusual circumstances, or prisoner transport by detention personnel to and from court or another holding facility, a person shall be restrained by handcuffs with the person's arms behind his/her back.

4. Alternative Restraint Device. Only department-approved devices may be carried and used by department personnel. Alternative restraint devices may be carried on the duty belt in a department approved carrier that protects the device from being easily grabbed or hooking on an object.

Alternative restraint devices, including "Zip-ties," may be used when handcuffing a person is not sufficient to minimize the risk of injury or the destruction of property, in mass arrest situations, in exigent circumstances, or otherwise when reasonable to do so. When an officer does not have handcuffs available, that officer may utilize alternate restraint devices to secure a person. If Zip-Ties are used, they shall be removed as soon as practical and replaced with handcuffs.

For prisoner transport and court appearances, leg irons may be used to prevent prisoner mobility.

1.8.7 Proficiency in the Use of Force

A. Officers must demonstrate proficiency through training at least every year for defensive tactics and non-deadly weapons.

B. Firearms (to include the non-deadly shotgun) proficiency must be demonstrated at least once a year.

C. Defensive tactics and Firearms instructors, who should be appropriately trained and certified, shall document whether an officer is proficient or needs remedial training in any area. The instructor shall also review policy changes at the first available training after the changes have been made and document the fact that current policy regarding use of force has been reviewed annually.

D. Proficiency training does not have to meet the requirements of the initial certification course, but must cover critical areas of non-deadly weapons use and current department policy relating to covered areas. The training must be given by instructors certified in the course presented.

E. If remedial training is required, the officer shall not be allowed to carry the non-deadly weapon/s or firearms until the remedial training is provided and the officer is determined to be proficient. Additional action (placement on administrative leave; transfer to another assignment) may be taken, as deemed appropriate by the Chief.

The instructor shall document the method of remedial training and forward all documentation to be placed in the officer's personnel (if placed on leave or temporarily reassigned) and/or training file.

1.8.8 Use Of Force Reporting And Review

A. Any time an officer uses force, including the use of non-deadly or deadly weapons or techniques, the officer shall examine any person(s) appearing or claiming to be injured and render first aid if necessary. Medical assistance should be called if requested or necessary.

B. An officer shall notify a supervisor as soon as possible regarding the use of force, other than for training or recreational purposes, in two situations:

- Use of force at the level of hard empty hand control, non-deadly weapons, canine, carotid control technique, or deadly force, and/or
- If the officer is injured, if the person on whom the force was used is injured, or if any other person is injured as a result of the officer's conduct.

C. Documenting the use of force.

1. Officers will document in their department reports any use of force, other than for training or recreational purposes that results in the use of officer presence, verbal direction, soft empty hand control, the use of restraint devices, and any situation in which the officer points their firearm at another person. Reports shall include any efforts made to de-escalate the situation.

2. In all situations resulting in use of hard empty hand control, non-deadly weapons, canine, carotid control technique, or deadly force, and/or if the officer is injured, if the person on whom the force was used is injured, or if any other person is injured as a result of the officer's conduct, the responding supervisor, or the officer's supervisor if no supervisor responds to the scene, has the responsibility of completing, in a timely manner, the department required use of force reports.

The reports will be forwarded through the chain of command to Professional Standards. Professional Standards should ensure that all reported use of force situations are reviewed by the officer's chain of command for adherence to policy.

D. The chain of command shall, where appropriate, make recommendations to the Chief regarding:

- Whether the use of force was within department policy. The chain of command should make this decision taking into consideration the U.S. Supreme Court's direction that an officer's use of force must be judged from the perspective of a reasonable officer on the scene at the time of the use of force. This must allow for the fact that police officers are often forced to make split-second

judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation, given the totality of the circumstances.

- Any tactical considerations and/or training recommendations.
- If the officer(s) involved had the appropriate training.
- Whether the training was properly documented.
- Whether department policy needs to be modified.
- The overall quality of supervision the officer received.

E. Professional Standards shall archive and annually review all documentation of uses of force to ensure consistency and completeness. This annual review shall include any patterns or trends that could indicate training needs, needed equipment upgrades and/or recommended policy modifications.

1.9 Firearms

1.9.1 On-duty and off-duty carry

A. Only sworn employees are permitted to carry firearms while on duty, on Town property, or in Town vehicles, except when handling firearms as a part of their assigned duties.

B. Officers will not loan their Town issued firearm to another officer without authorization.

C. Off-duty non-sworn employees may carry firearms in compliance with State and federal law. Sworn personnel may carry firearms off-duty in compliance with State and federal law and subject to the following limitations:

- Only Department authorized firearms will be carried concealed by officers while off duty. Officers may carry non-approved firearms for sporting or leisure activities, however those firearms shall not be carried concealed.
- Officers who are off duty and not acting in a police capacity who desire to engage in firearms practice/training with a Town -owned firearm at other than a police range will:
- Use only new or commercially produced factory reload ammunition.
- Immediately notify an on-duty supervisor in the event of an accidental or unintentional discharge involving injury or property damage.
- Be governed by, and subject to, all provisions of this policy relating to the use and handling of firearms.

D. All firearms carried on or off duty in a police capacity, Department or privately owned, will be unmodified from their original factory condition, except as approved by a Department armorer. Any modification or accessory that interferes with the operation of a weapon may be prohibited. Officers shall submit new accessories and/or modifications for approval prior to use.

Tactical flashlights approved by the Department Armorer shall be used for patrol use (refer to armorers for a list of Department approved tactical lights). The tactical lights are weapon mounted flashlights, designed for tactical situations where a display and use of a weapon is imminent and appropriate and a flashlight is needed.

To ensure the safe operation of these lights officers shall complete the AZPOST approved training provided by this department. The following safety rules shall be strictly adhered to:

- The light will be attached or detached on the weapon **only** when the weapon is unloaded and pointed in a safe direction.
- The weapon mounted light will be used **only** when the display and use of the **weapon** is imminent and appropriate and **shall not** be used as a **flashlight** under any other circumstances.
- The weapon and light system must be secured in the approved holster to be carried on duty.
- An additional flashlight **will** be carried on the uniform duty belt at all times.

1.9.2 Firearms Safety and Security

A. All firearms, whether Department or personally owned, shall be handled and stored safely and securely, both on and off duty.

B. Required safety and security practices include, but are not limited to, the following:

- When not being carried, firearms are to be kept out of view and secured in a safe location at all times.
- Firearms are to be kept out of the reach of children and others.
- Officers will not clean, repair, or load firearms in police buildings, except at police ranges, when using a bullet trap, or when ordered to do so by a supervisor.
- Firearms will be unloaded and loaded using a bullet trap located at facilities so equipped. When bullet traps are not available or utilized, officers will use extreme caution when loading and unloading firearms.
- Stunbag/beanbag shotguns may be loaded and unloaded at the trunk of police vehicles.
- Firearms will never be unnecessarily handled or displayed.
- Officers will immediately inspect and unload all firearms coming into their possession unless prohibited by specific circumstances.
- Only employees trained in firearms use and safety requirements will handle firearms.
- All Department firearms will be unloaded and cleaned prior to being placed in storage.
- If an officer is unsure about a proper unloading procedure, a firearms instructor or the armorer will be contacted.
- Any firearm that is turned into Supply or Evidence for any reason will be rendered safe before being turned in. Officers needing assistance to render a firearm safe will contact the armorer for assistance.

1.9.3 Firearms Qualification

A. Per Arizona Peace Officer Standards and Training (AZPOST) Rule, to maintain state certification as a peace officer all officers, including reserve officers, must qualify annually using all firearms carried in the course of duty by completing an AZPOST-prescribed:

- Firearms qualification course, and
- Target identification and judgment course.

Officers shall also qualify annually with any specialized firearms they are authorized to carry. Qualification shall meet AZPOST prescribed courses, if applicable, and shall be conducted by AZPOST certified firearms instructors.

B. Officers will be provided with two opportunities to qualify. Following a second failed attempt, the officer will schedule a time to return to the range to receive remedial training. The officer will then be provided with two additional opportunities to qualify. Officers who fail to qualify following remedial training and a second attempt will not be authorized to carry a firearm in a police capacity, including for secondary work,

until they do qualify. Officers who are excused from annual qualification due to injury or approved leave must qualify prior to returning to peace officer duties.

The Training Unit, in conjunction with the affected officer's chain of command, will arrange remedial training at the next available opportunity, usually within 48 hours. Before attending remedial training, the officer will be put on a temporary assignment that does not require the officer to carry the weapon with which they did not qualify. This issue will be specifically addressed in the officer's performance evaluation.

After the remedial training, if an officer still fails to qualify, the officer will be considered ineligible for duty (including Outside Employment) and shall be placed on leave without pay. At the officer's discretion, available vacation or compensatory time may be used in lieu of leave without pay. The officer shall have a maximum of four weeks to demonstrate firearm proficiency by shooting a qualifying score at the Department range in the presence of a firearm instructor selected by the Training Unit commander. It will be the officer's responsibility to make the necessary arrangements to complete the required qualification.

C. An officer who fails to qualify after the four-week period shall be terminated.

D. A record shall be maintained of each qualification shoot, the course fired, and all scores attained by the officer.

E. Officers will practice sufficiently to maintain their ability to pass annual qualification with all weapons carried in the course of duty.

1.9.4 Handgun Specifications

A. Only the following handguns may be carried on duty or concealed off duty.

Authorized On Duty Weapons.

Only sworn employees are permitted to carry firearms while on duty, on Town property, or in Town vehicles, except when handling firearms as part of their assigned duties.

Sworn employees, regardless of assignment, shall be assigned a primary handgun and shall be armed at all times while on duty with a semiautomatic pistol of a make and model approved by the Chief of Police or his or hers designee.

Off-duty non-sworn employees may carry firearms in compliance with State and federal law.

Sworn personnel may carry firearms off-duty in compliance with State and federal law and subject to the following limitations:

Only Department authorized firearms will be carried concealed by officers while off duty. Officers may carry non-approved firearms for sporting or leisure activities; however those firearms shall not be carried concealed.

All weapons that are authorized for on duty use shall, at a minimum, meet the requirements established for auxiliary weapon. The Department Armorer shall maintain a list of all firearms that have been authorized for use by particular officers or units, or under specified circumstances.

Auxiliary Weapons.

Auxiliary firearms are weapons that a sworn employee may carry while on duty as a backup to the primary duty weapon.

An auxiliary weapon must:

- Be inspected by the Armorer.
- Have at least a five round capacity.
- Be at least a .380 caliber or greater.
- Be carried in an approved carry system.

Primary Handgun to be Issued by M.P.D.

- Glock 22 chambered in .40 cal
- Glock 23 chambered in .40 cal
- Glock 27 chambered in .40 cal
- Glock 35 chambered in .40 cal
- Glock 17 chambered in 9mm
- Glock 19 chambered in 9mm

Personally Owned Firearms Authorized for On-Duty Primary Carry

Any 9mm, .40 and .45 of the following make (other firearms manufacturers may be permitted only with prior approval by a department armorer):

- Glock
- Smith and Wesson
- Colt
- Sig Sauer
- Springfield Armory
- KAHR Arms
- H & K

Secondary Handguns- Authorized for Off-Duty or On-Duty Back-Up Carry (semi auto or revolver)

Any, 9mm, .38, 357 mag, 357 sig, .40, .45, .380 of the following make (other firearms manufacturers may be permitted only with prior approval by a department armorer):

- Glock
- Smith and Wesson
- Colt
- Sig Sauer
- Springfield Armory
- KAHR Arms
- H & K

B. The following handguns are approved by the Department for on or off-duty primary use:

- Be inspected by the Armorer.
- Have at least a five round capacity.
- Be at least a 9mm caliber or greater.
- Be carried in an approved carry system.

Must be a semiautomatic pistol of a make and model approved by the Chief of Police and or his or hers designee.

Personally Owned Firearms Authorized for On-Duty Primary Carry

Any 9mm, .40 and .45 of the following make (other firearms manufacturers may be permitted only with prior approval by a department armorer):

- Glock
- Smith and Wesson
- Colt
- Sig Sauer
- Springfield Armory
- KAHR Arms
- H & K

Secondary Handguns- Authorized for Off-Duty or On-Duty Back-Up Carry (semi auto or revolver)

Any, 9mm, .38, 357 mag, 357 sig, .40, .45, .380 of the following make (other firearms manufacturers may be permitted only with prior approval by a department armorer):

- Glock
- Smith and Wesson
- Colt
- Sig Sauer
- Springfield Armory
- KAHR Arms
- H & K

C. The following handguns are approved by the Department for on or off-duty secondary use only:

All weapons that are authorized for on duty use shall, at a minimum, meet the requirements established for auxiliary weapon. The Department Armorer shall maintain a list of all firearms that have been authorized for use by particular officers or units, or under specified circumstances.

Auxiliary Weapons

Auxiliary firearms are weapons that a sworn employee may carry while on duty as a backup to the primary duty weapon. An auxiliary weapon must:

- Be inspected by the Armorer.
- Have at least a five round capacity.
- Be at least a .380 caliber or greater.
- Be carried in an approved carry system.

Secondary Handguns- Authorized for Off-Duty or On-Duty Back-Up Carry (semi auto or revolver)

Any, 9mm, .38, 357 mag, 357 sig, .40, .45, .380 of the following make (other firearms manufacturers may be permitted only with prior approval by a department armorer):

- Glock
- Smith and Wesson
- Colt

- Sig Sauer
- Springfield Armory
- KAHR Arms
- H & K

D. There are no restrictions on how many primary or secondary handguns that Officers are authorized to qualify with. However, only one primary and one secondary handgun may be carried at any one time.

E. When in uniform, officers shall wear the primary handgun in a standard issue belt holster. Officers not in uniform shall carry their primary handgun on their person or in a manner that is readily accessible. All secondary handguns shall be concealed. Undercover officers will carry firearms as approved by the Chief.

F. No officer may carry a firearm unless the officer has qualified with the firearm within the last year.

1.9.5 Handgun Ammunition

Only Department issued ammunition will be used in primary or secondary weapons carried while on or off duty. In addition, officers shall carry high capacity magazines in all handguns that are designed for high capacity magazines. Handguns shall be carried with a round in the chamber and magazines loaded in the manner instructed by the armorer. Uniformed officers shall carry a fully loaded weapon and two fully loaded extra magazines, each magazine shall be loaded to capacity minus one (1) round.

Ammunition carried shall not be altered in any way from its original condition. Officers shall not carry, in a duty, off duty or auxiliary firearm, any explosive or incendiary loads, armor-piercing bullets, KTW types of ammunition, or pre-fragmented bullets, e.g., “Glaser Safety Slug.” The Department Armorer shall maintain a list, and specifications for all approved duty ammunition.

1.9.6 Specialized Firearms

Shotguns (however configured) and rifles are considered specialized firearms and are subject to the following restrictions:

- No officer may carry a specialized firearm without successfully completing the applicable certification and qualification course, conducted by an AZPOST certified firearms instructor who is qualified on the specialized weapon.
- Certification on specialized firearms shall be completed annually. A complete record of the certification shall be kept.
- No specialized firearm will be carried on-duty unless provided by the Department or inspected and approved by the armorer.
- No ammunition, modifications or accessories may be used, added to or carried with a specialized firearm without the approval of the armorer and the Chief.

Shotguns that are modified to use alternative ammunition (stunbags/beanbags/etc.) will **only** be for use with those projectiles; lethal ammunition will not be carried on, in, or with these shotguns. The only modification to the shotgun that will alert the user to its assigned use is the replacement of the black stock with an *orange* stock.

1.9.7 Firearms Inspections

A. All officers shall annually present all primary and secondary weapons with which the officer intends to qualify to the armorer for annual inspection. Inspection of Department firearms will be completed according to the manufacturer's standards. The Armorer shall either perform the inspection (if certified in

the weapon), or have the weapon inspected by a qualified outside vendor. Issued firearms in need of repair will be repaired by the Department. Personally owned firearms in need of repair will be repaired by the officer and shall not be carried until repaired and re-inspected.

B. All firearms carried on or off duty in a police capacity, Department or privately owned, will be unmodified from their original factory condition, except as approved by the Department armorer. Any modification or accessory that interferes with the operation of a weapon may be prohibited. Officers shall submit new accessories and/or modifications for approval prior to use.

C. Officers shall immediately report to a supervisor any issued firearm that becomes in any manner unsafe or inoperable. The firearm shall be repaired prior to being returned to an officer for use. Any officer who must surrender a Department issued firearm for repair will be provided with another issued firearm for use. If the officer has not qualified with the issued firearm, it shall not be carried until qualification is made.

1.9.8 Weapons and Ammunition Tracking

A. No weapon, deadly or non-deadly, shall be assigned for use or used prior to inspection by the Department Armorer.

B. All weapons, deadly or non-deadly, and all ammunition shall be tracked and accounted for by the Department Armorer.

C. Each weapon shall be tracked from receipt by the Department until its use is no longer authorized due to damage, malfunction or wear. Tracking shall include the officer to whom the weapon is assigned, the type, description, identifying model, serial number, each annual inspection and all repairs or adjustments made to the weapon.

CHAPTER 2 AGENCY JURISDICTION AND MUTUAL AID

2.1 Jurisdiction

The Marana Police Department is responsible for providing law enforcement services within the jurisdictional limits of the Town of Marana.

2.2 Mutual Aid Agreements; Multi-agency Task Forces

A. The Department has written intergovernmental agreements, which specify the Department's responsibilities, for mutual aid with the local, state, and federal agencies.

B. The Department may participate in inter-agency task force operations. Generally, these task forces will be formed by adoption of a written intergovernmental agreement setting forth the purpose of the task force, the activities of the task force, the Department's responsibilities to the task force, and the chain of command for those involved. All employees assigned to any task force operation remain bound by these General Orders. At the conclusion of task force operations, or annually during budget preparations, the Department supervisor of the officers assigned to the task force shall evaluate the Department's involvement in the task force, including the results of the task force's work and the need for continued participation.

C. Requests for emergency assistance from another law enforcement agency shall be referred to a supervisor or commander for authorization to respond. Officers will respond if authorized to do so, but shall limit their activities as directed and return to regular duty once the situation has been resolved or when ordered to do so. When extended assistance is necessary, the agency needing assistance should

be encouraged to contact either the Department of Public Safety or the Sheriff's Department for assistance.

2.3 Specific agencies

2.3.1 Fire Department

Officers are to assist the Fire Department when appropriate and necessary to do so. Any extraordinary request for assistance shall be referred to a supervisor for approval. The Fire Department may be summoned to assist with instances involving hazardous materials.

2.3.2 County Sheriff's Department

The Sheriff's Department has jurisdiction over the entire County, both inside and outside of Town limits. Interagency cooperation is expected and will be provided; any concerns regarding specific incidents should be referred to a supervisor.

The Sheriff's Department operates the County jail and houses all Department prisoners. Criminal offenses occurring at the jail will be handled by Sheriff's Department staff.

2.3.3 Arizona Department of Public Safety (DPS)

The Arizona Department of Public Safety (DPS) is the State law enforcement agency and handles most traffic matters on Interstate 10 and the on ramps accessing those roadways. DPS is also responsible by state statute for a variety of other duties, including being the central state agency for the ACIC and NCIC computer systems.

2.3.4 Arizona Department of Corrections (DOC)

The Arizona Department of Corrections manages all publicly run state prison facilities. DOC officers accompany inmates who are participating in off-site work crews and who are being treated at medical facilities, and provide court transports for inmate court appearances. DOC officers are authorized to carry firearms, though most are not fully certified peace officers. DOC does maintain an authorized peace officer staff for purposes of investigating and processing criminal incidents that occur at the state prisons.

2.3.5 Arizona Department of Transportation

The Arizona Department of Transportation (ADOT) is responsible for the physical maintenance and construction of state roadways. The Motor Vehicle Division, a Division of ADOT, oversees the issuance of all driver licenses and motor vehicle registrations in the State. MVD administers the license and registration suspension and revocation hearings. Certain MVD officers are certified peace officers and handle investigations of certain criminal violations of MVD statutes and regulations, including commercial vehicle inspections.

2.3.6 Arizona Department of Liquor

The Arizona Department of Liquor Licenses and Control is responsible for licensing and regulating the service and sale of spirituous liquors in the State. The agency's enforcement agents are authorized to investigate violations and take enforcement action against liquor establishments; copies of DR's reporting liquor license violations are forwarded to this Department for action.

2.3.7 Federal Law Enforcement Agencies

Numerous federal agencies may operate in and around the Town at various times. Officers may contact federal agencies for assistance when investigating an incident within the agency's jurisdiction. In addition, officers may be asked to provide back-up assistance to any of these agencies at any time; questions concerning specific activities should be referred to an on-duty supervisor.

2.3.8 The Federal Bureau of Investigation

The FBI investigates violations of federal law, including robberies of federally insured financial institutions, allegations of civil rights and constitutional violations by public officials, and allegations of misconduct or corruption by public officials. Patrol and investigative units may work cooperatively with the FBI at certain crime scenes, such as bank robberies.

2.3.9 Bureau of Alcohol, Tobacco and Firearms (ATF)

ATF is responsible for the enforcement of federal laws and regulations relating to firearms. ATF will assist with issues related to the enforcement of these laws and may be willing to assume certain investigations.

2.3.10 United States Immigration and Customs Enforcement (ICE)

The United States Immigration and Customs Enforcement (ICE) is part of the Department of Homeland Security (DHS). ICE's focus is the enforcement of federal immigration and customs laws and regulations. Border Patrol is a division of ICE; Border Patrol agents are generally available to assist Department personnel with issues related to undocumented aliens.

2.3.11 United States Secret Service (USSS)

The United States Secret Service investigates federal offenses involving counterfeiting, wire fraud, credit card and financial crimes, and provides security to certain designated officials, including the President of the United States.

2.3.12 United States Marshal Service

The United States Marshal Service provides security at the federal courthouses in Arizona and is responsible for the transportation and custody of persons charged with federal offenses.

2.3.13 United States Drug Enforcement Administration (DEA)

The Drug Enforcement Administration is the federal agency charged with enforcement of federal controlled substances laws.

2.3.14 United States Postal Service

The United States Postal Service enforces federal laws regarding use of the mail system; postal inspectors may be of assistance in cases involving the mail or destruction of mailboxes.

2.3.15 United States Department of State

The Department of State is the main contact agency to verify claims of diplomatic immunity. They will generally only have agents in the area if providing security for dignitaries or diplomats. They also may be contacted regarding diplomats, their family or their staff who commit crimes.

2.3.16 State and Federal Probation Officers

Probation Officers may request the assistance of sworn personnel in arresting a probationer, searching a probationer or searching a probationer's property. The role of the responding officers is to preserve the peace while the probation officers perform their duties. However, if a violation of state or local law is observed, the officer may take enforcement action.

2.3.17 National Guard

A. The Chief, with the approval of the Mayor, may request the assistance of the National Guard to quell any riot, insurrection or other civil disturbance. The request must be in writing, to the Governor. See A.R.S. §26-172.

B. The Chief may request the assistance of the National Guard in a search or rescue operation involving the life or health of any person, by requesting the Mayor to make immediate contact with the State Director of Emergency Management, for transmittal to the Governor. All verbal requests shall be followed-up within two days with a written request.

2.3.18 Other Agencies

The Department shares primary jurisdiction with the following Private law enforcement agencies:

A. Union Pacific Railroad Police: Railroad Police Officers and/or Special Agents will be extended any and all privileges offered to any other law enforcement agency. These Officers have Peace Officer status under Arizona Revised Statute 40-856 when protecting railroad property, passengers and passengers' property.

- The Union Pacific Railroad Company operates a rail through the Town of Marana. The Railroad Company shall be the primary investigatory agency on scenes such as derailments, on-board emergencies, etc...
- If there is an accident between a vehicle and the railroad or a pedestrian and the railroad, a joint investigation may be conducted.
- As staffing permits, the Marana Police Department may assist the Railroad Company, while operating in the Town limits, as back-up support.

CHAPTER 3 CONTRACTUAL AGREEMENTS; LAW ENFORCEMENT SERVICES

3.1 County Jail Services

Pursuant to Arizona law, Department prisoners are housed at the County jail.

CHAPTERS 4-10 [Reserved]

CHAPTER 11 ORGANIZATION AND ADMINISTRATION

11.1 Organizational Structure

The Department shall be organized as follows:

Office of the Police Chief:

Includes the Police Chief and assigned personnel. The Police Chief is responsible for the operation and management of the Department and is the Department's chief law enforcement officer. All personnel report to the Chief through their chain of command. The Deputy Chief, and Captain report directly to the Police Chief. The Office of the Police Chief shall produce and make available to employees the Department's organizational chart.

Patrol Division:

Managed by the assigned Lieutenants, the Patrol Division includes personnel assigned to patrol and traffic duties, their first-line supervisors and any non-sworn support personnel assigned to the division.

The Patrol Division supervisor is responsible for ensuring that juveniles who come into contact with the Department are treated as required by General Orders and for coordinating all agency activities

associated with juvenile outreach programs.

Investigative Division:

Managed by the assigned supervisor, the Investigations Division includes personnel assigned full-time to follow-up investigative duties.

Support Division:

Managed by the Captain, the Operational Support Division includes personnel assigned to Internal Affairs, Training, Communications, Records, and Property and Evidence.

11.2 Unity of Command, Cooperation, and Coordination

A. Unity of command is hereby established. Each organizational component is under the direct command of only one supervisor. Each employee of the Department is accountable to only one supervisor at any given time.

B. Commanders and supervisors are responsible for encouraging and ensuring the exchange of information necessary for the effective provision of law enforcement services to the community. All available methods to communicate information, including face-to-face meetings and the use of electronic information systems (email, voice mail, bulletins, etc.) should be used in an effort to maintain the flow of information.

C. Commanders and supervisors are responsible for coordinating among various department units as necessary to ensure the effective provision of law enforcement services to the community. Cooperation with efforts to coordinate activities, whether planned or unplanned, is expected.

11.3 Chain of Command

A. The chain of command within the Department shall be from the Police Chief to the *Deputy Chief,* through the various levels of command to the line level employee.

B. Except where otherwise provided, personnel shall follow the chain of command in all matters related to the operations of the Department, or that may be of concern to the Department.

C. A lower ranking employee may be delegated authority for a situation based on seniority or expertise. Orders from that lower ranking employee shall be treated as though originating from the delegating supervisor.

D. All employees shall recognize that responsibility is accompanied by commensurate authority. Each employee is accountable for the use of delegated authority.

11.4 Rank structure

A. Ranks within the Department shall be as follows:

- **Police Chief**. The Police Chief is the head of the Department and reports to the Town Manager. The Police Chief may delegate or grant particular authority to employees of the Department as may be necessary for the efficient administration of the Department.
- **Deputy Chief of Police**. This person may act as the Police Chief when designated to do so by the Chief or by the Town Manager/Mayor and Council; when the Chief is incapacitated; when the Chief is off-duty and out of town; or when the Chief is otherwise unable to act.
- **Captain**. Manager of a Division within the Department.
- **Lieutenant**. Manager of a defined section or unit within a Division. Lieutenants also serve as

Patrol Commanders in FSB.

- **Sergeant/Supervisor**. First-line supervisor of a unit.
- **Officer/Non-sworn personnel**. Sworn personnel handle general patrol functions, conduct investigations and provide police services. Non-sworn personnel provide line level services in support of the law enforcement mission.

B. Non-sworn employees shall have the same authority as sworn employees in the same pay range, except as it may relate to the exercise of police powers. Regardless of position or assignment, sworn employees shall not be commanded *in the exercise of police powers* by non-sworn employees.

11.5 Seniority

A. Seniority is determined first by rank, second by total time served in rank, and third by total time served on the Department.

B. Seniority between employees of equal rank shall not be exercised except in emergency situations and then only when necessary. Employees are expected to work together and cooperate with one another toward effective provision of police services.

11.6 Orders

A. Employees shall obey any lawful order of a superior including any order relayed from a superior by another employee of the same or lesser rank.

B. Employees are not required to obey any order that is unlawful, unethical or represents unjustified or reckless disregard for life or safety. Responsibility for refusal rests with the employee, who shall be required to justify the refusal. All such orders shall be reported to the Police Chief through the chain of command.

C. When an employee receives an order that conflicts with a previous order, the employee will inform the supervisor of the conflict. The supervisor shall resolve the conflict and advise the employee of the final order.

11.7 Supervisory Responsibilities

A. All supervisors, including command level supervisors, are responsible for the proper performance of their employees under a variety of conditions and circumstances and for all activities of employees under their immediate control. In situations involving personnel from different functions who are engaged in a single operation, the most senior highest ranking officer present will be in charge, or will designate and clearly announce the person who is to be the command officer for that operation.

B. Supervisors will:

- Supervise subordinates to ensure efficient, effective and correct performance of duties.
- Assume command of any situation that logically requires assumption of command
- Submit written reports of exceptional employee conduct
- Ensure that required reports are completed accurately and completely and submitted on time
- Report to the appropriate supervisor or superior any neglect of duty or misconduct by an employee
- Comply with 26.1.14 regarding reports of inappropriate conduct of any type by subordinates.

C. Supervisors may:

- Place any lower ranking employee on administrative leave when necessary or appropriate and

immediately submit a written report of both the action taken and the factual basis for that action.

- Issue orders that deviate from written orders during an emergency, reporting those orders to the supervisor's superior as soon as reasonable.
- Delegate duties as appropriate.

D. Patrol supervisors will be available while on-duty to immediately respond and take tactical control of emergencies occurring during their shift, whether or not the emergencies occur within their primary area of responsibility.

E. The first supervisor to arrive at the scene of an emergency will take charge and issue the commands and orders necessary to bring the situation under control or containment. The supervisor shall remain in charge until and unless relieved by a superior or supervisor of a specialty unit that is assuming command of the incident.

11.8 Release from Active Duty for Cause

A. When required for the preservation of good order and discipline, any supervisor may immediately and without written notice relieve a subordinate employee from active duty and place the employee on administrative leave pending further investigation. The administrative leave shall be with pay.

B. The supervisor relieving an employee from active duty shall, as soon as practical, verbally report the action to the supervisor's superior. Within 72 hours a written report will be submitted through the chain of command to the Police Chief detailing all of the circumstances. The Chief shall decide whether further action will be taken, including reinstatement of the employee.

C. When an employee is relieved from active duty, the relieving supervisor may require the surrender of any police credentials and all Town owned or Department issued property.

D. Employees released from active duty may not take any police action until they are reinstated and may not work off-duty. Employees shall remain available to attend court as required.

11.9 Emergency Command

In the event of an emergency or other exceptional situation, as declared by the Police Chief or designee, all personnel and equipment of the Department shall be under the direct command of the Police Chief, or in the Chief's absence, the Chief's designee.

11.10 Administrative Reports

The following reports shall be produced as indicated:

- The Chief shall complete an annual report regarding the activities of the agency, to be presented to the Town Manager and Mayor and Council.
- Annual statistical summaries, based upon records of internal affairs investigations, to be made available to the public and agency employees.
- Administrative review, at least every three years, of temporary detention areas and procedures.

11.11 Correspondence

11.11.1 Agency Correspondence

A. All correspondence issuing from the Department shall be on approved Department letterhead. All written correspondence from the Police Department, other than that conducted by electronic mail, must be approved and signed by a commander or non-sworn equivalent. Any correspondence bearing the name

or signature of the Police Chief must be processed through the Office of the Police Chief.

Envelopes for external correspondence must bear the complete return address of the Department as well as the name and unit of the sender. Units sending out correspondence are responsible for maintaining copies of the letters as appropriate.

B. The use of electronic mail is encouraged when it improves the delivery of service by the Department. Personnel are reminded that all mail shall be professional in tone and content. Any concern as to whether the use of electronic mail or the content of a particular message is appropriate in a specific situation shall be referred to a supervisor.

C. Some units in the Department may find it appropriate to utilize pre-printed form letters for some purposes. Commanders are responsible for monitoring usage and for ensuring that the signatures and information contained in correspondence are accurate and current.

11.11.2 Personal Use of Department Address Prohibited

Employees are prohibited from using the Department address for any personal or private correspondence or business. It is permissible to use the Department address to receive professional journals or related materials that are directly work related.

11.11.3 Council or Town Manager Communication and Correspondence

Communications to the Mayor and Council or Town Manager shall conform to Town policy and shall be approved by the Police Chief.

11.11.4 Official Certificates and Commendations.

All official certificates (e.g., promotion, training, graduation, etc.) or commendations from the Police Department shall first be approved as to form and content by a *Commander* or the Police Chief.

11.12 Communication: Internal and External

A. Effective communication with the community, within the Town and within the Department is critical to success of the core mission of the agency. Personnel are encouraged to ensure that all communication is effective and conforms to Town policy. Approved Town forms and formats should be used.

B. Employees are responsible for any written or electronic message they sign, authorize or publish. Most written communication is considered public record and may be subject to release. When information in a document is confidential or privileged, the document should be clearly marked as confidential or privileged. At the same time, employees must be aware that simply marking a document confidential does not mean that it will be exempt from release.

C. All communications, whether rendered by memo, electronic mail or electronic messaging, should contain only professionally prepared, business related content.

11.13 Storage, Maintenance and Destruction of Department Records

A. Under Arizona statute (see A.R.S. Title 39), public records of political subdivisions of the State, including this Town and Department, are to be stored, maintained and destroyed in compliance with standards established by the Director of the Arizona State Library, Archives and Public Records (ASLAPR).

B. The ASLAPR adopts schedules that establish the *minimum* retention period for all public records. The *maximum* retention period for Department public records is to be established by the Department.

C. The current schedules established by the ASLAPR may be found at http://www.azlibrary.gov/sites/azlibrary.gov/files/arm-all-general-schedules-2016-9-13.pdf. Unless the

Department has sought and received an approved exception to the published schedule, the adopted schedules are required to be followed.

D. If a public record does not appear on the ASLAPR schedules, it is not authorized to be destroyed.

E. Whenever in this Manual the destruction of documents is referenced, that destruction shall be done no earlier than the time period established in accordance with the ASLAPR published schedules or approved exceptions to that schedule (except where otherwise provided by law).

F. The employee in charge of the Records Section shall establish, with the approval of the Chief, the maximum retention schedule to be followed by the Department and is responsible for ensuring that State schedules and records destruction requirements are followed.

G. Failure to abide by the public records statutes is a criminal offense.

CHAPTER 12 DIRECTION

12.1 General Orders Manual

A. General Orders are issued by the Chief. Any changes to General Orders are to be issued by the Chief and require the Chief's written approval.

B. The General Orders manual is the official policy manual for the Department and is the current statement of Department policy and procedures, unless superseded by a Command Directive.

C. All personnel are responsible for knowing, understanding and conforming to the manual's current contents. Each employee shall have electronic access to a copy of General Orders.

D. The General Orders manual exists to provide guidance to Department employees. It is understood that no manual can be established which embraces all situations that may arise in the discharge of police duties. Some things must necessarily be left to the discretion of the individual employee. If, however, an employee deviates from these General Orders, or established procedures, the employee must be able to demonstrate that the action was reasonable and necessary. When time and circumstances permit, an employee shall seek supervisory authority to deviate from the manual. Employees shall report deviations from policy to their supervisor as soon as it is reasonable to do so.

E. The final authority on whether deviation from policy was reasonable and necessary rests with the Police Chief.

F. In addition to General Orders, the following written statements of direction may be issued:

- Command Directives – see 12.2.
- Standard Operating Procedures – issued by a commander subject to the approval of the Chief.
- Unit procedures – issued by a sergeant subject to the approval of the commander.

12.2 Command Directives

A. Any employee may suggest or recommend a change to the General Orders Manual by submitting a draft revision, with accompanying justification, through the employee's chain of command. Each level of the chain of command shall consider the submission, determine whether it conflicts with existing laws, orders, procedures or policies and, if approved, forward it to the next level of the chain of command. If a suggestion or recommendation is not approved, it shall be returned to the employee who proposed it, with

a brief explanation of the reason for return.

B. When necessary, Command Directives may be issued by the Police Chief. A Command Directive is effective immediately, amends General Orders and remains in place until revoked or incorporated into the General Orders Manual. Command Directives shall be issued in writing and dated. All Command Directives shall be incorporated into General Orders no later than *December 31st* each year; upon incorporation, the Command Directive is no longer in effect.

C. Unless specifically referenced in and adopted by this manual, or subsequently approved by the Police Chief, all existing Department General Orders, policies, procedures, and rules are revoked.

12.3 Standard Operating Procedures and Unit Policies

Commanders and supervisors of individual work units within the Department may issue specific standard operating procedures (commanders) or unit procedures (sergeants) as approved by the next level in the chain of command.

12.4 Conflicts of Policy or Procedure

Standard Operating Procedures and Unit Policies shall be reviewed by the person issuing them prior to their release to ensure that they do not conflict with existing General Orders or Command Directives. Any conflict that does occur will be resolved by reference to the higher level procedure or General Order/Command Directive. Legal review, when required, may be requested of the Department's assigned legal advisor/Town Attorney.

12.5 Dissemination, Tracking and Review

A. Each employee will have electronic access to the General Orders Manual and all Command Directives.

B. Written or electronic copies of all standard operating procedures and unit policies shall be distributed to affected employees and electronic access will be available at the main office of each affected unit.

C. Any new General Order, Command Directive, S.O.P. or Unit procedure shall be received and reviewed by all affected employees. This will be accomplished either by electronic tracking of newly revised policies or by initialing of a review sheet by each affected employee. Sergeants and first line supervisors shall ensure the distribution, review and receipt by each affected employee.

D. The Chief or the chief's designee will establish and publish the schedule for formatting and indexing, and regular review, purging and revising of all published General Orders, Command Directives, S.O.P.'s and Unit Procedures.

CHAPTERS 13-14 [Reserved]

CHAPTER 15 PLANNING AND RESEARCH. CRIME ANALYSIS

15.1 Planning and Research Unit

As resources permit, the Department will establish a Planning and Research Unit, assigned to the *[Chief, Asst. Chief or command officer].* The duties of the Unit will include conducting those staff studies and providing programmatic recommendations as requested by the Chief and command staff.

15.2 Long Term Planning

As resources permit, the Department should develop a multi-year plan that establishes long-term goals and operational objectives in light of anticipated workload and projected population, anticipated personnel levels, local resources and long-term capital needs. This long-term plan should be regularly reviewed and updated.

15.3 Goals and Objectives

Established agency goals and objectives, including those for each major organizational component, should be both measurable and measured, and should be communicated throughout the agency to all employees. The attainment of goals and objectives should be reviewed annually and the plan updated as necessary.

15.4 Crime Analysis

Crime analysis, including the collection, collation, analysis and dissemination of data related to local criminal activity is the responsibility of the Department's Crime Analyst. The administrative and strategic crime analysis process is primarily data-driven, relying on the accuracy of agency data. This position uses departmental reports, CAD and RMS information systems along with its related data, but not limited to these information sources when performing the multi-faceted functions of strategic, tactical or administrative crime analysis. It is the Crime Analyst's role to be the Agency's central point for open and covert sources in the multiple databases or other available sources utilized in performing tactical crime analysis.

RMS and CAD data are the primary type of data used in statistical crime analyses; therefore, there are many considerations the Agency must take into account, especially when RMS data or record indexing/code changes are anticipated as data decisions can affect the selection and interpretation of subsequent statistical analyses. It is incumbent upon the Agency to keep the Crime Analyst up-to-date and informed or included in RMS and CAD data discussions to ensure interpretation accuracy and adequate statistical analyses can be met to meet the growing needs of the Command Staff for informed decisions.

Applicable reports shall be forwarded through the chain of command to the Chief, with the Chief being briefed as necessary. Reports and or appropriate visual aids shall be disseminated to the appropriate investigator(s), unit(s) or agency(s) whose operations might impact crime based upon the analyses.

CHAPTER 16 ALLOCATION AND DISTRIBUTION OF PERSONNEL AND PERSONNEL ALTERNATIVES

16.1 Allocation of Personnel

A position management system shall be maintained, to include the number and type of each position authorized by the budget, the location of each such position in the organizational structure and the position status (vacant or filled) for each authorized position. Agency personnel shall be allocated according to authorized staffing levels, budgetary requirements, workload, response times, geographical coverage, and service demands, as directed by the Chief. Allocation of personnel should be reviewed as necessary, but at least once per year in conjunction with the development and approval of the Department budget.

16.2 Specialized Positions

Specialized positions within the agency (for example, motorcycle officers, canine handlers, crime scene

technicians) may be subject to specialized training requirements, application processes and assignment limitations. These requirements shall be developed with the assistance of Town of Marana HR, shall be in writing and shall be available to all agency personnel. The continued need for specialized positions should be reviewed during review of the annual Department budget by evaluating each assignment, the purpose for each assignment and evaluation of the initial problem or condition that brought about the assignment.

16.3 Reserve Officer Program

A. The Reserve Officer Program is supervised by the Support Services Bureau Commander. Reserve officers are volunteers who are not paid, but must meet the same selection criteria as full-time officers, including educational requirements. They must be AZPOST certified peace officers. Each reserve officer must complete (or have completed) a Field Training program and meet all required annual training and proficiency testing (including use of force and firearm and other weapon proficiency) required of a certified peace officer. To maintain a position as a reserve officer, an officer must work a minimum 16 volunteer hours each quarter. Each reserve officer shall receive a performance evaluation (see Chapter 35) at least once each year.

B. The Police Chief shall make all appointments for the position of Reserve Police Officer. All Reserve Officers serve at the pleasure of the Chief and may be terminated at any time by the Police Chief, without notice or appeal.

C. Reserve officers are trained to perform the same duties as full-time police officers and are required to comply with all Department General Orders and policies, rules and procedures, except those that as written clearly apply only to paid employees.

D. All necessary and required supplies and types of equipment that are issued to paid officers shall be issued to reserve officers, shall remain the Department's property and shall be returned upon request of the Department or separation from the reserve officer program. Reserve officers shall wear and be subject to the same uniform requirements as paid officers, but may be issued a badge noting reserve status. When working for the department, reserve officers shall be provided the same liability protection as paid police officers.

E. Reserve officers may work off-duty only with the approval of the Police Chief.

16.4 Volunteer Program

A. The Department accepts qualified unpaid non-sworn volunteers who wish to donate time and skills to assist the Department. Volunteers are not police officers and do not have law enforcement authority, but may serve in a variety of different capacities within the Department. The Volunteer program is administered by Support Services Bureau, who shall screen applications, arrange for backgrounds, approve applications and assign volunteers to a specific supervisor. Assignments range from clerical duties (data entry, filing reports, etc.) to tasks involving public contact, such as public fingerprinting, traffic point control, urban search, special events, etc.

B. Volunteers must be at least 18 years old, complete a volunteer application form and agree to and pass a background investigation. Those on parole or probation or who have felony or serious misdemeanor convictions are not eligible.

C. All orientation and basic training will be coordinated and scheduled by the volunteer's supervisor. A volunteer's training varies according to what is appropriate for each assignment. All training shall be completed by qualified instructors and shall be documented in the volunteer's file.

D. The Department shall provide the equipment needed by volunteers to perform their assigned tasks.

Volunteers who need to be readily identifiable as associated with the Department (those doing traffic control, for example) will be provided with Department issued shirts to wear. The shirts will clearly distinguish volunteers from sworn police officers. All provided equipment and uniform shirts shall be surrendered upon request or separation from the program.

E. Volunteers may not operate Department vehicles without the necessary Arizona driver license, training and Department authorization. Any volunteer who is authorized to drive a Department vehicle shall have an MVD records check performed annually by their supervisor; the records check shall be documented in the volunteer's file. Volunteers may not transport a passenger (other than another Department volunteer or Department employee) without prior approval of a supervisor and may not allow any unauthorized person to operate a Department vehicle. Volunteers will immediately report any traffic accident or other damage to department property to a supervisor. Volunteers may operate a Department radio, computer or other electronic device provided they have received the specific training, any needed certification, and authorization from a supervisor.

F. Any unauthorized use of any Department vehicle or equipment will be grounds for immediate termination from the volunteer program and the violator may be subject to criminal prosecution.

G. To remain active in the volunteer program, a volunteer must work a minimum of twenty hours in each quarter. Any volunteer may be removed from the program at any time, with or without cause and without appeal

CHAPTER 17 FISCAL MANAGEMENT AND AGENCY PROPERTY

17.1 Finance Section

A. The Chief has the ultimate authority over and responsibility for the fiscal management of the agency. The Chief shall ensure that agency accounts are periodically subject to independent audit, as required by Town procedure.

B. No expenditure of budgeted account funds exceeding $1,000 shall occur without the Chief's approval. No expenditure of cash from any cash accounts exceeding $100 shall occur without the Chief's approval.

C. The Chief has delegated to the Finance Director responsibilities:

- Coordinating the development and presentation of the operating budget as part of the Town's annual budget process and monitoring expenditures throughout the year.
- Preparing the capital budget, including long range capital needs.
- Compliance with the Town's policies and procedures concerning procurement and budgetary matters, including make all entries into the Town's accounting system, meeting reporting deadlines and procedures, advising employees of appropriate expenditure authority, requesting supplemental or emergency appropriations or fund transfers; obtaining and meeting other Town accounting system requirements.
- Ensuring initial approval of all expenditure accounts by the Chief and provision of monthly status reports, including expenditures and encumbrances and the unencumbered balance at the beginning and end of the month for each such account.
- Projecting expenditures to provide information to department units to assist them in ensuring that the budget is not overspent.

- Administering the distribution and expenditure of Anti-Racketeering Funds (RICO).
- Preparing the necessary documentation for Council approval of grants.
- Maintaining financial records for grants.
- Coordinating the receipt of any donations or contributions.
- Maintaining logs for requisitions, check requests, and travel orders.
- Coordinating the acquisition of goods and services with Town procurement.
- Assisting with disbursement and management of investigative cash funds and audits of those funds.

17.1.1 Compliance with Budget Procedures

Every employee is responsible for the employee's expenditure of public funds. Employees shall follow Town procedures and requirements when making any purchase or renting any equipment, including compliance with all bidding procedures and all procedures related to emergency purchases.

17.1.2 Cash Accounts

Any supervisor assigned a cash account shall maintain a balance sheet for the account, maintain all receipts or other documentation for cash received and cash disbursed or expended, designate in writing those persons or positions authorized to disburse or accept cash from the account and complete a quarterly accounting of all cash activities. The accounting shall be provided to the Chief.

17.1.3 Property Inventory and Control

The Department shall comply with the Town's property inventory and control system. A property inventory and control system shall be used to track the issuance/reissuance of all personally assigned property.

17.2 Department Vehicles

17.2.1 General Requirements

A. Employees shall:

- Drive only vehicles they are authorized to drive.
- Abide by all state and local laws and Town and Department policies.
- Not drive any vehicle unless trained and qualified in the safe operation of that type of vehicle.
- Report any damage to the vehicle or its assigned equipment immediately to a supervisor.
- Drive only with a valid Arizona driver license for the class of vehicle driven.
- Immediately report any civil or criminal citation or a suspension, restriction or revocation of their license to a supervisor.
- Always wear a seatbelt when driving or riding as a passenger in a moving motor vehicle.
- Ensure that all passengers, including children, and all prisoners in a motor vehicle use either seat belts or appropriate restraint devices.
- Not smoke in any Town vehicle.

- Not swap or exchange assigned vehicles without the express approval of a supervisor.
- Not take a vehicle out of service for maintenance or repair without notifying a supervisor.
- Not make any modifications to Department vehicle bodies, systems, electrical/electronic components, or markings without first receiving written permission from Support Services Bureau Commander.

B. A vehicle may be assigned on a 24-hour take home basis to a specific employee, as determined by rank, assignment or officers who live within jurisdiction. Other assigned vehicles may be taken home, only if the employee lives within 5 miles of the jurisdiction, as dictated by the Chief of Police.

C. Specialized vehicles, such as SWAT trucks, bomb disposal vehicles, mobile command posts, aircraft, motorcycles and bicycles may only be operated by those personnel who have been authorized by the supervisor of the unit to which the vehicle is assigned. The unit supervisor for any unit with assigned specialized vehicles shall establish written training standards for each type of specialized vehicle and a list of all equipment to be kept within each such vehicle. Except as necessary for training purposes, no one may operate a specialized vehicle without meeting the established training standards. The supervisor of the unit shall be responsible for the condition and maintenance of the vehicle.

17.2.2 Vehicle Equipment and Maintenance

A. An employee is required to inspect a vehicle for proper operation and for the presence of required equipment assigned to the vehicle at the beginning of each shift. Any required repairs or service and any damage, missing property or equipment shall be reported to a supervisor. All repairs will need a work order and left inside the vehicle. Any damage, missing property or equipment shall require the town's 'Notice of damage or loss report".

B. Any vehicle used for prisoner transport shall be searched before and after each shift for contraband, weapons, etc. At the end of the shift, the vehicle shall have at least one-half tank of fuel, all trash shall be removed and the keys shall be returned to the assigned location.

C. The security of Town vehicles and the equipment within those vehicles is the responsibility of the employees using the vehicle. All vehicles shall be locked when left unattended and any provided steering wheel locking device or security system shall be engaged.

D. Every police vehicle will contain fire extinguisher, flares, crime scene tape, accident spray paint, stop sticks for patrol units, first aid kit, blood pathogen kit, traffic cones (5), traffic vest, blanket and a flashlight.

E. Vehicles used in routine or general patrol service, whether or not marked as police vehicles, shall be equipped with operational emergency lights and a siren.

17.2.3 Collisions Involving Town Vehicles

A. Personnel shall immediately report to Communications, who shall dispatch a supervisor, any collision involving:

- A Town owned or leased vehicle.
- An employee's privately owned vehicle when the employee is on Town business and has been formally authorized to use a private vehicle.
- An officer's privately owned vehicle when the officer is on the way to or from work.

If the collision occurs in another police jurisdiction, the local law enforcement agency shall also be contacted.

B. If within Town jurisdiction, the Department shall investigate the collision, whether it occurred on a public roadway or on private property. The investigating officer shall complete a traffic accident report (when appropriate), a DR and a diagram and shall take any appropriate enforcement action, including the issuance of traffic citations. Photographs shall be taken. Investigation and documentation shall occur even when there is no obvious damage and no injury is alleged. Department vehicles that have been damaged in a collision shall not be placed in service, even if serviceable, until a damage estimate has been completed.

C. The final reports will be reviewed by the employee's chain of command for any necessary corrective or disciplinary action. Corrective or disciplinary action will be considered without regard to any enforcement action that may have been taken.

17.2.4 Automatic Vehicle Locator

A. All Department fully marked patrol vehicles will be equipped with AVL systems. The Department's AVL is a Global Positioning System based system within the software for the Mobile Data Computer and the Computer Aided Dispatch systems. The AVL promotes officer safety, assists in tactical operations, and assists in improving response times to radio calls.

B. The AVL system may be used as an aid in any criminal and/or administrative investigation.

C. Employees will not make any attempt to disable the AVL system in any way.

17.3 Other Equipment Used in the Performance of Duties

17.3.1 Department Issued Cellular Telephones and Pagers

The Department may issue cellular telephones and/or electronic pagers to specific officers, based both on rank and assignment, as determined by the Chief. As with all issued equipment, cellular phones and pagers are to be used for Department business; personal use should be limited to emergency situations. Officers may be required to reimburse the Town for the cost of personal use of either device.

If a unit is assigned a shared phone or pager, a log shall be maintained reflecting the assignment of the equipment at specific times.

17.3.2 Privately Owned Electronic Equipment

Employees may elect to use personally owned electronic equipment, including communication devices, computers (all types) and recording devices (all types) in the performance of the employees' duties. Employees doing so must understand that:

- The Town will not reimburse the employee for the use of the equipment for Town business, nor for purchase, replacement, repair or damage to the equipment or associated accessories.
- Possession of the equipment during duty hours or use of the equipment for Town business while off-duty may subject the records associated with the device, and the device itself, to examination by the Department or subpoena or court order by involved persons or their attorneys.

17.3.3 Radios

All officers are issued one individual radio. Radios needing repair or new batteries will be taken directly to public safety technical services technician.

17.3.4 Operational Readiness of Stored Property

All operational property (radios, handcuffs, batons, special equipment, etc.) shall be stored and maintained in operational readiness (working, clean and available) by the supervisor or commander over the function to which the property is assigned. The supervisor/commander is responsible for determining the operational property needs for the function and requesting that such property be obtained.

17.4 Department Facilities

A. All employees are responsible for the security of Department facilities and are required to know and adhere to the Department's security requirements.

B. Every person in a police facility shall display identification; employees shall wear their identification cards and visitors shall be given temporary passes to wear. Any person who is not wearing identification shall be stopped and asked to present identification.

C. Employees are issued access cards/keys for access to police facilities. Lost access cards/keys shall be immediately reported through the chain of command.

17.4.1 Emergency Evacuation

A. Each Department facility must have an evacuation plan that is made available to all who work within the facility. Unit supervisors are responsible for familiarizing new employees with the evacuation plan. The Department shall follow the Town of Marana plan, "Evacuation Procedures for Town Buildings" which the Town 's Emergency Management/Safety Coordinator will maintain.

B. Each work area shall have an emergency evacuation coordinator, who shall ensure that: exit and emergency signage remains in place; fire exits and stairways remain accessible at all times; employees who may need assistance in the case of an evacuation receive assistance; and that all employees vacate an area when required.

C. In the event of an emergency evacuation order or fire alarm, employees shall promptly vacate their work areas in accordance with the plan. The last employee to leave an area should close the door, leaving it unlocked. Employees should not use elevators.

D. Visitors and prisoners are the responsibility of the person who brought them into the facility. Prisoners who are evacuated shall be promptly transported to another facility or the jail for continued detention.

E. Re-entry to the facility shall be governed by the responding Fire or incident commander.

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CHAPTERS 18-20 [Reserved]

CHAPTER 21 CLASSIFICATIONS; DUTIES AND RESPONSIBLITIES

21.1 Classifications

The development of position task analysis and written position classifications is the responsibility of the Town Human Resources Department, and must be done in compliance with Town HR rules and procedures. The Police Department shall review and approve each position classification for which a police department employee may be assigned, ensuring that the essential functions, work behaviors, frequency with which the work behavior occurs and criticality of the job-related skills, knowledge and abilities of each position within the agency are adequately described within the classification description. This review is critical as the position classification establishes hiring, promotion, training and job performance criteria. The Human Resources Department maintains copies of these position classifications and makes them available, upon request, to an employee.

21.2 Duties and Responsibilities

The assignment of the duties and responsibilities of each individual within the agency is the Department's responsibility. It is the responsibility of all supervisors to ensure that the duties and responsibilities assigned to a specific employee fall within the employee's classification.

CHAPTER 22 COMPENSATION, BENEFITS AND CONDITIONS OF WORK

22.1. Compensation

A. The general compensation, benefit and employment policies of the Department are based on Town policies, state and federal laws. Additional information on these policies may be obtained from the Human Resources Department.

B. The Town HR Department publishes the Town's salary plan, which provides entry-level salaries; the salary range for each position and rank within the department; the salary differential required between ranks (if any) and the procedure for salary adjustments (if any).

C. Adjustments in the compensation plan shall be applied to Department employees as directed by the Town. Compensation may be adjusted, consistent with Town policies, when an employee is promoted, demoted or reclassified based upon a change in duties. Compensation may also be adjusted to reflect increases in the rates within the compensation plan, increases merited by performance and justified by annual performance evaluations, and decreases as a result of the downgrade of a position or a reduction in pay.

22.1.1 Assignment Pay (FTO's, Canines, etc.)

The Chief may, in his sole discretion, assign employees to special assignments. A special assignment is a privilege and as such those assigned to any special assignment will be expected to perform at the very highest level of professionalism, competence and productivity. A failure to meet these expectations may result in removal from the position.

The number, type, duration and any consideration of an extension of any special assignment shall be determined by the Chief, based on the operational needs of the Department. Because employees serving in special assignment positions are generally required to have additional knowledge skills and ability for the positions, the Chief shall recommend special assignment pay for those positions as a part of the Department's budget approval process No employee shall receive special assignment pay for more than one position at any given time even if the employee is serving in two or more special assignments.

Special assignments may include, but are not limited to: lead police officer, lead detective, detective, directed action response team (DART), special weapons and tactics (SWAT), hostage negotiator, motorcycle officer, canine officer, Drug Enforcement Administration (DEA) task force, counter narcotics alliance (CNA), and volunteer coordinator.

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22.1.2 Special Assignment Term Limits

The following special assignments will be considered limited term assignments. Their respective terms are listed:

§ ATTF : 3 years
§ CNA: 3 years

§ DART: 3 years
§ DEA: 3 years
§ Investigator: 1 year
§ K9: 10 years, or 2 dogs
§ Motor: 7 years
§ SRO: 3 years
§ Volunteer Coordinator: 3 years

The following special assignments will be considered permanent:

§ EOD
§ Lead Detective
§ Lead Police Officer
§ SWAT

22.1.3 Shift Differential

Non-exempt employees who work between 1800 (6:00p.m.) and 0600 (06:00 a.m.) shall receive $.90 cents per hour, subject to the Department's budget approval process.

22.1.4 Uniform and Equipment Allowances

New employees shall be provided with all uniforms or specified work attire and equipment mandated by the Chief.

All sworn employees shall receive a uniform and equipment maintenance allowance of $1,200.00 per fiscal year, half to be paid in July and half to be paid in January. This fiscal year allowance shall be prorated for new employees hired after the beginning of a fiscal year.

All civilian employees who are required by the Chief to wear specified work attire during the performance of their duties shall receive a work attire allowance of $600.00 per fiscal year, half to be paid in July and half to be paid in January. This fiscal year allowance shall be prorated for new employees hired after the beginning of a fiscal year.

Uniform and equipment allowances are subject to the Department's budget approval process.

22.1.5 Court Pay

When an employee must attend court at a time other than the employee's regular assigned shift, the employee shall receive a minimum of two hours compensation, or compensation for the actual number of hours worked, whichever is greater. The employee shall be required to comply with the court attendance verification system prescribed by the Chief.

Court pay shall be paid at the employee's straight time rate of pay unless the court time results in the employee working more than 40 hours in the seven-day work period defined by Town policy in which case the employee shall be paid overtime in accordance with the FLSA, Town Personnel Policies and Procedures and Administrative Directives.

The term "Court" shall be defined as including Federal District Court, Superior Court, municipal court, county court, Federal, State, and County grand juries, Motor Vehicle Department hearings, and prosecutorial and defense interviews. It is understood that the term "Court" shall not apply to Town administrative hearings.

22.2 Working Hours and Overtime

22.2.1 Working Hours

A. Each employee will generally be assigned to a regularly scheduled shift with designated days off (certain assignments may require unusual or irregularly scheduled shifts).

B. Employees are responsible for verifying and approving, either manually or electronically, their time worked record, and recording the actual hours worked, no later than the last day of each pay period. Employees are not permitted to perform voluntary work for the Department. All hours worked must be recorded on the time worked record. Failure to verify and sign the time worked record when due may result in a delay in the issuance of the employee's paycheck.

C. The pay period for Department employees begins every Saturday at 12:01 A.M. and ends the following Friday at 12:00 midnight. The work week will generally consist of five consecutive days within a 40 hour work week or as determined otherwise by the Town Manager.

D. The Chief reserves the right to schedule employees as required to meet the needs of the Department.

22.2.2 Overtime

A. Department and Town policies for overtime shall conform to applicable state and federal laws.

B. Employees who are exempt under the Fair Labor Standards Act are not paid additional compensation for work beyond forty hours in a pay period. Exempt employees are not eligible for overtime and receive the same amount of compensation regardless of the number of hours worked in a workweek. Exempt employees at the Police Department include the Chief of Police, Deputy Chief of Police, Commanders and those non-sworn employees identified by Town Human Resources as exempt.

C. Overtime for eligible employees shall be compensated by cash payment at one and one-half times the regular rate of pay or compensated with future time off (compensatory time (CT)) at a rate of one and one-half hours for each hour of overtime worked. No employee may accumulate more than 80 hours of compensatory time that must be used during the calendar year in which it is accrued unless this is not feasible due to work demands. The employee may then request, and the chain of command approve, the carryover of a maximum of 40 hours. Carried over hours must be used within the first quarter of the new calendar year.

D. In order to control overtime expenditures, the Police Chief may adjust the work hours of overtime eligible employees to meet the demands of the Department.

E. All overtime work must first be authorized by a supervisor. Employees working approved overtime will complete an overtime form and submit it to their supervisor for approval. Approved overtime forms shall be submitted with the payroll in which the hours are reflected.

22.2.3 Accumulated Compensatory Time

A. An employee shall be allowed to use compensatory time within a reasonable period after making the request, if the use does not unduly disrupt the operations of the Department.

B. All unused compensatory time must be paid at the time of separation from the Department at the average regular rate of pay received by the employee during the employee's final three years or the final regular rate received by the employee.

22.3 Lactation Break Policy

A. An employee is entitled to reasonable break time to express breast milk for her nursing child for one

year after the child's birth.

B. Employees should generally use existing authorized breaks for this purpose, if provided. However, the number of breaks needed and time of the breaks may vary from person to person. If additional breaks are necessary, or if the time needed exceeds authorized break time, the additional time and/or breaks shall be unpaid time and should be recorded as such by the employee on the time worked record.

As with all other out of service breaks, employees who are assigned to the field should notify Communications before taking the break. Lactation breaks should not be interrupted except in the case of emergency.

C. Each police facility shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk. The place does not have to be reserved for this purpose, but must be functional as a space for expressing breast milk and must be a space that can be protected from view and intrusion while being used.

D. If the employee uses a Department refrigerator to store the breast milk, the milk must be clearly labeled and taken with the employee at the end of shift.

22.4 Other Employee Leave and Benefits

A. The Town offers a variety of other types of leaves and benefits for employees, including administrative leave, holiday pay, sick leave, family medical leave, vacation leave, military leave, bereavement leave, jury duty, authorized leave without pay, parental leave, worker's compensation, employee assistance program, health insurance, life insurance, temporary disability insurance, retirement, liability protection, employee education benefits, and assistance with line-of-duty injury and death benefits. Written leave policies are available from Town Human Resources, as are descriptions of the benefits offered. Employees with questions about leave policies or benefits, including how to request a specific leave or benefit, or notify the Town of leave, should contact the Town Human Resources Department. Whenever leave is requested, the employee's supervisor should be notified as soon as practical.

B. Law enforcement employees are sometimes involved in work-related critical incidents that may result in placement of an employee on administrative leave or may place additional stress on the employee or employee's family. The department is committed to supporting its employees in such situations; employees in such situations should contact their supervisor or the Town's HR department to access assistance that may be available through existing Town benefit programs.

C. Serious injuries and line of duty deaths. The Chief is responsible for providing or arranging for notification of an employee's family in the event of serious injury to or death of an employee. The Human Resources Department shall develop and maintain familiarity with available Town, state and federal benefits for employees in such situations and shall be prepared to assist the family and/or employee as necessary.

22.5 Separation From Employment

A. An employee who wishes to resign or retire shall submit a memo indicating the resignation or retirement, including the final date of service, through the employee's chain of command to the Chief. The resignation or retirement is effective upon the signature of the Chief, or Chief's designee. The memo shall then be processed by Town procedures.

B. Terminations of employees shall be handled in accordance with the procedures set forth in 26.5.3. Terminated employees shall be referred to the Human Resources Department for an explanation of any fringe or retirement benefits following dismissal.

22.6 Retirement Credentials

A. Department employees will be issued the appropriate retirement identification upon retirement. As required by A.R.S. §13-3112 and approved by the Police Chief, sworn employees retiring in good standing will be issued an "honorably retired" commission card; all other sworn employees will receive a retired commission card.

B. Employees who leave the Department for reasons other than retirement will generally not be granted credentials. The Police Chief may grant exceptions to this policy as circumstances warrant.

C. Badges remain Department property, whether paid for by the Department or the employee. Any personally owned badges must conform to adopted agency requirements in both form and style. Employees shall return all badges at the time of separation from the Department, other than upon retirement.

22.7 Light or Modified Duty

Refer to Town of Marana policy 4-14

22.8 Medical Releases to Return to Work Following Industrial Injury

Refer to Town of Marana policy 4-14

22.9 AWOL (Unauthorized Leave Without Pay)

An employee is considered AWOL if the employee does not return from authorized leave as scheduled or if the employee is absent without authorization.

22.10 Physical Fitness for Duty Examinations

A. All requests for physical fitness for duty examinations of an officer shall be discussed in detail with the Chief. If the Chief agrees that an examination is necessary, a draft order to the officer shall be prepared, containing the information required by A.R.S.§ 38-1112. If the Chief approves the draft order, the matter shall be discussed with the Human Resource Department and the Town's attorney.

B. Upon approval of the request, an appointment shall be scheduled with the selected physician, providing at least ten days notice to the officer. The notice to the officer shall be completed and presented to the officer. The officer shall be advised that attendance is mandatory and that he/she will be compensated for the time spent at the appointment.

C. The Department may order an officer to submit to a physical examination with a physician only if the officer has acted or failed to act in an observable manner that indicates that there is a physical condition materially limiting the officer's ability to perform the essential functions of the officer's job, within the officer's job description. Fitness for duty physical examinations for sworn paid officers who have passed probation are governed by A.R.S. §38-1112.

- The Department shall provide the officer with a written order that includes all of the specific objective facts on which the order for the examination is based, except that the names of the individuals who reported the observed conduct may be omitted.
- The order shall specify the time, place, manner, conditions and scope of the examination and the person(s) who will conduct the examination. The order shall provide the officer with at least ten calendar days' notice.
- The officer may have a representative present during the examination if the person conducting the examination agrees.

D. The Department may provide a copy of the order to the physician, along with any additional information it may have related to the fitness for duty. In addition, the person doing the examination shall be advised that he/she may consider and report on only:

- The officer's medical or other records that are directly relevant to the actions in question
- Medical records that record preexisting conditions that are relevant to the examination
- Any condition of the officer that the physician identifies during the course of the physical examination that endangers the safety of the officer or the community.

E. If the officer advises the Department that he/she will be seeking an independent medical examination; the Department shall provide the physician selected for the independent medical examination with copies of all materials that are provided to the physician selected for the fitness for duty examination.

F. Upon receipt of the final report of the examination containing the medical professional's findings, the Department shall notify the officer that the report has been received.

G. The report shall be provided only to the Department and the law enforcement officer and shall not be provided to any other person except as required for any subsequent appeal or certification action involving the law enforcement officer.

H. If the officer presents the Department with a final report of an independent medical examination or if the officer waives any right to request an independent medical examination, the Department ordered fitness for duty final report will be provided to the officer immediately.

I. If the officer does not present the results of an independent medical examination within twenty days after the Department provides the officer notice that the report has been received, the officer is deemed to have waived the right

J. The Department shall not take any final action until after the officer has had at least twenty days to review the fitness for duty report, unless the officer waives the twenty- day period or the employer grants an extension.

K. Following receipt of all report(s), the police chief shall make a decision as to the continued employment status of the employee.

L. Fitness for duty reports and independent medical examinations are confidential and shall be placed in the employee's confidential medical file maintained by Town Human Resources. Only those in the employee's chain of command will be advised of any of the contents of the report, and the information that will be shared will be limited to whether the employee will remain employed and, if so, what if any limitations have been placed on the employee.

M. The Department may order an officer to submit to a psychological examination with a psychiatrist or psychologist if it reasonably appears that the officer is limited in the officer's ability to perform the essential functions of the officer's job for psychological reasons. In general, the procedure that will be followed for a psychological fitness for duty examination will follow that outlined in this section.

22.11 Off-Duty Work As a Peace Officer

22.11.1 General Requirements

A. Officers may not work off-duty as a peace officer – for a private employer for pay, for another law enforcement agency for pay or for any entity on a volunteer basis - without complying with this policy. Officer compliance is the responsibility of both the officer and the officer's immediate supervisor, who shall

bring any violation to the attention of the Chain of Command.

B. Working off-duty is a privilege, not a right. Officers wishing to work off-duty as a peace officer shall complete an off-duty work request, including in the request a description of the work to be performed. The request must be approved prior to the performance of the work by the officer's chain of command. The approval to work off-duty may be revoked by an officer's supervisor or commander; revocation is not subject to grievance or appeal. Officers on initial probation may not work off-duty.

C. Off-duty work may not interfere with an officer's performance with the Department. All officers working off-duty continue to be bound by Department policies and the General Orders Manual.

D. While working off-duty, officers shall take those enforcement actions and make those arrests that the officer would if working on-duty. Officers shall not perform tasks outside the scope of law enforcement duties when engaged in off-duty work (e.g., acting as a cashier while employed to provide law enforcement services). Officers shall immediately notify their supervisor and then submit a written report documenting the circumstances of any of the following should they occur while working off-duty: incident involving use of police powers, injury to the officer or others, complaints involving the officer's services, court appearances resulting therefrom, or liability concerns.

22.11.2 Prohibited Off-Duty Work

Any off-duty work that does or may conflict with law enforcement duties or the Department's best interest is not permitted. Examples include, but are not limited to, the following: acting as an expert witness in litigation, collection of bad debts, adjusting claims, recovering property covered by a security agreement in default of payment, investigation and/or reconstruction of accidents, private investigations or security consultant services, working as a bouncer, working at the scene of a labor dispute, or working at any business or location where the primary focus is the sale of alcoholic beverages or dispensing or use of medical marijuana, or the adult entertainment industry.

22.11.3 Emergency Call to Duty from Off-Duty Work

Officers must advise off-duty employers that the Chief may determine at any time, and for whatever duration may be necessary, that all Town of Marana Officers are needed to perform regular police duty and will not be permitted to work off-duty. Officers working off-duty shall immediately respond to a call to active duty.

22.11.4 Additional Limitations

A. Generally, off-duty work will not be permitted outside the Town limits.

B. Off-duty work shall never occur while an officer is on-duty.

C. An officers may not work an off-duty job if the officer has utilized Town sick leave within the previous twenty-four hours.

22.11.5 Maximum Hours and Maximum Hours Between Shifts

No officer may work extra duty or engage in outside employment more than twenty (20) hours per week. A week is defined as Saturday at 12:01 AM to Friday at 12:00 midnight, in accordance with Town of Marana Personnel Policy 3-7-1. All officers shall have a rest period of not less than eight (8) continuous hours out of any twenty-four (24) hour period, whether working on-duty, off-duty or outside employment. No officer shall work more than fourteen (14) hours of any combination of extra duty, outside employment, and/or regular duty in any twenty-four (24) hour period. Exceptions to this may be granted based on operational necessity.

22.11.6 Special Circumstances

The Police Chief may grant exceptions to these rules, for specific periods or specific events, when doing

so is in the best interest of the Town.

22.12 Outside Employment (not as a peace officer)

22.12.1 Eligibility

A. All employees are eligible to engage in outside employment by complying with the Town's policy for approval of outside employment.

B. Employees on Town sick leave may work in outside employment only if the work conforms to the limitations of the employee's physical or mental condition and only with the approval of their chain of command. Employees who are on leave without pay status, or who are assigned to home pending investigation, may not engage in outside employment.

22.12.2 Maximum Hours and Maximum Hours Between Shifts

No officer may work extra duty or engage in outside employment more than twenty (20) hours per week. A week is defined as Saturday at 12:01 AM to Friday at 12:00 midnight, in accordance with Town of Marana Personnel Policy 3-7-1. All officers shall have a rest period of not less than eight (8) continuous hours out of any twenty-four (24) hour period, whether working on-duty, off-duty or outside employment. No officer shall work more than fourteen (14) hours of any combination of extra duty, outside employment, and/or regular duty in any twenty-four (24) hour period.

22.13 Court Appearances

Attendance at court or quasi-judicial hearing and proceedings is required of most Department employees from time to time as a part of the employee's duties; employees shall attend when notified to do so. Employees shall be prompt, dress professionally (uniform or business attire), and arrive prepared to testify. Employees shall be attentive and respectful and shall testify for both the prosecution and the defense in a respectful and impartial manner. Testimony shall be truthful.

Employees shall comply with courtroom rules regarding the wearing of firearms.

22.13.1 Conflicts

When an employee receives conflicting notices to appear (for example, from both Town Court and Superior Court), the employee shall honor them in order, first, of the issuing court (United States District Court, Superior Court, Justice of the Peace Court, and Town Magistrate Court), and second, of the date of service. The employee shall immediately notify the party requesting a subpoena with a lower priority of the conflict and the employee's responsibility to honor the other subpoena. If the conflict is between a court and an administrative hearing, the employee shall immediately notify the employee's supervisor. The supervisor shall contact the prosecutors or others in charge of the conflicting matters to resolve the conflict.

22.13.2 Subpoenas

A. Employees shall accept any subpoena served on them. Any questions regarding the validity of a subpoena or the need to attend a particular hearing shall be directed to a supervisor. Employees subpoenaed by the defense attorney shall immediately notify the prosecuting attorney who is handling the case.

B. Any subpoena that requests records be produced should be given to the Records Section for response.

22.13.3 Evidence

Officers are responsible for delivering evidence to the courtroom when requested by a prosecutor to do so.

22.13.4 Attorney Pre-Trial Interviews

A. Employees shall cooperate with attorneys (defense or prosecution) or unrepresented defendants in response to requests for pre-trial interviews. When requested by a particular prosecution office or prosecuting attorney to do so, employees shall always coordinate defense attorney interviews with the prosecutor. Generally, attorney interviews should be scheduled during an employee's duty hours and between the time period of 0800 to 1800, Monday through Friday. If the officer does not work during those hours, the interview should be scheduled to begin at the closest time to the employee's tour of duty that begins during those hours/days. Interviews may take place at a police facility or at an appropriate location mutually agreed upon.

B. When contacted by an attorney on a civil manner, the officer must determine whether the case involves the Town as a party. If it does (a traffic accident involving the officer, for example) the employee must first discuss the request with the attorney representing the Town.

C. Interviews may be recorded by either party to the interview. Equipment for the recording is the responsibility of the party wishing to record the interview.

D. An officer who is a victim in a criminal case is not required to grant an attorney interview.

22.13.5 Emergency Situations

If an employee encounters an emergency situation and cannot attend an interview or respond to the court in a timely fashion, the employee shall immediately contact the attorneys and/or court involved, or a supervisor who shall contact the attorneys or court on behalf of the employee.

22.13.6 Civil Matters

A. Employees who are served with a lawsuit involving actions taken on duty, or while performing police duties, shall immediately inform their chain of command. Given the limited time period for responding to lawsuits, officers shall not delay in notifying their chain of command. Supervisors receiving copies of lawsuits shall advise the Police Chief and route the lawsuit to the Town Attorney's Office upon receipt.

B. Officers shall not enter into civil compromises or otherwise settle cases involving the Town of Marana.

C. Employees who become involved in litigation over matters not involving the Department will consider advising their chain of command. Under no circumstances should a Department employee accept service of process on a matter that relates solely to another employee's private, non-police related business.

22.13.7 Compensation

Any compensation for a judicial or quasi-judicial appearance (other than as a juror) paid by any source other than the Town (for example, witness fees) shall be immediately turned over to the Department. No employee shall appear as an "expert witness" for any entity other than the Town or the County Attorney's Office without written permission from the Police Chief.

CHAPTER 23 WORKPLACE SAFETY/ ACCIDENTS AND INJURIES

23.1 Accidents Involving Police Personnel and Property

Any accident (other than one involving a vehicle; see 17.2.3) involving an injury to an on-duty employee or damage to Town property shall be immediately reported. A supervisor shall respond to the scene to investigate the accident. The supervisor shall call for assistance in the investigation when appropriate (for example, contacting a superior to involve Professional Standards).

Unless the investigation is turned over to Professional Standards, the supervisor shall complete the investigation, thoroughly document the incident (including photographs) and send a report of the investigation and any recommended disciplinary action to the chain of command. The supervisor shall also complete any necessary worker's compensation documentation.

23.2 Occupational and Workplace Safety

Workplace safety is the responsibility of all employees. The Department provides personal protective equipment to all employees, as appropriate to specific assignments; employees shall use the assigned equipment. Employees shall report any safety problem or health hazard to a supervisor; supervisors shall act to resolve the problem or hazard.

The nature of the work done by employees necessarily includes the risk of exposure to infection. When aware in advance of a hazard, employees shall use assigned equipment to prevent exposure. Employees shall document and report all exposures as required. For additional assistance or information, contact the Human Resources Department.

23.2.1 Industrial Injuries

An industrial injury is any injury arising out of and in the course of employment. In addition, under Arizona law, an injury that occurs to a certified peace officer while traveling to and from work as an on-duty law enforcement officer, or to and from secondary work as a peace officer, or while off-duty if injured while taking a police action, is also considered an industrial injury.

23.2.2 Worker's Compensation Program

In Arizona, employees or reserve officers who have suffered an injury or illness arising from and in the course of their employment with the Town, must seek compensation and medical payments through the Worker's Compensation Program unless the employee has previously waived coverage under the program.

Employees who choose to waive coverage must file a waiver prior to the injury occurring. Waivers are available from the Human Resources Department.

23.2.3 Treatment of Injuries

A. An employee who suffers a minor injury not requiring treatment by a physician may be administered first aid. The injury shall be documented with a memorandum from the injured employee and a Supervisor's Report of Industrial Injury. The memorandum and Supervisor's Report will be retained for one year in the employee's medical file; if complications from the injury develop, a complete package of industrial injury forms will be completed at that time, using the information contained in the original memo and report.

B. An employee who suffers a minor injury requiring medical treatment may respond either to the Town-contracted physician or a private physician to care for the injury.

C. Employees who are seriously injured shall be treated at the nearest hospital. An on-duty supervisor shall be notified immediately; that supervisor shall respond to the hospital to make any necessary arrangement for the further care of the employee and to provide assistance to the employee and employee's family regarding employee benefits.

23.2.4 Documenting Industrial Injuries

A. An employee who suffers any injury must complete a memo to the first line supervisor explaining the incident and providing copies of any documents detailing the need for follow-up treatment, doctor or therapy visits, etc.

B. The first line supervisor shall complete, within 24 hours of the injury, the Supervisor's Report of Industrial Injury. This report requires the employee's signature. If the employee is unable to sign the form, the employee's spouse may sign the form. If neither is available to sign the form, the form shall be completed and forwarded within the required time frame. This form is time critical, as it must be processed by Town Human Resources and filed with the Arizona Industrial Commission within ten days of the injury.

C. Employees who have been injured as the result of a malicious act by a third person will be photographed, in color, to reflect the injury and/or damage to clothing and equipment.

23.3 Exposure to Bodily Fluids, Infectious Material or Communicable Disease

A. Exposure to communicable diseases, including blood borne pathogens (BBP) and diseases transmitted through the air, is a hazard of law enforcement work. This policy is intended to assist employees in minimizing this risk through the use of appropriate work practices, the use of personal protective equipment (PPE) and prompt evaluation and treatment should exposure occur.

B. The following job classifications have been identified as those reasonably anticipated to have some occupational exposure to communicable diseases:

- All sworn personnel
- Non-sworn employees assigned to evidence control

23.3.1 Exposure Control Officer

The Chief shall designate an exposure control officer. This officer shall be responsible for (in conjunction with the Chief) implementation and revision of this exposure control policy, provision of PPE, arranging for necessary medical examination and follow-up in the event of an exposure, and training of personnel in exposure control. Individual unit supervisors are responsible for ensuring that their personnel attend scheduled training and follow the practices and procedures required by this policy.

23.3.2 Blood Borne Pathogens Exposure Control Plan

A. Blood borne pathogens may include HIV/AIDS, Hepatitis B Virus and Hepatitis C Virus, among others.

B. HIV/AIDS is a virus that attacks a person's immune system, weakening his/her resistance to other diseases. There is no known vaccine or cure for the virus. It is transmitted from one person to another through sexual contact, sharing of drug needles or by contact between infected body fluids or other potentially infectious materials (any body secretion), any bodily orifice, or an open wound or rash.

The Hepatitis viruses are viral infections that may result in jaundice, cirrhosis, or cancer of the liver. The incubation period is from six weeks to six months; carriers of the virus may appear well. These viruses may be transmitted by open wounds or mucous membrane coming into contact with contaminated needles, body fluids or other potentially infectious materials (OPIM).

C. Preventative measures that are to be observed by employees include the following.

- Employees should frequently wash their hands (with soap and warm water or provided cleansing agents). Employees should wash immediately after removing gloves or other potentially infectious materials. Employees should not, following physical contact with any person, eat, drink or smoke until they have washed their hands.
- Collect, handle and transport biological evidence using personal protective equipment and following

proper evidence collection, packaging and transportation procedures, including the placement of all body fluids or other potentially infectious materials in properly labeled leak-proof containers.

- Sharp objects that are evidence shall be placed in marked, puncture resistant biohazard containers.
- Avoid placing food or drink on or near any storage device or surface which contains body fluids or other potentially infectious materials or is used for the packaging of body fluids or other potentially infectious materials.
- Avoid stepping in any body fluids or other potentially infectious materials.
- PPE and other regulated waste shall be disposed of in properly labeled biohazard bags and receptacles.

23.3.3 Personal Protective Equipment (PPE); Universal Precautions

A. Employees shall take universal precautions when dealing with any situation involving the potential for exposure to blood and body fluids, including OPIM. Employees shall use PPE at all times and treat all such substances as if infectious.

B. PPE will be supplied by the Department. Specific PPE needs are to be determined by the Chief upon the recommendation of the Exposure Control Officer. Depending on the likelihood of exposure, PPE may include:

- Masks, eye protection, face shields,
- Respirators
- Gowns, aprons or other protective clothing
- Disposable gloves or similar protective items
- One-way airways for CPR

PPE will be replaced or repaired by the Department as needed.

C. Supervisors shall monitor the use of PPE as required by this policy.

23.3.4 Tuberculosis (TB) Exposure Control Plan

A. Tuberculosis is a disease caused by bacteria. Symptoms of TB include a persistent cough, bloody sputum, chest pain, fever, night sweats, weight loss and extreme fatigue. The disease is transmitted when a person who has TB sneezed, coughs or speaks. One may become infected by inhaling the airborne material released by the infected person. Most people who become infected with the TB bacteria will not develop the disease, but will have a positive reaction to a skin test.

B. Preventative measures. If an employee believes a person has or may have infectious TB, the employee should wear an appropriate respirator to prevent inhalation of the infection. Close contact should be minimized and the person should be moved outside or the area should be ventilated to the extent possible.

C. If it is necessary to transport a person with TB, the employee should wear an appropriate respirator, transport the person directly to the hospital, avoid transporting anyone else at the same time, operate the vehicle's air recycling system on at high speed on a non-recirculating cycle and open all windows (weather permitting).

D. An employee who has been exposed to a person known or suspected of having TB shall immediately

contact a supervisor. Both the exposed employee and the supervisor must complete the appropriate paperwork, including the report of exposure and chemical/biological contamination exposure form.

- The employee shall seek a medical evaluation, either with the Town physician or with the employee's own physician, and shall receive an initial TB skin test. If the initial test is negative, it will be repeated in three months. Employees who test positive will be evaluated for preventive therapy and retested as required.
- An employee who has infectious TB shall begin treatment and shall not return to work until cleared to do so by the Town physician.

23.3.5 Employee Exposure to Blood Borne Pathogens

A. An employee who is or may have been exposed to a blood borne pathogen shall immediately contact a supervisor and will be taken to the nearest hospital, where an infection control doctor should be consulted. If hospital treatment is not necessary, or if an infection control doctor is not available, the employee should then go to the Town's contracted physician, who is US HealthWorks, located at 2945 W. Ina Road (520) 877-8600, Monday through Friday between the hours of 0800-1700, or the employee may choose to be treated by their own physician.

The employee shall report in writing the details of the exposure no later than ten (10) calendar days. Employees shall fill out the **Report of Significant Work Exposure to Bodily Fluids or Other Infectious Material form** which can be found on the Town of Marana's intranet under Human Resources and Workplace Injury.

The employee shall have blood drawn no later than ten (10) calendar days after the possible significant exposure and no later than thirty (30) calendar days the blood is tested for HIV by antibody testing and the test results are negative.

B. Immediate decontamination is recommended. Soap and water, along with a disinfecting agent should be used.

C. Preventative treatments are available for certain types of exposures, but treatment must begin within **two hours** or as soon thereafter as possible. Employees must be aware that waiting more than 48 hours greatly diminishes the effectiveness of treatment.

D. Supervisors are responsible for assisting exposed employees, including contacting employees who are no longer on the scene and may not realize the potential for exposure. All clothing and equipment must be decontaminated (see below).

E. Worker's compensation coverage and OSHA regulations require exposed employees to have a baseline blood draw taken; employees are encouraged to do so immediately. To protect an employee's rights to file a future claim of infection or illness due to a significant occupational exposure, employees must:

- Within 24 hours of a possible significant exposure that arises out of, and is in the course of employment, file all necessary reports.
- Complete a baseline blood test within ten days after the possible significant exposure. This test is voluntary and intended to determine that the employee is free of the infection or illness the time of exposure.
- Test for the HIV infection or Hepatitis A, B, and C within thirty days of a significant exposure.

F. Exposed employees are also entitled to, and are encouraged to make themselves available for, follow-up blood draws and tests as recommended by the treating physician or Town physician. Medical evaluation and counseling will be at Department expense. All test results are strictly confidential.

G. Both the exposed employee and the supervisor must complete the appropriate paperwork, including the report of injury and chemical/biological contamination exposure form.

23.3.6 Testing Sources of Significant Exposure

An effort should be made to test the person who is the source of a significant exposure of an employee for communicable diseases. Testing is done by blood draw; most tests are done voluntarily with the consent of the person being tested, or the person's family if the person is deceased. A supervisor should be contacted to discuss the matter with the person who is the source of the exposure and to seek consent.

If consent is not provided, A.R.S. 13-1210 permits an employee or volunteer, or the agency itself, to file a petition with Superior Court for an order authorizing the testing of the person for HIV, common blood borne diseases and other diseases listed in the petition if there are reasonable grounds to believe an exposure occurred in certain specified circumstances. Contact the *Criminal Investigation Unit supervisor* for assistance in getting a court order for the blood draw.

If there is probable cause to gather the evidence for law enforcement purposes (for example, because the type of assault charged depends on the seriousness of the exposure), the evidence may also be gathered through a search warrant.

23.3.7 Decontamination of Public Areas or Public Property

A. When it is necessary to clean up large amounts of bodily fluids from a public area or publicly owned property, officers may contact Communications for a list of vendors for scene decontamination.

B. For cleanup of small amounts of contamination, the following procedures should be followed:

- To clean small areas, use gloves and, if necessary, safety goggles and facemask. Use a 1:100 solution of bleach and water, or a similar cleaner. Allow the cleaner to sit for several minutes before wiping.
- For contaminants directly on the hands, skin or mucous membranes, and following the removal of latex gloves in contact with contaminates, the affected areas should be washed immediately with soap and warm water, scrubbing vigorously for 20 seconds. If either mouth or eyes are involved, flushing with warm water for at least 10-15 minutes is standard.
- For contaminated vehicles, use a 1:100 solution of bleach and water, scrub all areas, allow the bleach to soak in for 5-10 minutes and then rinse. Contaminated vehicles are not to be used until properly decontaminated; when there is concern about the effectiveness of the decontamination process, the Town contractor should be contacted.
- For equipment (handcuffs, batons, flashlights), wear latex gloves and use a 1:100 solution of bleach and water.

C. Contaminated clothing should be handled with latex gloves, kept separate from other laundry in marked plastic bags and washed in soap and warm water, or given to the Town contractor for cleaning. Shoes and leather gear should be scrubbed with soap and hot water.

23.4 Industrial Leave

Refer to Town of Marana policy 4-11

CHAPTER 24 [Reserved]

CHAPTER 25 GRIEVANCE AND APPEAL PROCEDURES

A. The Department does not have a formal grievance procedure. However, any employee who is concerned about a work related issue may meet with the chain of command to express the employee's concerns. The employee must first meet with his/her immediate supervisor in an effort to resolve the concern, and may then proceed to meet with the chain of command, up to and including the Chief.

Repeated meetings on the same issue will not be permitted.

B. Under existing Town policy, disciplinary actions are subject to appeal can be found at:

TOWN OF MARANA REVISED PERSONNEL POLICIES AND PROCEDURES

CHAPTER 5. WORK RULES AND EMPLOYEE DISCIPLINE

CHAPTER 26 DISCIPLINARY PROCEDURES

26.1 Code of Conduct

All employees of the Department will comply with the code of conduct set forth in this General Order.

26.1.1 General Standards of Expected Conduct

Employees shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All employees shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves. Employees shall treat each other and all persons with whom they have contact with respect and courtesy.

26.1.2 Expected Conduct Toward the Public

A. All persons are entitled to courteous and respectful consideration and must be given every assistance that may be proper under the rules of this Department. Employees shall not physically or verbally mistreat or abuse any person.

B. Employees shall politely provide their name and badge number, and display their department issued identification card with their photograph on it, to any person who requests it. This mandate to present department identifiers does not pertain to personnel who are actively working in an undercover capacity.

C. Employees shall not mistreat or abuse, whether physically or verbally, any prisoner or person having business with the Department.

26.1.3 Security and Confidentiality of Department Business

A. Employees shall consider the operations, official business and records or files of the Department to be confidential. Such information shall be released only in accordance with Department procedure and then only by persons authorized to make such releases.

B. Employees shall not steal, alter, destroy, forge, remove, copy or tamper with any kind of police record, report, recording, photograph, evidence, citation, or document, including any electronic version, except that employees may destroy or copy police records with proper approval. Employees shall not submit any type of fraudulent report for any purpose.

C. Employees are prohibited from retaining personal copies of official police reports and shall incorporate all notes and working files into the official record (pursuant to department policy and Arizona Rules of Criminal Procedure, Rule 15, see below) maintained in the Records and Evidence Units. Employees are prohibited from retaining copies of voice recordings, video recordings, photographs, and other similar material, whether obtained on Department or personal equipment, related to official police investigations. All such items shall be submitted to Property and Evidence according to standard Department protocols.

- Arizona Rules of Criminal Procedure, Rule 15, allows handwritten notes to be destroyed if they are substantially incorporated into a document or report within 20 working days or otherwise preserved as specified by the Rule. Otherwise, handwritten notes must be maintained for disclosure purposes.

D. Excluding those departmental telephone lines that are automatically recorded and recordings that occur as a part of an official criminal or administrative investigation, employees of the Department are prohibited from recording their conversations with another employee (either with their knowledge or surreptitiously).

E. Employees shall refrain from engaging in or perpetuating rumors or gossip whether the information is accurate or not. All personnel matters will be handled with due regard to protecting the confidentiality and reputation of its employees.

26.1.4 Lawful and Proper Conduct

A. All employees shall observe and obey all laws, Town policies, Department General Orders, Department procedures and policies, as well as any procedures and policies established by their supervisors.

B. Employees shall immediately notify their supervisor when they:

- Receive a moving vehicle citation
- Are involved as a witness, victim, or suspect in any situation under investigation by any law enforcement agency
- Engage in any conduct which, if prosecuted, would be prosecutable as a petty offense, misdemeanor or felony under local, state or federal law
- Are arrested or convicted for any violation of local, state or federal law that is punishable, upon conviction, as a petty offense, misdemeanor, or felony
- Receive notice of any temporary or permanent suspension, restriction or revocation of their driver license
- Are served with any court order or serve another person/party with a court order, including orders of protection and injunctions against harassment
- Observe or become aware of any neglect of duty or misconduct, either on or off duty, on the part of any other employee
- Are the subjects of a lawsuit for any act performed while engaged in police activity, either on or off duty. This information will be reported in writing and routed through the chain of command to the Police Chief.
- Have a medical condition that might inhibit job performance. Disclosure of the specific medical condition to the supervisor is not required (it may ultimately be required to be disclosed to Town Human Resources or the Town's Physician).

- Participate in or become aware of any incident in which employees allegedly performed in a manner that created or creates an increased likelihood of death or serious injury to persons or significant loss of property, or which may result in heightened community interest. Supervisors should immediately notify the Chief through the chain of command.

26.1.5 Insubordination Prohibited

Insubordination is defined as disrespect for or to authority._No employee shall be insubordinate to any superior officer or employee.

26.1.6 Failure to Follow an Order

No employee shall refuse to take any directed action or fail to follow any order or direction given by a superior officer, unless the action, order or direction is unlawful, unethical or represents unjustified or reckless disregard for life or safety.

26.1.7 Cowardice Prohibited

Officers shall not avoid or disregard their duty in the face of danger.

26.1.8 Abuse of Authority; Cruel, Unlawful or Improper Treatment Prohibited

Employees shall not abuse their authority, treat any person or animal cruelly, use excessive physical force, fail to observe the Constitutional rights of any person, or neglect to take any necessary humane actions when circumstances require.

26.1.9 Gifts, Gratuities, Fees, Rewards, Loans, Etc. Prohibited

Except as may be specifically authorized by the Police Chief, employees shall not:

- Accept or solicit, directly or indirectly, any gift, gratuity, loan, service, fee, off-duty work or secondary work or discount (including discounted or free rent) where there is a direct or indirect connection with their Department employment;
- Accept any reward for services rendered in the line of duty to the community, or to any person or agency;
- Accept free or discounted meals, other than those offered to the general public, from any commercial establishment;
- Engage in any business transaction with a person in police custody;
- Engage in bribery or extortion.

26.1.10 Endorsements

Except as specifically authorized by the Police Chief, employees shall not knowingly permit their names or photographs to be used to endorse any product or service as representative of the Department, nor permit the use or use the Department uniform, vehicle, logo, badge or other identifiable equipment in any unauthorized manner or for any private purpose.

While on duty, employees are prohibited from making any recommendations regarding the employment of any attorney, bail bond business, wrecker or other service where a fee is charged.

26.1.11 Untruthfulness

A. No employee shall knowingly make an untrue statement about a fact, either orally or in writing, in connection with any investigation, assignment or inquiry. No employee shall knowingly sign any false official statement or report, commit perjury, or give false testimony before any court, grand jury, board, commission, judicial or administrative hearing, or department hearing, whether or not under oath.

B. Employees are required to report completely, honestly, and accurately all facts and information pertaining to any investigation, whether criminal or administrative, or any other matter of concern to the Department.

C. This rule does not apply to an officer's questioning or interrogation of a person involved in a criminal investigation, or where the officer is engaged in an approved undercover role, where such misrepresentation is consistent with the law and accepted professional practice.

26.1.12 Required Knowledge

A. All officers shall have a working knowledge of all Constitutional, criminal, and motor vehicle laws, and ordinances in force in the Town, as well as Town policies, Department General Orders, and policies and procedures of their respective work units, as may be appropriate to their assignment or classification.

B. Non-sworn employees shall have a working knowledge of all laws, Town policies, Department General Orders, and policies and procedures of their respective work units as may be appropriate to their assignment or classification.

C. All employees are responsible for seeking and obtaining any additional information or clarification necessary in order to comply with laws, ordinances, Town policies, Department General Orders, Department policies and procedures or any other subject area with which they must be familiar.

26.1.13 General Responsibilities and Requirements

A. All employees shall satisfactorily perform their assigned duties as required or as directed by law, the Constitutions of the United States and the State of Arizona, Town ordinances, Department General Orders, Department policies and procedures, Town policies, or the proper order of a superior officer.

B. The administrative delegation of the enforcement of specialized laws and ordinances to particular units of the Department does not relieve employees of other units from the responsibility for taking prompt, effective police action to enforce those laws when the occasion arises.

C. All employees shall assist other employees when asked and when appropriate to do so. Such assistance shall include the utilization of any special skills or talents that an employee may have. Any question as to whether the assistance is appropriate may be referred to a supervisor.

26.1.14 Reporting Violations Required

Employees having knowledge of other employees violating laws, Constitutional rights, ordinances, Town policies, Department General Orders, policies or procedures, or disobeying orders, whether on or off duty, shall promptly report such violation to their supervisor.

26.1.15 Actions Taken Under Color of Authority

Any action taken by an employee of the Department under color of authority (while acting as a police officer or public employee) subjects the employee to all applicable provisions of Department General Orders and Town Personnel Policies and Procedures and Administrative Directives.

26.1.16 Consorting Prohibited

Employees shall avoid personal associations with persons who have an open and notorious reputation in the community for criminal behavior or known convicted felons (immediate family ties excluded), except in the discharge of their official duties or with the permission of the Police Chief.

26.1.17 Maintenance of Minimum Standards Required

A. Employees are expected to meet, maintain, and demonstrate all minimum Department standards and performance expectations at all times. Employees shall maintain all necessary certifications, maintain the physical fitness necessary to perform the essential functions of their position, and meet any requirements of their position classification at all times. Employees shall attend all training sessions as required or at the direction of their supervisors.

B. Sworn employees shall meet all AZPOST standards necessary to retain certified peace officer status.

Revocation of peace officer certification shall be grounds for immediate dismissal of any sworn employee. Suspension of a sworn employee's peace officer certification by AZPOST shall subject the employee to disciplinary action up to and including termination.

26.1.18 Strikes or Labor Stoppages Prohibited

Employees shall neither engage in nor conduct a work stoppage or strike. The term "strike" means the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstention in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

26.1.19 Prohibited Uses of Property

A. Employees shall not damage, abuse or lose any Department property entrusted to them. Because of the risk to the community in their loss or theft, items such as firearms, identification cards, keys, access cards, badges, and radios require a greater degree of care.

B. Town owned property, evidence, abandoned and found property, property maintained for safekeeping, and any other property received by an employee shall not be used, utilized, converted, copied, distributed, etc., for personal use by any employee or by any other person with an employee's knowledge or assistance, except as provided in these General Orders. Any property coming into the possession of an employee shall be handled in accordance with established procedures.

26.1.20 Chain of Command

Employees shall utilize the chain of command in all official actions as appropriate.

26.1.21 On-Duty Requirements

A. Employees will have assigned duty hours and will be considered off duty at all other times. Employees shall be punctual in reporting for duty at the time and place designated by their supervisors. Employees may not be absent from any duty assignment without permission or authorized leave. All employees are to remain at their assignment and on duty until the end of their assigned shift. If the performance of assigned duties requires that an officer continue working beyond the completion of the shift, a supervisor shall be contacted for approval. Officers shall not consider themselves relieved of duty, even if their shift has concluded, until properly relieved by another employee or dismissed by proper authority.

B. Employees will not conduct any non-police related outside employment business on Town time or while using Town equipment or facilities, unless approved by a supervisor.

C. Employees will carry their identification card while on duty. No employee shall drive a motor vehicle on duty unless in possession of a valid driver license for the class of vehicle driven.

D. All employees shall wear the appropriate identification card while in police facilities.

26.1.22 Prohibited On-Duty Conduct

Employees are prohibited from engaging in any unauthorized activity, action, or conduct that detracts from their obligations and responsibilities while on duty.

26.1.23 Completion of Assignments

Employees are expected to thoroughly and professionally complete any and all assignments, duties, or tasks for which they are responsible.

26.1.24 Alcohol, Intoxicants, or Drugs

A. No employee shall:

- Report to duty with the odor of alcohol on their breath.
- Report to duty impaired by or under the influence of intoxicants or drugs.
- Report to duty unfit for duty due the use of alcoholic beverages or drugs.
- Consume or purchase any alcoholic beverages (or beverages which approximate the smell or appearance of alcoholic beverages) during breaks or meal periods, or while on duty or in uniform, except when necessary in the performance of their duty and then only with the approval of their supervisor.
- Possess any intoxicants or controlled substances on Department premises except when necessary in the performance of a police task. Such materials brought into Department premises in the furtherance of a police task shall be properly identified and stored.
- Consume alcoholic beverages off duty to the extent that it may bring discredit to the Department.
- Use any controlled substance not prescribed to them.
- Report to duty impaired by the use of medications, whether prescribed to the employee or not.

B. Employees who are prescribed controlled substances or who use medications, including over the counter drugs, which may affect their ability to perform their duties shall adhere to the policies and requirements set forth in 26.2 regarding such use.

An employee who refuses to be examined for controlled substances or alcohol will be treated as having tested positive and should be disciplined.

26.1.25 Use of Tobacco Products

Smoking and the use of other tobacco products is prohibited while performing any police function or when in violation of other Department, Town or State laws and policies. Those employees who choose to smoke or use other tobacco products while on-duty and not performing a police function (during meal or rest breaks) are responsible for the safe and sanitary disposal of these items (chewing tobacco should be placed into a separate sealed receptacle prior to being disposed of in a trash can). Smoking is not permitted in any Town building or vehicle.

26.1.26 Investigations

Employees shall not withhold any information about criminal activity. Employees shall not undertake self-assigned investigations, whether on or off duty, that are outside the scope of the agency's jurisdiction, do not involve criminal activity, involve the conduct of another employee or involve a matter which is for the officer's personal gain, without the prior notification of and approval by a supervisor.

26.1.27 Gambling

No form of gambling shall be permitted on Department property or while on duty, except in the performance of police duties and then only with the approval of the employee's chain of command.

26.1.28 Offensive Conduct, Materials, and Statements

Employees on duty or on Town property shall not possess, reproduce, circulate, or post any material that may be considered offensive based upon existing laws or community standards, except as required for a police purpose. Employees shall not tell jokes, make verbal statements, or engage in any other conduct that may be considered offensive based upon existing laws or community standards.

26.1.29 Call Out

During off-duty time, employees of the Department shall be subject to call out duty as needed. Employees

shall not be contacted off duty except when, in the considered judgment of the person initiating the call, the mission of the Department requires it.

26.1.30 Emergency Stand-by

Employees shall be subject to emergency stand-by as deemed necessary by the Police Chief.

26.1.31 Standards for Police Action While Off Duty

Off-duty officers shall act in an official capacity if they observe an incident requiring police action when time is of the essence, or if such action will safeguard life or property, or prevent the escape of a felon or violent criminal. If off-duty officers observe, or have their attention called to, an incident requiring police action not meeting this standard, they shall report the incident to the appropriate law enforcement agency as soon as practical.

Officers may carry a firearm off-duty, but they will exercise discretion as to when and where it is worn.

26.1.32 Involvement in Neighborhood Disputes Prohibited

Officers shall not intentionally become involved in quarrels or disputes involving their neighbors, friends, associates, or relatives. Officers shall not make an arrest or take other official actions in personal matters or those of their family or neighbors unless such action is warranted by the immediate threat of serious bodily harm or significant property damage. A supervisor shall be notified as soon as possible.

26.1.33 Nepotism

A. Supervisors will not be permitted to oversee, within their direct chain of command, a relative, or participate in or influence others in any manner regarding departmental decisions, including hiring, promotion(s), discipline, and merit increase(s) of a relative. This includes a spouse, child, step-child, grandchild, parent, grandparent, siblings of any legal definition, or a grandchild, sibling, parent, grandparent of their spouse and/or a person residing in the employee's household as an employee of the family. This also includes a roommate, or a person who shares a substantial financial interest with another Department employee, or a person who has any other relationship of such a nature that it may create a conflict of interest or the appearance of a conflict of interest. All sworn commanders and non-sworn equivalents shall advise the Chief of any relative or other person covered by this rule who works in any other Department of the Town.

B. For purposes of this rule, "oversee" includes supervisors who, while not in the direct chain of command, oversee employees regularly due to overlapping coverage.

C. This rule does not prohibit middle managers and executives from overseeing workgroups where a relative is assigned as long as the relative is not an immediate subordinate.

D. Employees will not date or engage in an intimate relationship with a supervisor or subordinate in their direct chain of command. For purposes of this rule, intimate relationship is defined as any physical touching of a personal nature, any sexual contact, and/or an emotional dependency beyond a usual level of friendship. This policy includes employees of the same rank where one is acting in a supervisory capacity over the other, such as with a Field Training Officer (FTO) and Officer in Training (OIT).

E. Two or more employees of an immediate family may be assigned to the same work unit or under the direction of the same chain of command with approval of the involved commander.

26.1.34 Statutory Conflicts of Interest

Any employee who has, or whose relative has, a conflict of interest under Arizona law shall declare that conflict and refrain from participating in the matter involving the conflict. The involved employee shall contact the Town Attorney to resolve questions regarding the application of state law, for further information and to complete the necessary forms to declare the conflict.

26.1.35 Debts
Employees will pay their just debts promptly.

26.1.36 Employee Personal and Emergency Contact Information
Employees shall advise the Department within ten days of any changes to their name, their current residential (dwelling unit) address, current residential and cell telephone numbers and/or emergency contact information. All employees will maintain a working home telephone or a working cellular phone number. Employees should not list their employment address as their residence on any legal documents or any personal mail.

26.1.37 Town and Personally-Owned Equipment
Employees will not misuse, abuse, or improperly use Town equipment and are responsible for the proper storage and security of assigned equipment, including firearms. Employees shall promptly report all damage or loss of Town equipment, or personally owned equipment identified as police equipment, to their supervisor. Employees will not without permission use another employee's Department issued or personally owned equipment, such as firearms, computers, uniforms, etc., for work related purposes.

26.1.38 Outside Employment and Business Interests (non-law enforcement)
A. No employee shall engage in any off-duty employment or occupation that is considered detrimental to the Department. No employee or employee's spouse or domestic partner will own, or have a financial interest in, any establishment whose business is of such a nature that it would bring discredit on the Department or require an abnormal amount of police regulation. This includes, but is not limited to: marijuana dispensaries, pool halls, bars, nightclubs, adult entertainment industry (book stores, production companies, escort agencies and theaters), massage parlors, scrap metal dealers and automobile towing, storage, or salvage businesses.

This regulation does not prohibit employment in or ownership of a commercial enterprise where the primary business includes, but is not limited to, any of the following: sales of food, sales of merchandise, investments in stocks, bonds, and other securities (securities must be listed with the United States Securities and Exchange Commission or the Arizona Corporation Commission).

B. Employees must receive approval from the Police Chief prior to investing in a business that may represent a conflict of interest with the Department.

C. The Police Chief has the primary responsibility for ensuring outside employment is not in conflict with Town employment and has the authority to deny outside work.

26.1.39 Secondary Work as a Peace Officer
Officers shall not work off-duty as a peace officer except in full compliance with these General Orders.

26.1.40 Political Activity
Employees will not take part in political management, affairs, or political campaigns while in uniform or on duty. Employees may appear before the State Legislature as private individuals or representatives of a private organization. Appearances should be made during off-duty time and employees will advise legislators that they do not represent the Town or the Department.

When an appearance relates to an issue in which the Town has an interest, employees will send a memorandum of notification to the Police Chief through their chain of command prior to their appearance.

26.1.41 Public Discussions
A. While on duty, employees will not engage in political or religious discussions in a public place nor will they speak critically of the nationality, color, creed, disabilities, sexual orientation, age, religion, or beliefs of another person.

B. While on or off-duty, employees will not publicly criticize or ridicule the Department, its policies, or other employees to the degree that doing so impairs working relationships of this department for which loyalty and confidence are necessary, impedes the performance of duties, impairs discipline by superiors and harmony among coworkers, or interferes with the regular operation of the department.

26.1.42 Endorsements/Recommendations

A. While on duty, employees are prohibited from making any recommendations regarding the employment of any attorney, bail bond business, wrecker or other service where a fee is charged.

B. Employees will not endorse any commercial product while identifying themselves as employees of the Department, without approval of the Chief.

26.1.43 Reporting to Supervisors

All employees will keep their supervisors informed of any unusual activity, situation, or problem with which the Department might be concerned. All such incidents will be reported to a supervisor as soon as possible and/or within 24 hours of the incident. If an employee's immediate supervisor is not available, the employee will notify another supervisor in their chain of command.

26.1.44 Personal Use of the Internet and Social Media Sites

A. Employees are free to express themselves as private individuals on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidence are necessary, impede the performance of duties, impair discipline by superiors and harmony among coworkers, or interfere with the regular operation of the department.

B. For safety and security reasons, employees are cautioned concerning disclosing their employment with this department. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

C. Employees are cautioned that speech on- or off-duty, made pursuant to their official duties — that is, that owes its existence to the employee's professional duties and responsibilities — is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Employees should be aware that their speech and related activity on social media sites may reflect upon their office and this department.

D. Employees shall not:

- Access personal social media sites from Town-owned computers or other equipment unless approved in writing by the employee's supervisor to carry out legitimate law enforcement functions.
- Post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Police Chief or the Chief's designee. This includes video or audio files, photographs or other digital or text media memorializing any law enforcement related action of this agency, such as Department trainings, tactical situations, calls for service, investigations, etc., whether created or memorialized with department or personally owned equipment.
- Post information pertaining to any other personnel of the department without their permission.
- Display department logos, uniforms, badges, vehicles, or similar identifying items on personal web pages.
- Post personal photographs or provide similar means of personal recognition that may cause them to

be identified as a department police officer or a department employee.

- Post, if they are or may reasonably be expected to work in undercover operations, any form of visual or personal identification.
- Post obscene material, as well as speech containing sexually explicit language, images, or acts that reflect negatively upon the agency.
- Post statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- Post statements or materials involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible (such as lewd sexual conduct, excessive alcohol consumption, or similar behaviors).
- Post statements or other forms of speech that may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings.
- Make any statements or endorsements or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.

E. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately.

26.2 Use, Ownership and Examination of Town property and Employee Personal Property Brought Onto Town Premises

26.2.1 Town/Department Electronic Information. Use of Computers, Cell Phones, and Other Communication Devices

A. Town electronic information is solely the property of the Town, regardless of physical location or how maintained; users have no personal property, privacy, or other rights in it.

B. All memos, messages, e-mails and related materials prepared, read or stored on any Town owned computer system or being processed through a Town system, including paper internal mailing systems, are subject to examination by the Town/Department at any time and without prior notice. In addition, all communication related to the business of the Town, whether created or stored on Town owned equipment or privately owned equipment, is considered to be Town communication and is subject to examination by the Town/Department at any time.

C. The Town's communication systems are intended primarily for business use. Incidental use of Town's electronic communication systems (sending or receiving) for personal, non-business purposes is permitted under the following conditions:

- Personal use may not interfere with the productivity of the authorized user or his or her co-workers;
- Personal use is not appropriate during the provision of services to the public or in an area (such as a public lobby) where use may interfere with the provision of services to the public;
- Personal use may not involve any prohibited activity;
- Personal use may not disrupt or delay the performance of Town business; and

- Personal use may not adversely deplete system resources available for business purposes.
- Employees must recognize that such personal use may be subject to department examination.
- If personal use of Department/Town electronic communications systems results in a cost to the Town, the employee using the system shall reimburse the Department/Town of Marana.

D. Prohibited Uses

- Any use of Town electronic communication systems that violates any law, regulation, ordinance, policy or procedure of the Town is forbidden.
- Employees may not load any software on Town computers, including freeware and shareware available from Internet sites, nor may employees manipulate or alter current software running on agency-owned mobile, desktop or handheld computers, tablets, or cell phones. Similarly, employees may not connect any non-Town provided discs or drives to the Town's computer system, or any portion of that system, without written authorization.
- Employees shall not register their Towne-mail address at Internet sites unless necessary to conduct Town business.
- Town electronic communication systems shall not be used in any way that is offensive, harmful, or insulting to any person. Examples of forbidden electronic communications include, but are not limited to:
  - Threatening, harassing, obscene or profane nature, or that would reasonably be considered to be offensive or disruptive or to infringe on the personal privacy of others;
  - Gambling;
  - Ethnic or racial slurs;
  - Unsolicited “junk mail”, “for profit” messages, or chain letters;
  - Sexually explicit photography, messages or jokes/cartoons;
  - Unwelcome propositions, or any other use that violates the Town's nondiscrimination and harassment policies;
  - Signed or identified as coming from an individual other than the actual sender, unless the sender is authorized to send that type of electronic communication on behalf of the other individual (e.g., a secretary’s e-mail meeting notice in a supervisor’s name, when authorized by the supervisor);
  - Support of or connection with the authorized user’s own outside employment or business activity (e.g., commercial consulting for pay; solicitation or sales of goods or services; administration of the business or employment).
  - Town electronic communication systems shall not be used to copy, send or receive copyrighted materials, trade secrets, proprietary financial information, or similar materials without appropriate authorization.
  - Employees shall not release any Town electronic information to any non-employee.
  - Employees shall not access, nor attempt to access, any Town electronic information without authorization.

E. Release of Department electronic information to a member of the public, including both release in response to public records requests and the categorization of Department electronic information as publicly accessible electronic information, shall require the approval of the Police Chief or the Chief’s

designee and shall be in accordance with General Orders and the provisions of the Arizona Public Records Act. All questions concerning release of Department electronic information should be directed to the Town Attorney's office.

F. Town electronic communication systems shall not be used to transmit political messages, on behalf of or against a candidate for election or retention or in support of or opposition to an initiative, referendum or recall or any other measure or proposition.

G. Employees are prohibited from undertaking any unauthorized access, reading, modifying, copying, transferring, or deleting any other employee's electronic communications or information, computer or network equipment, or security controls.

H. Any attempt to bypass or otherwise interfere with Town of Marana computer/network security controls is forbidden.

I. Town of Marana electronic communication systems shall not be used to conduct any labor organization business except as specifically authorized by written approval of the Police Chief.

J. Criminal investigators who need to set up false accounts or to access the Internet in ways that would otherwise violate General Orders shall do so only with the written permission of the involved employee's commander.

26.2.2 Work Areas and Vehicles

A. A work area is defined, for purposes of these General Orders, as any portion of Town owned property that is or may be used by Town employees for Town business. It specifically includes offices, desks, desk drawers (locked or unlocked), file cabinets (locked or unlocked), audio and video recording devices and recordings, computers, tablets, internet usage, offices, files, telephones, Town cellular telephones (electronic communications and text messages), lockers (locked or unlocked, including those secured by a personally owned lock), and voice mail.

B. A work area may be monitored or searched for any legitimate business purpose, including the operational efficiency of the Department. An administrative investigation of an allegation of a violation of Town or Department rules and policies is considered a legitimate business purpose.

26.2.3 Personal Property on Department Premises

A. Personal property brought onto Town/Department premises, including personal vehicles, audio and video recording devices, cell phones, pagers, computers, tablets, bags and briefcases, may be subject to search during an administrative investigation, but only if the search is not being done solely for criminal investigative purposes <u>and</u> the search is work related.

- A search is work related if it is non-investigatory (looking for a pencil in a desk drawer, or looking for a file in a file drawer), or if it is done to investigate work-related misconduct.
- Work related searches, whether non-investigatory or for work-related misconduct, must be reasonable in scope.
- A non-investigatory search must have a work related purpose and be limited in scope to that purpose (looking in a person's desk for a pencil; stop when the pencil is found).
- A workplace misconduct related search must have an administrative purpose at the outset, must be based on a reasonable suspicion of misconduct and a reasonable belief that relevant information or evidence will be found, be reasonable given the severity of the issue, and must be

limited to the information sought.

- Misconduct related searches of personal property require the approval of the Police Chief or Chief's designee.
- Workplace searches may include personal cell phones that are used while on-duty. Possession or use of personally owned electronic communication or recording devices or computers of any type during duty hours or use for Town of Marana business when off-duty may subject the records associated with the device, and the device itself, to examination by the Department during administrative investigations, or requests or subpoenas for disclosure by involved individuals or their attorneys during criminal and civil litigation.

B. Personal property may not be searched during a criminal investigation except as provided by law. Searches may be performed based on a search warrant, an exception to the warrant requirement or consent.

26.3 Drug and Alcohol Policy

26.3.1 Purpose

It is the policy of the Town and the Department to maintain and ensure a drug and alcohol free and safe workplace for all employees. All employees shall comply with all Town of Marana policies, Department policies, and state and federal laws pertaining to controlled substances and the use of alcohol. The Town of Marana's policy in this area may be found in Personnel Policy 7-5 Drug and Alcohol Free Workplace. It is the responsibility of supervisors to consistently enforce the provisions of this section.

26.3.2 Use of Controlled Substances

Use, possession, manufacture, transfer by sale or gift, or a positive drug test for, any controlled substance not legally prescribed to the employee for his/her own use shall form the basis for termination of an employee. In addition, it may result in criminal investigation, arrest, and, in the case of sworn employees, loss of peace officer certification.

26.3.3 Use or Possession of Medical Marijuana Prohibited

A. Marijuana is an illegal, schedule I dangerous drug under the Federal Controlled Substances Act. Department employees are prohibited from using, possessing or selling marijuana (except when performing approved law enforcement related duties), or engaging in any other conduct that would violate the Controlled Substances Act. Employees who wish to use medical marijuana as permitted under Arizona law may contact Town of Marana Human Resources and seek to transfer to a non-public safety position with the Town.

B. In addition, Department employees and their spouses are prohibited from having any ownership interest in, or personal involvement or association with a medical marijuana dispensary, whether as an owner, agent, cultivator, consultant, or in any other manner except as may be necessary when acting as a law enforcement officer or public safety employee.

C. Department employees and their spouses are prohibited from having any ownership interest in, or personal involvement or association with a medical marijuana dispensary, whether as a consumer, owner, agent, cultivator, consultant, or in any other manner except as may be necessary when acting as a law enforcement officer.

26.3.4 Use of Alcohol; Impairment

For purposes of this policy, an on-duty employee whose blood, breath or urine when tested contains an alcohol concentration of .04% or above is presumed to be impaired by the use of alcohol. Employees with

an alcohol concentration of less than .04% may be considered impaired depending on the circumstances. This presumption is separate from any criminal liability that may attach to an employee suspected of being under the influence of alcohol or drugs while driving.

Any employee who is found to be in violation of this section while on duty shall receive discipline in conformance with the Discipline Matrix. **A second alcohol or other intoxicant violation (on or off duty) shall result in the employee's termination.** These disciplinary actions are separate from any criminal or civil investigations or sanctions that may arise as a result of an employee's conduct.

Whenever an administrative investigation establishes that a sworn member was intoxicated while on duty, regardless of the resulting discipline, that determination shall be provided to AZPOST in accordance with state rules governing peace officer certification standards.

26.3.5 Use of Prescription and Over the Counter Medications

A. In recognition of privacy concerns, the Department will not solicit information from an employee regarding medications that an employee may be taking absent an indication that the employee is impaired or poses a safety hazard.

B. It is the responsibility of any employee who is taking any medication, including those sold without a prescription, which may interfere with the safe and effective performance of duties to notify their supervisor before beginning work. Disclosure of the specific medical condition or the specific medication to the supervisor is not required (it may ultimately be required to be made to Town of Marana Human Resources or the Town's Physician). Unless the medication is one that is available over-the-counter, the employee shall provide documentation from the treating physician of any limitations the medication may impose on the employee. If the limitations are such that the employee cannot safely and effectively perform, the employee may be placed on sick leave and referred to the Human Resources Department for discussion of reasonable accommodation.

C. It is the employee's responsibility to advise the Department when the employee is no longer using the medication in question.

Any medical documentation shall be sent to Town of Marana Human Resources for filing in the employee's confidential medical file. It is the responsibility of each employee to monitor their own physical condition and be aware of the effects of any medication the employee may use. Each employee is responsible for ensuring that they are not impaired by any medication usage while on duty.

D. Any on-duty Marana Police Department employee who at any time while on duty, in or at a Town facility or job site, or operating a Town vehicle, is impaired by the abuse or misuse of any medications, whether or not prescribed to the employee, shall be subject to disciplinary action up to and including termination.

E. Any employee who, while on duty, is impaired by the abuse or improper use of medications shall receive discipline in conformance with the discipline Matrix. The presumptive level for a first time offense is an aggravated sanction of 60-hours. A second instance of an employee being on duty while impaired by the abuse or improper use of medications shall result in the employee's termination. These disciplinary actions are separate from any criminal investigations or sanctions that may arise as a result of an employee's conduct.

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F. Whenever an administrative investigation establishes that a sworn member was impaired while on duty through the abuse or misuse of any medications, regardless of the resulting discipline, AZPOST shall be notified if it appears that the conduct is part of a pattern of abuse of prescribed medications as prohibited

in AZPOST rules.

26.3.6 Available Resources

The Town of Marana offers an employee assistance program to which employees may be referred, and which employees may access without referral, which may provide assistance for employees with use or abuse issues. Town employee health insurance programs may also provide such assistance. Employees are urged to take advantage of these resources when appropriate.

26.3.7 Employee Alcohol and Drug Testing

A. Employees may be tested in the following circumstances:

- **Reasonable Suspicion Testing**
  An employee may be tested for alcohol or drugs whenever a supervisor has reasonable suspicion to believe that an on-duty employee is impaired or under the influence of alcohol, medication (whether prescribed or available over the counter), illegal drugs or controlled substances. Reasonable suspicion means a suspicion based on specific, articulable observations (speech, conduct, odor of alcohol, etc.) of the employee or based upon specific and reasonably reliable information indicating that the employee has recently engaged in a violation of the drug and alcohol policy. The Police Chief or Chief's designee shall approve all reasonable suspicion-based testing.

- **Post-Collision Testing**
  Department employees who are involved in an on-duty traffic collision as a driver shall in certain circumstances be tested for the presence of alcohol and controlled substances. The driver shall be tested if the accident involves a fatality. In addition, the driver may be tested if she/he receives a citation for a moving violation (or may receive one) and the accident involves either an injury to someone that is treated away from the scene or if any vehicle is required to be towed from the scene.

  A driver who is subject to post-accident testing must remain available for testing and shall not consume any alcohol for eight (8) hours following the accident, or until all testing is complete, whichever comes first. Failure to remain available or avoid consumption of alcohol or drugs (unless medically required) will be considered to be a refusal to test. The on-scene supervisor is responsible for ensuring that the appropriate tests are done and documented.

- **Random Testing**
  All Department personnel are subject to random drug testing during their initial probationary period.

- **Unit Assignment Testing**
  Employees assigned to specific units (undercover drug enforcement activities, for example) or who must submit to random testing by law (e.g., commercial driver's license holders) may also be subject to random testing (or testing as required by statute).

- **Voluntary Testing**
  If an employee wishes to submit to a voluntary drug or alcohol test, the employee may do so. A waiver indicating that the test is voluntary must be signed and will be retained in the employee's personnel file.

B. A refusal to test shall, in all circumstances, be treated as a positive test result. In most circumstances, an employee who refuses to test will be terminated.

26.3.8 Testing Procedures

A. All non-criminal tests for alcohol or drugs shall be done by a qualified medical facility designated by the Town of Marana. A supervisor shall accompany the employee through the testing process. The supervisor or commander who orders the testing shall complete a Personnel Report on the incident.

B. The choice of testing methodology shall be made by the Department. The Human Resources Department shall be contacted for assistance in arranging all testing.

C. Testing involving possible criminal charges shall be conducted in a manner consistent with the applicable investigative protocols. Such testing will ordinarily be coordinated by the assigned investigative unit.

26.3.9 Positive Tests/Procedures

A. An employee who is tested and found to be impaired, or is in the opinion of the testing physician impaired, or who refuses to take a test, shall be relieved of duty and escorted home. The testing facility staff shall be asked to contact the Chief's Office when the test results are available. The decision as to whether or not to allow the employee to return to work, and when to do so, will be based upon the recommendations of the physician examining the involved employee and the test results.

The mere presence of illegal drugs or controlled substances revealed in such a test, regardless of any impairment, shall be deemed sufficient to immediately relieve the employee from duty.

B. An employee who is relieved of duty under these circumstances may use available leave (sick leave, vacation or compensatory leave) or be placed on leave without pay until allowed by the Department to return to duty. If the employee has exhausted all leave balances, the employee shall be carried as Leave Without Pay.

C. If the employee is to be relieved from further duty for the remainder of the shift, the supervisor in charge of the testing shall ensure that the employee is safely returned to the employee's residence or other suitable location away from the workplace once all administrative matters have been completed.

D. The supervisor coordinating the testing shall be responsible for notification regarding the testing and any known results to the appropriate chain of command, the Office of Internal Affairs (OIA), the Town Attorney and the Human Resources Department. If the use or presence of a substance constitutes a violation of the law, the Office of Internal Affairs shall immediately take the appropriate steps to ensure the integrity of any needed investigative follow-up.

Certain types of tests require processing in which the results may not be available for up to 48-hours. In such instances, the Human Resources Department will notify the involved chain of command and OIA as appropriate as soon as the results are received. If the results of the test will not be available due to the need for analysis (such as blood or urine), the decision as to whether or not to allow the employee to return to work will be based upon the recommendations of the physician examining the involved employee.

E. If the test results are immediately available and do not reveal an impermissible blood alcohol level, inappropriate levels of medication, or the presence of illegal drugs or controlled substances, and the employee is not (in the opinion of the physician) otherwise impaired or a hazard, the commander may permit the employee to return to normal duty.

F. If the use or presence of a substance constitutes a violation of the law, the matter shall be referred to a supervisor or Commander to assign a criminal investigator.

26.3.10 Evaluation and Random Testing Following Positive Tests

A. Without regard to any disciplinary action that may be taken, employees who test positive for alcohol or who are impaired by prescription medications while on duty shall be evaluated by a substance abuse professional prior to returning to duty or as soon thereafter as possible.

In addition the affected employee shall be referred to EAP for a follow-up appointment to assist the employee in returning to duty and in dealing with work related issues that may be identified, as well as making any appropriate follow-up referrals. The referral shall be made by the employee's chain of command as soon as practical following the employee's return to duty.

Employees directed to attend follow-up sessions with the SAP or EAP will be required to provide proof of their attendance to the Department. Such referrals shall be made part of any conditions of continued employment with which the involved employee must comply.

All such referrals are separate and distinct from any other administrative or disciplinary action that may result or arise from the employee's conduct.

B. If an employee is found in violation of Department policy regarding alcohol or drugs and is not terminated, the employee may be ordered to participate in mandatory, random follow-up testing. The requirement for such testing and any other conditions required in order for the employee to remain employed shall be documented and served upon the employee prior to their return to work. Copies of this documentation shall be retained in the employee's personnel file. Results of any random tests shall be filed in the employee's confidential medical file at Town of Marana Human Resources.

C. An employee's failure to comply with any conditions of continued employment served upon the employee shall result in termination.

26.3.11 Off-Duty Impairment

If it comes to the attention of the Department that an employee has been involved in a situation off-duty involving the use of any illegal or controlled substance, or in a criminal matter involving the use of alcohol, or controlled or prescribed substances, the employee shall be subject to follow-up testing, monitoring and/or discipline as may be warranted.

These disciplinary actions are separate from any criminal or civil investigations or sanctions that may arise as a result of an employee's conduct.

Discipline in such matters shall only arise after the reviewing chain of command establishes that the member was in violation of the law, regardless of the ultimate adjudication of any criminal or civil charges. For such an offense, members shall receive, at the minimum, the aggravated sanction of a 60-hour suspension without pay, for a C Violation type, Level 6 on the Discipline Matrix. A second offense shall result in termination for an E violation type, Level 8 on the Discipline Matrix.

26.4 Uniform, Equipment, and Appearance Standards

26.4.1 Purpose

Rules of dress and appearance are intended to create a minimum and uniform standard for employees, to enhance professional appearance and to present to the public personnel who are readily recognizable by their uniforms. They are also intended to contribute to officer safety by ensuring that clothing and hairstyles present no impediment to performance.

26.4.2 Uniform, Equipment, and Appearance Manual

A. Employees shall refer to and comply with the Department's Uniform, Personal Appearance and Equipment Manual for illustrations and specific guidelines on uniforms, personal appearance standards

and authorized equipment, including knives, handcuffs, etc. Authorized firearms are listed in 1.9.4.

This manual is reviewed annually by the Operations Bureau. Supervisors shall ensure that their personnel project a professional image in accordance with these guidelines. This chapter lists minimum grooming and appearance standards; however, any grooming practice that, while not addressed specifically in these standards, would detract from the performance of one's duties is prohibited.

B. Employees shall comply with the Uniform, Personal Appearance and Equipment Manual and shall not modify a uniform or equipment item without express permission of the Operations Bureau Commanders.

C. Any grooming practice, whether or not included within the Manual, that would detract from the performance of one's duties is prohibited.

26.5 Discipline

All employees are subject to disciplinary action for misconduct, violations of General Orders, regulatory violations and/or failing to meet performance standards.

The administration of discipline shall be conducted in accordance with applicable Town of Marana rules and policies, federal and state laws, and this manual. All discipline shall be administered in an equitable, fair and consistent manner.

The Police Chief has the ultimate responsibility to establish the appropriate level of discipline involving any employee of the Police Department.

26.5.1 Determining Appropriate Discipline

A. When an administrative investigation is completed, or an employee is to be subject to discipline for conduct that has not been the subject of an administrative investigation, an employee's chain of command shall review the investigative package or other documentation and recommend the appropriate discipline for the employee.

- Considerations should include the nature of the infraction or performance, the employee's work history and previous discipline, discipline of other employees for similar infractions or performance, the level of discipline necessary to correct the employee's behavior, and the impact of the employee's conduct on the agency and the agency's ability to effectively serve the community.
- The use of progressive discipline is encouraged and is designed into the Department's Discipline Matrix. Progressive discipline is defined as a series of increasingly severe actions, which may range from corrective action to termination, which are administered to correct employee behavior. It will be used as a means to assist and encourage employees who violate work rules or exhibit unsatisfactory job performance to correct their behavior and to comply with Town or Department requirements. It is, however, recognized that progressive discipline may not be appropriate in all situations
- Unless otherwise directed by the Chief of Police the Discipline Matrix shall be used to determine the sanction imposed on employees for misconduct or violations of General Orders, Town Policies and Town Administrative Directives.

B. Any proposed discipline shall be supported by sufficient written documentation, which shall include reference to any previous discipline that has occurred. Documentation may take the form of memoranda, administrative investigation reports, supervisor desk file notes, performance evaluations, performance improvement plans, examples of below standards work product, or other records that provide information

supporting and articulating the basis for the proposed discipline.

26.5.2 Levels of Discipline

The Department uses a Discipline Matrix:
In keeping with the Town of Marana's progressive discipline philosophy and to effectively and consistently administer discipline in the Police Department, a Discipline Matrix is established and shall be used in determining the sanction imposed on any member for misconduct or violations of procedures, rules or policies. The Discipline Matrix is incorporated fully into MPD policy by reference to this section.

The Discipline Matrix is intended to address acts of misconduct by members of the agency. The existence of the Matrix does not preclude the Department from taking the action necessary to respond to a member's failure to perform assigned duties or failure to comply with conditions of employment that are or have been placed upon the member. Generally, unsatisfactory job performance will be dealt with through the performance evaluation system. When an employee has been subject to discipline, the discipline shall be included in the employee's subsequent evaluation.

26.5.2.1 Applying the Discipline Matrix

The Discipline Matrix shall be the guide used to establish the appropriate sanction for all infractions sustained against any member, whether sworn or non-sworn. The Chief of Police may deviate from the published sanctions in his or her sole discretion as conditions and circumstances warrant.

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26.5.2.2 Discipline Matrix Format

The Discipline Matrix is designed to identify two major areas in the disciplinary process, the violation type and the sanction level. The violation type is a category description that guides the Department in how to address any particular instance of misconduct. This means that misconduct and behaviors are grouped by type rather than merely by the individual rule violation. The sanction level describes the sanction to be imposed on a member for misconduct, ranging from informal corrective action to termination. The level is established based on the violation type together with the discipline history of the member.

26.5.2.3 Applying Sanctions in the Discipline Matrix

When a violation or misconduct has been established, members will receive a sanction based upon the type of violation and corresponding level of sanction provided in the matrix. The Chain of Command shall be responsible for identifying the appropriate violation type for any misconduct. A review of the member's discipline history shall then be used to establish the level of sanction to be administered. Once the appropriate sanction level has been identified, the "presumptive sanction" will be imposed unless circumstances warrant reducing the sanction to the "minimum sanction," based on mitigating circumstances or increasing the sanction to the "maximum sanction", based on aggravated circumstances. Justification for any deviation from the presumptive level shall be included in the record. The fact that a member has not previously committed the offense or conduct in question shall not, in and of itself, constitute a basis for reducing the presumptive sanction.

26.5.2.4 Sanctions

The Discipline Matrix includes the following sanctions, listed below in order from the least to most severe.

A. **Corrective Action Memorandum:** A written memorandum to the employee documenting the reason for disciplinary action.

The corrective action memorandum shall be given to the employee in a private meeting. The supervisor may have an appropriate witness present during this meeting.

The supervisor shall inform the employee that the supervisor is issuing a corrective action memorandum, that the employee is being given an opportunity to correct the issue(s) which led to the action, and that if the issue(s) is/are not corrected, the employee will be subject to more severe disciplinary action.

The original corrective action memorandum shall be signed by the employee and placed in the employee's official personnel file. If the employee refuses to sign acknowledging receipt of the corrective action memorandum, then the supervisor and one other witness shall note on the memorandum that the employee received a copy and refused to sign it. A copy of the correction action memorandum shall be given to the employee and included in the employee's department personnel file.

B. **Written Reprimand:** A written notice to the employee documenting the reason for the disciplinary action.

The written reprimand shall be given to the employee and its contents shall be explained to the employee by the issuing supervisor in a private meeting. The supervisor may have an appropriate witness present during this meeting.

The original written reprimand shall be signed by the employee and placed in the employee's official personnel file. If the employee refuses to sign acknowledging receipt of the written reprimand, then the supervisor and one other witness shall note on the reprimand that the employee received a copy and refused to sign it. A copy of the written reprimand shall be given to the employee and included in the employee's department personnel file.

C. **Suspension Without Pay:** Involuntary time off with loss of pay. The number of days of suspension will depend on the severity of the infraction, but shall not exceed 30 working days.

D. **Demotion:** A reassignment to a lower position classification. Demotion is not a substitute for dismissal when dismissal is warranted.

Employees who fail to complete an initial evaluation period in a promotional position and who are restored to their former position under the provisions of these Personnel Policies and Procedures are not considered to have been disciplined with a demotion. Therefore, the provisions of this policy do not apply to such action and the action is not subject to review under the personnel action review procedures of this chapter.

E. **Reduction in Pay:** A reassignment to lower pay within the same position classification. A reduction in pay is considered to be a final behavior correction opportunity.

No change in classification occurs as a result of a reduction in pay.

Employees who fail to complete an initial evaluation period in a promotional position and who are restored to their former position under the provisions of these Personnel Policies and Procedures are not considered to have been disciplined with a reduction in pay. Therefore, the provisions of this policy do not apply to such action and the action is not subject to review under the personnel action review procedures of this chapter.

Assignments, transfers or reassignments, including those to or from lead positions or special positions, are not considered a reduction in pay for purposes of these Personnel Policies and Procedures.

F. **Termination:** The involuntary, permanent removal of an employee from employment with the Town. The terms "termination" and "discharge" are sometimes used interchangeably in these Personnel Policies and Procedures. Termination does not include a layoff as defined in these Personnel Policies and Procedures.

Employees serving in an initial evaluation period either as a new hire or in a promotional position are at-will employees as defined in these Personnel Policies and Procedures. As such, during the initial evaluation period, employment may be_terminated at any time, with or without cause. The decision to terminate employment shall be made by the employee's Department Head and/or General Manager after consultation with and approval by the Human Resources Director.

The employee shall be notified in writing that he or she has failed to successfully complete the initial evaluation period. The decision to terminate employment during the initial evaluation period for either a new hire or an employee in a promotional position is not subject to review under the personnel action review procedures set forth in this chapter.

26.5.2.5 Conduct While On Suspension
Members serving a term of suspension remain governed by all provisions of General Orders, Town of Marana Policies and Administrative Directives. Members under suspension shall not wear any police uniform, take any police-type action other than that allowed to a private citizen, or work any Extra-Duty employment positions.

26.5.2.6 Court Attendance During Suspension
Supervisors will make every effort to check court schedules prior to establishing the actual effective dates of a suspension. When a conflict exists that cannot be resolved by establishing different effective dates of suspension, the supervisor shall attach to the employee's request for payment a memorandum documenting the conflict. In any event, the employee shall be properly compensated for any scheduled job related court appearance that occurs during a suspension.

26.5.2.7 Surrender of Property During Suspension
At the discretion of the employee's Commander, members serving a suspension may be required to surrender any police credentials, badge, Department weapons, keys and any Town owned property, including vehicles, issued by the Police Department for the duration of their suspension.

26.5.2.8 Imposed Leave
Whenever there is a violation of General Orders (rules, policies, procedures) or for the preservation of good order and discipline, the Chief of Police may immediately and without written notice, place an employee on imposed leave pending further investigation. Imposed leave shall be with pay.

The Chief of Police shall have the authority to reinstate any employee of the Department who has been placed on imposed leave. When a member is placed on imposed leave as outlined above, the Chief may require the affected member to surrender their police credentials, badge, Department weapon, keys, and any Town owned vehicles or property. Members placed on imposed leave may not take any police action until they are restored to full duty status.

26.5.2.9 Complaint Histories
Complaints that are assigned to a Chain of Command for investigation will NOT contain the employee's complaint history. Complaint histories may be requested by the supervisor/lieutenant after a finding of sustained to determine disciplinary recommendations.

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26.5.2.10 Employee Notification
After the completion of a formal investigation, the employee shall be notified of the disposition via the

chain of command or by OIA. If the employee has any questions regarding the disposition that cannot be satisfactorily addressed by his/her chain of command, the employee may contact the OIA for clarification. The complete package shall be available for review by the subject employee

26.5.2.11 Citizen Notification
Once the appropriate chain of command has concluded its review and recommendations, the complainant shall receive a phone call from a commander informing them of the disposition. The commander making such contact will explain the procedure involved in the complaint process and attempt to answer any questions from the citizen. This contact shall be documented on the appropriate paperwork and returned to OIA.

The citizen will also receive written notification of the complaint outcome via a letter from the Chief of Police. This notification consists of a letter containing a brief explanation of the investigative findings (sustained, exonerated, etc.) and whether corrective action will be administered. The notification **shall not** address the type or extent of sanction assessed in sustained cases. A copy of the disposition letter shall be placed in the investigative file.

26.5.2.12 Complaint Records Maintenance of Investigative Files
Completed investigative files will be returned to the Office of Internal Affairs, where records of all complaints and disciplinary action are maintained.

Investigative files will be maintained and purged in accordance with the Town of Marana's approved records retention schedule, unless there is pending litigation related to the investigation. The Legal Department will review the list of Internal Affairs investigative files to identify those that have litigation pending and are therefore exempt from destruction. Once concurrence has been received from the Legal Department for the destruction of specific investigative files and associated records, the Office of Internal Affairs shall ensure that the files designated for destruction are provided to the Town Clerk's Office for disposition, along with any necessary documentation. Notification shall be made to Human Resources Department regarding the destruction of all investigative files.

26.5.2.13 Access to Investigative Files
Internal Affairs investigative files are confidential with access restricted to those individuals with authorization of the Chief of Police. Outside agency or individual requests for access to an Internal Affairs investigative file, such as a public records request, shall be restricted to those having written approval from the Town of Marana Legal Department.

Employees who were the subject of an investigation may review the investigative file. A request shall be made in writing to the Chief of Police.

26.5.3 Administration Of Discipline

26.5.3.1 Legal Review of Proposed Discipline
Any disciplinary action that entitles the employee to a hearing before a personnel board or committee must be reviewed by the Town's Legal Department before being implemented.

26.5.3.2 Notice to Employee
Prior to the effective date of a suspension without pay, reduction in pay, demotion or termination, an employee shall be provided with a written notice clearly setting forth the effective date of the intended disciplinary action and the specific act(s), or omission(s) which constitute just cause for the action. The notice shall include the date and time, not less than 24 hours after the notice is given to the employee, of a pre-action meeting at which the employee may respond, verbally or in writing, to the written notice of

intended disciplinary action.

26.5.3.3 Pre-Action Meeting

The pre-action meeting shall proceed as dictated by the Town of Marana Personnel Policies and Procedures. Upon written notification to the Chief of Police, the employee can accept the disciplinary action and forego the pre-action meeting. Failure by the employee either to attend the pre-action meeting or to timely submit a written response to the notice of intended disciplinary action shall be deemed a waiver of the employee's right to do so and the proposed disciplinary action shall be implemented as written.

After reviewing any information presented by the employee, the chain of command shall make recommendations to the Chief of Police regarding whether or not to proceed with the proposed disciplinary action. If the Chief decides to proceed with the intended disciplinary action, the employee shall be served with the appropriate discipline and any associated documentation. If the Chief decides against proceeding, or chooses another level of discipline, the appropriate documentation and review shall be made prior to any final action. This decision will normally occur within ten business days of the pre-action meeting.

26.5.4 Documentation Required

In order to support any disciplinary action, supervisors shall ensure that all actions relating to discipline are properly documented. It is particularly important to show any progressive steps or actions taken previously that support the present recommendation. All disciplinary notices shall be presented to employees for their signature and employees shall be provided with copies of all such documents. If an employee refuses_to sign acknowledging receipt of the document, then the supervisor and one other witness shall note on the document that the employee received a copy and refused to sign it.

26.5.5 Permanent Record Keeping

Formal disciplinary action shall be recorded in a member's official personnel file maintained by the Human Resources Department. Informal corrective action shall be recorded in the records of OIA and in the Department's personnel file, but shall not be recorded in the employee's official personnel file.

OIA shall also be responsible for documenting and logging as appropriate all disciplinary actions taken against members arising from any matter filed in Internal Affairs. OIA shall also be responsible for housing all investigative files from which discipline may arise. All such files are subject to the purge criteria established for specific files in OIA as set forth in section 1045, above. In addition to formal records of discipline in an employee's official personnel file, it is also appropriate and permissible for supervisors to make mention of discipline in a performance review covering the period during which the action either occurred or was administered.

26.6 Equal Employment Opportunity

A. The Town of Marana and the Department are committed to providing equal employment opportunity to all persons who apply for and/or accept employment with the Town of Marana. Terms, privileges, and conditions of employment shall be administered in a manner that does not discriminate in violation of federal, state or local law.

B. Every employee has the right to work in an environment free from hostile, offensive or intimidating behavior. Harassment, including the creation or maintenance of a hostile, intimidating, or offensive working environment, is a violation of Town of Marana policy and this General Order.

C. The Department will take action to prevent and correct conduct that violates equal employment opportunity laws. Any employee with a complaint of discrimination may raise that complaint with a

supervisor, an employee of the Office of Internal Affairs, Town of Marana HR or the Town's EEO office. All complaints of discrimination received by a supervisor or an employee of the Internal Affairs Office shall be consulted with the Human Resource Department and thoroughly investigated.

26.6.1 Discrimination

A. All applicants and employees will be treated equally without regard to race, color, gender, creed, religion, national origin, age, marital status, ancestry, medical condition, pregnancy, disability, or sexual orientation in all employment matters, including, but not limited, to, promotions, transfers, job rotation, training, work assignments, hiring, merit increases, overtime, awards, and discipline.

B. It is illegal to discriminate in the terms and conditions of employment and the provision of police services on the basis of race, color, gender, creed, religion, national origin, age, marital status, ancestry, medical condition, pregnancy, disability, or sexual orientation, based on federal laws, state laws, and Town of Marana rules, regulations and ordinances.

26.6.2 Harassment-Free Work Environment

A. Harassment is unwelcome conduct that is based on race, color, gender, creed, religion, sex (including pregnancy), national origin, age (40 or older), marital status, sexual orientation, disability or genetic information. Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment.
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Harassment is prohibited in the work place and in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under anti-discrimination laws; or opposing employment practices that a person reasonably believes discriminate against individuals, in violation of these laws.

B. All employees will be provided a work environment free from harassment.

C. Examples of harassment may include the use of derogatory comments, slurs, jokes, or derogatory pictures, cartoons, or posters.

D. The Department has a zero tolerance policy on harassment and prohibits any harassment of employees.

E. Inappropriate conduct that is in violation of this policy may result in discipline the first time such behavior occurs. Prior incidents of harassment may be considered when assessing the facts and circumstances of a later complaint.

F. As to whether an alleged action constitutes harassment, each situation will be determined on a case-by-case basis by assessing the entire record and the totality of the circumstances. Factors such as the nature of the behavior and the context in which the alleged incidents occurred will be considered in assessing the allegations and in determining the appropriate resolution.

26.6.3 Sexual Harassment

A. Sexual harassment is a form of illegal gender discrimination. It is defined by law as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an

individual's employment, or
- Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting that employee, or
- Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Unwelcome is defined as conduct that the offended employee did not solicit or incite and that was regarded as undesirable or offensive.

B. Behavior that constitutes sexual harassment as defined by this policy includes, but is not limited to, the following:
- Verbal Harassment: Sexual innuendo, sexually suggestive comments, jokes, teasing of a sexual nature, discussing sexual exploits, spreading rumors of a sexual connotation, or continued requests for social or sexual contact.
- Physical Harassment: Unwelcome contact, touching, or impeding movement.
- Visual Harassment: Sexually suggestive or derogatory posters, videos, cartoons, drawings, documents, writings, electronic mail, staring, or leering.
- Sexual Favors: Unwanted sexual advances in exchange for employment benefits that constitute advancement, assignment preference, job duty preference, or employment benefits for or in exchange of sexual favors.

C. Whether or not harassment occurred depends not on whether the act was intended to cause harm but on the impact of the act on the complainant's employment or work environment. Personnel must understand that a person who teases in a sexual manner or tells sexual jokes may create an offensive work environment for another worker, even though the person intended such actions merely to be "good fun."

D. If one's behavior is harassing to an individual or a group of individuals, it will not be excused simply because the harasser failed to recognize the behavior as harassing.

E. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees may be grounds for complaint.

F. This policy does not prohibit mutually welcome social relationships between employees. However, persons involved in consensual relationships must exercise caution to prevent harassing behavior from developing and from using authority inappropriately. If a consensual relationship changes and is no longer mutual, conduct once welcome by both individuals may become offensive to one or the other.

26.6.4 Disability Discrimination

The Americans With Disabilities Act (ADA) requires the Department to make reasonable accommodations for a qualified individual with a disability (as defined by the ADA) who can perform the essential functions of the job. An employee may not be subjected to discrimination, harassment, or retaliation for exercising his or her rights under the ADA. Employees seeking accommodation under the ADA should contact the Human Resources Department for further information.

26.6.5 Discrimination Based on Religion

The Department is required to reasonably accommodate an employee's religious practices provided that doing so does not create an undue hardship in light of the public health, safety, and welfare considerations associated with police work.

26.6.6 Family/Medical/Pregnancy Leave

Employees have specific rights under the Family Medical Leave Act and the Pregnancy Discrimination Act. The FMLA may also interact with ADA provisions. Specific questions concerning an employee's rights and responsibilities should be referred to the HR Department.

26.6.7 Retaliation

A. Retaliation is defined as an adverse employment action taken against an employee because that employee filed a complaint of discrimination under any federal, state or local law, complained of discrimination on the job or participated in an internal investigation involving allegations of discrimination.

B. An adverse employment action can include, but is not limited to, unwanted transfers, change in work assignment or location, denial of leave requests, demotions, negative performance evaluations, unsupported discipline, ostracism, or other actions that adversely affect the work environment.

C. Retaliation is illegal and will not be tolerated. Any incidents of retaliation should be reported immediately.

D. An employee found to have retaliated against another employee/volunteer is subject to discipline.

26.6.8 Responsibility of Supervisors and Commanders

A. Supervisors and commanders, both sworn and non-sworn, shall educate and train their employees on EEO policy and ensure they are aware of the procedures for reporting potential violations.

B. Supervisors and commanders, both sworn and non-sworn, are required to personally monitor and evaluate the personnel actions of subordinates to ensure compliance with EEO laws and to ensure that the workplace is free from harassment and discrimination as well as other inappropriate workplace behavior. When made aware of such a potential or current problem or complaint, commanders and supervisors, both sworn and non-sworn, shall promptly take appropriate action and shall notify Professional Standards of the complaint for purposes of investigation.

26.6.9 Department Employees

All personnel of the Department, including unpaid volunteers, are responsible for creating and maintaining a professional working environment free from harassment and discrimination. Personnel shall:

- Demonstrate sensitivity to and respect for differences arising from a person's race, color, gender, creed, religion, sex (including pregnancy), national origin, age (40 or older), marital status, sexual orientation, disability or genetic information.
- Notify their chains of command or Professional Standards of any EEO violations that they experience or observe.

26.6.10 Confidentiality Required

All matters pertaining to EEO complaints and investigations are confidential. All participants in a report or investigation are strictly prohibited from discussing the matter outside of formal channels. Information concerning such issues will be disseminated on a need-to-know basis only.

26.7 Commendations and Awards

A. Exceptional performance and service by an employee should be recognized, either by commendation or award. The Department may present an employee with the following awards:

Medal of Valor - For conspicuous acts of heroism.

Scarlet Shield – For significant injuries sustained while defending their personal safety, or that of another, as the result of a commendable performance of duty.

Medal of Distinguished Service - For outstanding service.

Medal of Merit - For distinguished, exemplary achievement.

Lifesaving Award- For acts resulting in the saving or preservation of human life.

Chief's Citation of Excellence Award - For exemplary contributions to the Department.

Chief's Commendation / Special Recognition Awards - For outstanding service not rising to the level of Citation of Excellence.

Chief's Unit Citation Award -- For exceptional achievement by a group in performance of duties.

Officer of the Year – The Department will honor one officer each year as the Officer of the Year. Only information pertaining to the performance during the previous year will be considered.

Civilian Employee of the Year - The Department will honor one civilian member of the Department as Civilian Employee of the Year. Only information pertaining to the performance during the previous year will be considered.

Volunteer of the Year – The Department will honor one volunteer member of the Department as Volunteer of the Year. Only information pertaining to the performance during the previous year will be considered.

Citizen's Awards
The following Citizen's awards shall be presented to a private citizen or organization by the Chief or his designate:

Citizen's Valor Award - For conspicuous acts of heroism.

Citizen's Lifesaving Award - For acts resulting in the saving or preservation of human life.

Other Citizen Commendations/Recognition Awards -- For exceptional performance of civic responsibility, or distinguished service to the Department or community.

Non-Departmental Awards

Other non-departmental awards are transmitted to the Awards Committee by nomination. Procedures and recommendations are made by the committee to the Chief of Police.

B. Any supervisor may recommend an employee for receipt of an award. All recommendations will be forwarded through the chain of command to the Chief or designee for consideration. Once presented to an employee, the employee (if uniformed) may wear the award ribbon or insignia on the employee's uniform.

C. Commendations may be recommended by any supervisor, or by an investigator, to any other employee. The commendation shall be drafted by the recommending supervisor/investigator for the Chief's signature and forwarded through the chain of command for the Chief's approval.

D. The Chief may, if desired, convene a committee to initially review all recommended awards and commendations and make recommendations to the Chief as to which commendations and awards should

be awarded. The final decision is reserved to the Chief.

CHAPTERS 27 – 30 [Reserved]

CHAPTER 31 RECRUITMENT

31.1 Recruitment

A. All Department recruitment will be coordinated through the Town of Marana Human Resources Department, with the assistance of Department personnel.

B. Recruitment is and must be a community-wide and Department-wide effort. The Department is focused on having a diverse workforce representative of the community, a focus that requires the effort of all concerned. Whether positions are available at a specific point in time or not, the needs of the agency for qualified, professional applicants should be consistently discussed at community gatherings and through contact with students in various stages of the educational process. Any contact with community groups or educational programs should include a discussion of employment opportunities with the agency. Outreach to all sectors of the community must be continuous and ongoing.

C. Any personnel assigned to the recruiting function should be familiar with the Town's benefit package; Town of Marana, Department and AZPOST requirements for Department employees; the local community and educational systems; and equal employment opportunity policies and guidelines. Records should be kept of recruitment efforts and an applicant tracking mechanism should be employed.

D. The Department’s recruitment efforts are focused on the hiring and retention of qualified personnel who reflect the diversity of the community. Recruitment efforts are to be directed toward that goal. In furtherance of that goal, the agency has adopted a recruitment plan. This plan shall be analyzed and a report generated noting progress toward the goals in the recruitment plan, as well as any needed revisions to the plan.

E. Posting and circulation of recruitment materials is the responsibility of Town of Marana Human Resources. The assigned Department personnel should ensure that the job descriptions used by the Town of Marana are complete and up-to-date; that the materials receive wide distribution in the Town of Marana (including posting on the Internet, AZPOST web site and available law enforcement recruitment sites) and to community groups; that all materials include the Town of Marana's policy regarding EEO; and that the application deadlines are included. The Town of Marana's process should track all candidates and keep them notified of their status in the process.

F. All recruitment material for Department positions shall describe all elements of the selection process.

31.2 Minimum Requirements

Minimum requirements for personnel are established by the Town of Marana. Sworn personnel must also meet the minimum requirements of AZPOST, are required to have and maintain AZPOST certification, and to have and maintain the ability to testify in a court of law without limitation.

All Department employees shall take and abide by the oath of office required by A.R.S. §38-231.

CHAPTER 32 SELECTION

32.1 Hiring of Employees

Testing and processing of applicants varies with the position and includes a variety of testing methods. All applicants shall receive from Town of Marana Human Resources a complete written description of the steps in the hiring process for the position for which they are applying, as well as an estimate of the duration of the process and any policy on reapplication for unsuccessful applicants. Town of Marana HR shall ensure that only job related criteria are used to rate applicants, and that processes are administered, scored and interpreted, and applicants are evaluated, in a uniform manner. HR shall maintain a complete record of each hiring process, including the application and testing materials for unsuccessful applicants. All selection materials (test questions, for example) shall be securely stored or disposed of in a secure manner. All applicants will receive written notice of the results of the hiring process.

Persons selected for positions shall be conditionally notified of their selection and of the need to pass a post-offer psychological examination (where required), a medical examination and a pre-employment drug test. Final hiring will depend upon the successful completion of those examinations.

Final selection decisions shall be made by the Chief.

32.2 Polygraphs and Background Investigations

All applicants for police positions, sworn and non-sworn, must pass both polygraph examinations and background investigations.

A. Polygraphs, when done as part of a background investigation for hiring purposes, a copy of the polygraph examiner's report and the audio recording will be provided to the Chief's Executive Assistant. The material shall remain with the background investigation file and will be disposed of as required by law. Polygraphs shall comply with AZPOST requirements and shall be completed by qualified examiners. Applicants shall be advised prior to the examination of the general areas that may be covered by the questions. The results of a polygraph examination that reveals deception shall not be used as the sole determining factor in non-selection of an applicant.

B. Background investigations shall be completed by investigators trained in collecting the required information and shall include, at a minimum, the verification of qualifying credentials, the review of the applicant's criminal history and verification of at least three personal references. Background investigations are to be maintained by the Department and disposed of pursuant to the Department's records retention schedule.

32.3 AZPOST Requirements

Applicants for sworn positions who are not AZPOST certified must meet all AZPOST requirements for peace officer certification (other than the certification itself) prior to employment as a peace officer.

32.4 Probationary Period

The probationary period for sworn personnel who must initially attend an academy and become certified by AZPOST is twelve months from the date of certification. The probationary period for sworn personnel who are already AZPOST certified upon hiring, and for all non-sworn personnel, is twelve months from the date of hire. The probation period for civilian employees, and for all employees, sworn or civilian, who are promoted is twelve months. Employees on probation should be closely observed and evaluated frequently. Unsatisfactory performance should be identified and corrected early through counseling, training or other suitable personnel actions.

32.4.1 Extending Probation Periods

See Town of Marana Personnel Policies Section 6-1-2

32.4.2 Issuing Badge Numbers

Badge numbers are issued to all sworn and non-sworn personnel for use as a designator and form of identification. They are also utilized for the purpose of maintaining continuity of seniority ensuring proper bidding for shift schedules.

A new officer shall be assigned their badge number upon successful completion of an AZPOST approved basic police academy. In situations where multiple officers graduate from the same academy class, badge numbers shall be issued in order based on final placement in their initial hiring process.

A lateral officer shall be issued their badge number at the time of their final job offer by the Chief of Police. In a situation where multiple lateral officers are hired from the same process, badge numbers shall be issued based on final placement in their initial hiring process.

Non-sworn personnel shall be issued badge numbers based on date of hire. If there are multiple hires on the same date, badge numbers shall be issued based on final placement in their initial hiring process.

32.5 Retention of Applicant Records

A. All applicant files and records, including background files and files on disqualified candidates, are considered confidential to the extent permitted by law. Any medical records included in these files shall be separated and sent to Human Resources for retention pursuant to Town of Marana policy and the requirements of federal law; the Department file should note that the medical records have been transmitted to Town of Marana HR (for purposes of audits which may be performed by AZPOST). Applicant files and records shall be maintained in accordance with established records retention and destruction schedules and procedures.

B. Pursuant to A.R.S. §38-1108, the pre-employment polygraph, including the data and the report, for an officer hired by the Department shall be destroyed no later than ninety days after the third year anniversary of the person's date of employment.

CHAPTER 33 TRAINING AND CAREER DEVELOPMENT

33.1 Training

A. The profession of law enforcement requires ongoing training in base proficiencies and familiarity with best practices in each area of assigned duties. The Department will maintain a training program that meets State standards for sworn personnel.

B. All Department instructors shall have completed the AZPOST General Instructor course, so that they have received training in lesson plan development, performance objective development, instructional techniques, testing and evaluation techniques and resource availability and use.

C. All training shall be supported by a written lesson plan, approved by the Training Coordinator prior to the training, that states the performance and job-related objectives; the content of the training and the manner of instruction; and any test that may be used in the training process.

33.2 Recruit Training

A. The Department shall assign newly hired sworn personnel who are not yet AZPOST certified to attend an AZPOST approved training academy. The Chief (or Chief's designee) shall maintain regular contact with the academy regarding the progress of any recruit placed at the academy.

B. No recruit shall be permitted to carry a weapon or make an arrest prior to certification, except as a part

of an academy training process.

C. Sworn personnel must become certified and maintain certification as an AZPOST certified peace officer. Recruits who fail to complete the academy are subject to termination for failure to meet probationary standards.

D. All sworn personnel will complete a Field Training Program (FTO) prior to completion of their probation or release to work as a solo officer on patrol. Generally, the FTO program for new officers is 14 weeks long. Field training for officers who have previously served as peace officers in Arizona may be adjusted to reflect their experience. The field training of sworn personnel will last until the officer has demonstrated proficiency in required skills and knowledge, as well as in agency policies, procedures, rules, and regulations or until terminated for failing to meet probation.

E. The FTO Coordinator in charge of the FTO program shall maintain an FTO manual that defines the program in detail and shall supervise officers assigned as FTO's in their duties as FTO's. The FTO program shall rotate officers in their field assignments among different shifts and areas of the Town of Marana using different FTOs, as permitted by Department staffing.

F. Field Training Officers, selected by the Chief based on their qualifications and experience, are responsible for consistent evaluation of recruits and consistent application of the training policies in accordance with the FTO manual. They shall be trained by the FTO program supervisor and shall submit evaluations of recruits as required by the program.

G. Field training shall also be provided for newly promoted sergeants. The program shall be the responsibility of the Lieutenants in charge of the Patrol Section.

H. Non-sworn employees shall be trained by the supervisor to whom they are assigned, or the person designated by the supervisor to train the employee.

I. All training shall be thoroughly documented and maintained in an employee's training file.

J. The FTO Coordinator shall assure that out-of-state lateral sworn employees have had training on handling situations involving the mentally ill; if not, it shall be provided.

33.3 Proficiency and Continuing Training Requirements

A. Sworn personnel shall meet AZPOST's annual proficiency and continuing training requirements, as well as any required Department proficiency and continuing training requirements. An employee who fails to attend assigned required training must provide the employee's supervisor with a written explanation of the reason for the employee's absence. Employees who do not meet mandated annual training requirements necessary to maintain certification shall be relieved of duty. Failure to attend scheduled training or complete training requirements may subject the employee to discipline, up to and including termination.

The Training Coordinator is responsible for scheduling all training, arranging for make-up sessions when reasonably required and maintaining documentation that meets AZPOST requirements for annual training.

B. At least every three years, training of officers shall include training on handling situations involving the mentally ill.

C. Every year, the Department shall conduct training on the All Hazards Plan as noted in G.O. 47.2.

D. The Department shall regularly provide awareness training for events involving hazardous materials per G.O. 47.3.

33.4 Daily Training Program

A. Sworn personnel will participate in the daily training program. The program consists of a series of fifteen-minute training scenarios, which are to be presented and discussed by officers during squad briefings or training sessions. The discussions shall be led by an officer who is certified as an AZPOST General Instructor.

B. An officer must complete each of the daily training programs scheduled by the officer's supervisor and which occurs during an officer's assigned shift. An officer must sign an attendance sheet.

33.5 Non-Sworn Training

The training of non-sworn employees shall depend upon the classification of the employee, but may include basic on-the-job training specific to the assignment and periodic training intended to further the skills of the employee.

A. All new non-sworn employees shall receive training regarding:

- The Department's role, purpose, goals, policies and procedures.
- Working conditions, rules, and procedures.
- Responsibilities and rights of employees.
- The importance of customer service.

33.6 Remedial Training

Remedial training in critical job skills may be made available for an employee, based on available resources. When made available, the employee shall attend and successfully complete the remedial training. Failure to attend or complete remedial training may affect the employee's employment status.

33.7 Training for Specialized Duties, Special Assignments and Promotions

A. **Specialized Duties.** Specific duties, such as accessing the state criminal history database or operating certain equipment, may require specialized training or certification. Necessary certification, training and retraining requirements should be identified, supervised and managed by the supervisors or commanders of the unit requiring the training.

B. **Specialized Assignments.** Certain assignments require training specific to the unit (SWAT, motor officers, canine handlers). Necessary training and retraining requirements should be identified, supervised and managed by the supervisors or commanders of the unit requiring the training.

C. **Promotion.** Job related training should be provided to all newly promoted personnel, either prior to promotion or within their first year on the job. Sergeants shall complete an FTO program for sergeants; all other training will be accomplished or arranged for by the employee's newly assigned supervisor.

33.8 Training Files

A. A training file should contain a record of all training received by the employee from the date of hire. The record shall include the type of training received, the date of the training, the name of the instructor, the length of the training and, if a test was administered at the conclusion of the training, whether or not the employee succeeded in the test.

B. The record shall include both proficiency training and continuing training and shall record the employee's compliance, if sworn, with the AZPOST continuing education and proficiency training requirements.

C. Records shall also be maintained for each training class. The records shall include the lesson plan or

course content, names of attendees, and performance of individual attendees on any tests.

CHAPTER 34 PROMOTIONS AND TRANSFERS

34.1 Promotion

A. A promotion is the movement of an employee from one classification to a different classification that is compensated with a higher salary. All promotional opportunities that are open to a competitive testing process shall be announced in writing, with a starting and ending date for applications, the method of application, eligibility requirements (including the numerical weight, if any, assigned to each requirement), time-in-grade and/or time-in-rank eligibility requirements, if any, the duration of any promotion list that results from the process and the system for selection from the list.

B. The selection process for any promotion shall be determined by the Chief, in consultation with the Town of Marana Human Resources Department, regardless whether lateral entry is permitted. Each selection process shall be detailed in the promotional announcement and shall include the name of the person supervising the administration of the process. The announcement shall include all elements within the process and the weight assigned to each element, for example and as applicable:

- Evaluations of previous performance.
- Written tests (including a list of all required study materials, if any).
- Assessment centers.
- Oral interview.

In addition, there shall be a follow-up announcement that describes procedures for review and appeal of the results and reapplication of scoring following appeal, if any. All elements of the process shall be reviewed by Town of Marana Human Resources to ensure that they are job-related and nondiscriminatory.

34.2 Transfer

A. A transfer is the movement of an employee from one assignment to another assignment within the same classification.

B. Employees may request a transfer at any time by submitting a memo to the employee's supervisor.

C. Where a conflict, potential conflict, or perceived conflict exists under the nepotism rule, the Police Chief or designee has the authority to make any transfers necessary to eliminate the conflict, potential conflict, or perceived conflict.

D. Transfer of personnel is a management right; the Police Chief has the right to transfer employees within the Department in the manner that, in the opinion of the Chief, is most advantageous to the Town. Transfers will be processed as required by Town of Marana Human Resources.

CHAPTER 35 PERFORMANCE EVALUATION

35.1 Performance Management Process

See Town of Marana Personnel Policies Section 6-1-3

35.2 Early Intervention Program

A. The Department's early intervention program is intended to identify, before serious problems develop, employees who are struggling to be successful in their chosen profession. The program is not disciplinary in nature and is intended to be of assistance to the involved employee. The program is administered by the Professional Standards Unit and that Unit shall provide an annual written evaluation of the program.

B. The program is intended to identify patterns of behavior or activities or trends in performance that may identify employees in need of assistance, and to provide that assistance. The following areas will be monitored:

- Use of force reports.
- Preventable accidents.
- Number and type of IA investigations.
- Pursuit Summaries.
- Number of times an officer is the victim of an assault.
- Number of times an officer makes arrests for resisting arrest charges.
- Number of arrests an officer makes for disorderly conduct.

C. When an officer is identified as one who might merit from additional supervisory assistance and direction, the officer's supervisor will be notified and asked to review the officer's performance. The supervisor may respond by indicating that the officer's performance is acceptable or by referral to outside resources, supervisory counseling and coaching, training, retraining, or other appropriate means. The action taken by the supervisor shall be reported to Professional Standards.

35.3 Personnel Files and Access

A. The Department shall maintain the following files related to an employee:

- Applicant and Background file.
- Personnel file.
- Supervisor's desk file.

All medical information concerning the employee shall be forwarded to and maintained by Town of Marana HR.

B. All files are to be maintained in compliance with the Department's records retention standards and purged and destroyed as required by Department policy.

C. Public portions of any file may be subject to release in response to a proper public records request. See 82.3.

35.3.1 Applicant and Background File

A. This file shall contain an applicant's initial application, background investigation, polygraph information, medical examination and other material related to the application process.

B. If an applicant is hired, the pre-employment medical examinations should be transferred to the employee's medical file. The data and reports of an employee's hiring polygraph are to be destroyed within three years and 90 days after the date of the employee's appointment or employment.

C. Access to this file should be limited to those involved in the initial selection process. It should also be made available for review by staff from other law enforcement agencies that are completing background

investigations on the employee. When relevant to an investigation, it may also be made available to Professional Standards investigators.

35.3.2 Personnel File

A. An employee's personnel file should contain the employee's performance evaluations, pay increases and decreases, suspension, promotions, transfers, discipline, commendations and awards and other documents related to an employee's performance.

B. Access to this file should be limited to the employee, those who are in the employee's direct chain of command and, when relevant to an investigation, to Professional Standards investigators. In addition, a properly redacted file, (redactions should be made as required by both the provisions of the Arizona public records law and A.R.S. §38-1109, regarding pending disciplinary actions) shall be made available when a public records request is made.

35.3.3 Medical File

This file should be maintained by the Town of Marana's Human Resources Department. Upon hire, an employee's post-offer pre-employment medical examination shall be forwarded to Town of Marana HR for placement in the file. All subsequent medical records of any kind provided by any physician or health care practitioner who has examined the employee and any documents that contain health care or medical information related to the employee, including medical reports regarding communicable disease or bodily fluid exposure, shall also be forwarded to Town of Marana HR for placement in this file. Access to this file should be limited to Town of Marana Human Resources staff; access to medical information contained in the file is limited to those with a need to know the information.

35.3.4 Supervisor's Desk File

This file should consist of notes made by the supervisor pertaining to an employee. They should be retained until incorporated into a periodic evaluation form and then destroyed/deleted. Access to this file should be limited to the supervisor and supervisor's chain of command.

CHAPTERS 36-40 [Reserved]

CHAPTER 41 PATROL

41.1 General Reporting Procedures

A. Complete and accurate documentation of all investigations, by all involved employees, is required. This requirement includes creating a report 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 reports 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 report or form to a supervisor.

B. Generally, reports 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 G.O. 41.32.

D. Supervisors shall review and approve all report'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. Report shall not be released until the appropriate supervisory review has been completed.

E. Additional information received after a report 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.

41.1.1 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 Town 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:

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

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41.1.2 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:

- Date and time of employee's arrival at the scene.
- Location of the crime.
- Name of the victim/s, if known.
- Name of suspect/s, if known.
- Action taken at the scene.
- Whether photos were taken and if measurements were taken.
- List of physical evidence recovered.

- Department report number.

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

- When and how a request for the services of that employee was received.
- The employee's name.
- The disposition of the physical evidence, any photographs or videos, and other relevant crime scene information.

41.2 General Patrol Procedures

A. The Department shall maintain continuous patrol coverage 24-hours a day. Commanders are responsible for the deployment of their personnel and physical resources in concert with established policies to further the mission and goals of the Department.

Commanders shall periodically review workloads in preparation for new program requests each fiscal year. Workload analysis will also assist commanders in directing the deployment of resources within the bureau.

B. Employees assigned to patrol squads will attend briefings at the beginning of their tour of duty. Sworn employees not assigned to regular patrol squads shall attend briefings as directed by their supervisors. All employees have access to, and are_responsible for reviewing briefing information. Briefings will notify employees of department policy changes, special information, training, initiatives and/or hazards.

Supervisors will conduct line inspections at least monthly to ensure employees are appropriately ready for duty, and may use briefing time for that purpose. Employees shall report to briefings with all necessary equipment ready for inspection as directed by their supervisor. Inspections and any re-inspection or corrective action shall be documented as appropriate. Supervisors shall ensure corrective action is taken by the member to address deficiencies revealed by inspection. Supervisors may use checklists or other means to ensure all critical elements are inspected.

C. 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.

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.

F. The shift bid process is conducted on a bi-annual basis for Sergeants, Lead Police Officers and Patrol officers assigned to uniform patrol squads. Shifts will normally be assigned for a six-month period, except as determined otherwise by the Chief. The conduct and control of the shift bid process for Officers, LPOs and Sergeants shall be the responsibility of the Operations Lieutenants.

- Seniority for all employees will be considered when selecting shift assignments.

- No allowance shall be made for experience with another agency.

- Eligibility to bid for an upcoming shift shall only be available to employees who have completed probation with MPD as of the start of the new shift year.

- Breaks in service shall be calculated so that date of hire information correctly reflects actual time in grade.

- If an employee leaves the Department and then is re-employed more than 30 calendar days after his/her separation from the Department, the employee's time served with the Town prior to leaving the Department will not be consider in determining the employee's seniority for shift bid.

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- Conversely, if an employee leaves the Department and then is re-employed within 30 calendar days after his/her separation from the Department, the employee's time served with the Town prior to leaving the Department will be considered for purposes of determining seniority for Shift Bid.

- Moves from one squad to another require approval from the Operations Chain of Command.

- When an LPO slot becomes available during the year, LPOs currently assigned may request transfer to that opening. Newly assigned or transferred LPOs will thereupon fill the remaining available slot. Such moves require approval from the Operations Chain of Command.

- When a sergeant slot becomes available during the year, sergeants currently assigned within the affected division may request transfer to that opening. Newly assigned or transferred sergeants will fill the remaining available slot. All such moves require approval from the Division's chain of command.

- In all of these situations, the needs of the department will be the overarching consideration in determining whether or not a transfer will occur.

41.3 Officer Needs Emergency Assistance

A. When an officer calls for emergency assistance, the dispatcher shall provide the location and available information. The dispatcher shall immediately designate two units to respond to the location; 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 ("No Further Assistance Needed"), all units not already at the scene will return to assigned patrol duties. The code will be broadcast at least twice.

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 Officers On-Scene

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 of suspects.
- Completion of a thorough investigation.
- Locating and interviewing complainants and witnesses.
- 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 Town 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:

- The circumstances and details of the incident.
- The probable cause for arrest, if applicable.
- The names and badge numbers of other employees involved, and a brief synopsis of their involvement.
- Any statements or admissions by the defendant.
- 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.

Usually the first officer to arrive on-scene will become the Incident Commander. An Incident Commander will remain so until formally relieved. This does not preclude a supervisor or Commander from making recommendations or providing guidance on an incident, even when Incident Command has not been assumed. Employees on scene have the responsibility of notifying the Incident Commander if an incident is being improperly handled and notifying a supervisor if necessary.

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:

- Contact the incident commander for a briefing.

- Assess the nature of the situation and the police response.
- Assume or decline incident command.
- If not assuming incident command, advise the incident commander of that fact.
- Make suggestions and act as a resource.
- Advise the incident commander if leaving the scene.
- 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: A situation where an officer is dispatched or responding to a life-threatening situation or a violent crime in progress. This does not include routine traffic stops 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.

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 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:

- Notwithstanding this chapter, park or stand.
- Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.
- Exceed the prima facie speed limits if the driver does not endanger life or property.
- 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 a life-threatening situation or a violent crime in progress and must:

- Be driving an authorized emergency vehicle, and
- 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 for service, the following will apply:

- The officer shall notify the dispatcher immediately upon beginning a Code 3 response.
- 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.
- 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.
- 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:
- The officer's call sign.
- A description of the vehicle, including plate if possible.
- The reason for the pursuit.
- The location and direction of travel.
- The speed of the suspect vehicle.
- Current traffic conditions.
- Any additional officer safety information.

On a continuous basis, advise dispatch of changes in:
- Location
- Direction

- Speed

Any traffic offenses or hazardous conditions caused by the suspect.

Terminate the pursuit at any point in time that:

- Termination is required by this policy or
- 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:

- Activate lights and siren.
- Advise dispatch of unit identifier and intention to take over communication responsibilities for primary unit.
- Follow the primary unit at a safe distance.
- 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:

- Broadcast that he/she is monitoring the pursuit.
- Monitor the pursuit, directing pursuit vehicles into or out of the pursuit.
- Continuously evaluate whether the pursuit should continue.
- Determine whether any effort should be made to forcibly stop the vehicle, such as by deploying stop sticks.
- Approve or disapprove of leaving the jurisdiction to continue the pursuit.
- Terminate the pursuit at any point in time that termination is required by this policy.

E. Communications shall:

- Order the police radio cleared of all but emergency traffic.
- Confirm that an on-duty supervisor knows of the pursuit and is monitoring it.
- Gather and broadcast information concerning the pursuit and the suspects.
- Assist in directing back-up units to strategic locations.
- If necessary, contact and advise adjoining jurisdictions of the pursuit.

- 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. The officer who yields the pursuit to another vehicle shall immediately withdraw from the pursuit.

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 or Fleeing Felon
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:

- 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.
- 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 the 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 <u>all</u> of the following requirements are met:

- The officer has received formal training in use of the PIT.
- A supervisor has given approval.
- The moving vehicle poses an imminent threat to public safety.
- The speed of the fleeing vehicle does not exceed 35 MPH.
- The officer is operating emergency lights and siren.

- The environmental, traffic, and roadway conditions are suitable for use of the PIT.
- 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:

- When the supervisor terminates the pursuit.
- 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.
- 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.
- When the distance between the pursuit vehicle and the fleeing vehicle is so great that further pursuit is futile.
- When visual contact is lost for 15 seconds or more.
- 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.
- If the officer determines he or she is driving beyond his/her capability or beyond the capability of his/her vehicle.
- 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 Vehicle Pursuit Summary, 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 sent to Professional Standards for retention. Professional Standards shall complete an annual review of all pursuits, advising the Chief if the officers are in compliance with the pursuit policy and whether any policy adjustments or additional training appear warranted.

41.7 Routine Response to Calls and 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.

C. Officers responding to non-emergency traffic or while driving to or from non-enforcement activity, should not activate their emergency lights, use a siren or exceed the speed limit.

D. All patrol units shall return to service following a call or police action as soon as feasible.

41.8 Body Armor

A. All body armor worn by officers shall be Department approved and provided (or the cost reimbursed), 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.

41.9 Missing Persons ……RESTRICTED

41.10 [RESERVED]

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. *It is not the mission of the patrol officer to diagnose the root cause for the person's behavior.*

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:

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

Desert Hope Detoxification Center provides a medically supervised environment for adult men and women to physically and psychologically withdraw from alcohol and other drugs in a safe and comfortable environment. All services at Desert Hope, including assessment, are available 24 hours a day, 7 days a week. Individuals may call or walk in to receive services. Nursing staff are present at all times, and a physician is on staff. All services are determined and delivered using American Society of Addiction Medicine patient placement criteria.

Call first to see if a bed is available and notify them you are bringing someone in.

Compass Detoxification Services as Desert Hope
2499 E. Ajo Way. (Across from UPH Hospital)
520-618-8701

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 Ill

A. Mental illness is a substantial disorder of a person's thought, mood, perception, orientation or memory that impairs judgment, behavior, and 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:

- Strong and unrelenting fear of persons, places, or things. Extremely inappropriate behavior for a given context.
- Frustration in new or unforeseen circumstances; inappropriate or aggressive behavior in dealing with the situation.
- 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).
- 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").
- 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
- 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:

- 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.
- 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.
- 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.
- 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.

- Limit displays of force or of weapons, if safety permits.
- 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.
- Take their time. Usually, the longer the encounter is allowed to go on, the better the chance for a successful and safe resolution.
- 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).
- When use of force is necessary and circumstances allow, consider the use of non-deadly force options.

E. 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 presents 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.

F. 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.

G. 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.

H. 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:

- 36-525.A "on the advice of the admitting officer of the evaluation agency pursuant to section 36-524.E ". See 41.11.5 below.
- 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.
- 36-540 upon receipt of a signed court order. See 41.11.7 below.
- 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.

- 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 (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 (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 (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)(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:

- 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;
- The frequency of contact between LEP individuals and the employees of the Department, its programs and services;
- The nature and importance of the various types of encounters the Department has with LEP persons; and
- 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:

- 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.
- Bilingual employees – individual employees who are proficient in two languages. If employees of this Department are not available, employees from other Town departments or surrounding law enforcement agencies may be used.
- 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.
- 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.
- 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. The list of translated forms that is available at each station or substation should be posted in the lobby of all police stations and substations.
- 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.

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. A language identification card was developed to assist officers in identifying an individual's primary language. The language ID card can be found by clicking the following hyperlink: I:\GENERAL ORDERS\FORMS & DOCUMENTS\LEP LANGUAGE ID CARD

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 the 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 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 an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Department's services to LEP individuals, including:

- 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.
- Annually reviewing all new documents issued by the Department and assessing whether they should be translated.
- Ensuring that the required signage is posted and visible to the general public at all stations and facilities that are open to the public.
- Establishing systems for and collecting data concerning LEP contacts by Department personnel.
- 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 the Department's duties, shall be provided with translated Professional Standards complaint forms, if available. 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, if feasible.

In the event of a meeting or hearing that involves the complainant, the Department will ensure that an 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 a 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:

- Alternate communication through writing, hand gestures, or lip reading.
- Use of text telephones (TTY or TDD).
- Allowing a person to maintain control of assistive devices, such as hearing aids or wheelchairs.
- 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:

- Exigent circumstances do not permit a delay in the interrogation of the subject.
- An interpreter cannot be located within a reasonable period of time.
- Written communication between the officer and the subject was effective in conveying an understanding of the *Miranda* rights.
- 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 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. Officers shall be trained in the use of the TDD devices.

I. Those with mobility devices are entitled to reasonable accommodation of their disability. For example, persons with physical impairments necessitating the use of a wheelchair should generally be allowed to maintain control of that device during the police contact, unless doing so creates an issue of officer safety. See 70.C

41.13.1 Service Animals

A. Under the Americans with Disabilities Act (ADA) and Arizona law (A.R.S. §11-1024), a service animal is defined as either a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed must be directly related to the owner's disability. An individual with a disability may have physical sensory, psychiatric, intellectual or other mental disabilities.

1. A service animal is not required to be certified or professionally trained, nor is it required to have any type of certification nor required to wear any specific badge or insignia. Service animals in training are to be treated as service animals.

2. Many people with disabilities use a service animal in order to fully participate in everyday life. Such animals may be trained to provide important tasks for people with disabilities, including providing stability, picking up items, preventing a child from wandering away, or alerting those with hearing loss to the presence of others.

B. Officers are expected to treat individuals with service animals with the same courtesy and respect afforded all members of the public.

C. The ADA and Arizona law require that State and local government agencies and businesses and non-profit organizations that are open to the public to reasonably accommodate persons with disabilities and their service animals. This means that, in almost all situations, service animals that are assisting individuals with disabilities are permitted to enter facilities that are open to the public.

D. If it apparent that the animal is a service animal, officers should ask the individual no questions regarding the status of the animal. If it is unclear, officers may ask only two questions:

1. Is the animal required because of a disability?

2. What task or service has the animal been trained to perform?

E. Individuals with disabilities with service animals that pose a direct threat to the health of others or unreasonably disrupt normal business operation may be asked to leave the premises. This exception is very narrowly applied and will affect only a small number of locations or situations. For example, dogs and miniature horse are permitted in restaurants, including those with open buffets and salad bars. On the other hand, a dog which barks continuously and is aggressive towards others need not be allowed to remain.

F. When responding to a complaint regarding a service animal, officers should remain neutral and be prepared to explain the requirements of State and federal law. Unless there is a violation of the law independent of the ADA or State law on service animals, officers should take no immediate enforcement action beyond keeping the peace. If the officer has probable cause to believe there has been a violation of A.R.S. §11-1024 (it is a class 2 misdemeanor to discriminate against a person with a disability who uses a service animal), the officer shall complete a DR and submit it to the misdemeanor prosecutor for issuance. The officer may also advise a person who believes they have been discriminated against to file a complaint with the Civil Rights Division of the Department of Justice.

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.

People 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 Agriculture; Division of Weights and Measures and the Department of Public Safety

Under A.R.S. §28-895, the Department of Public Safety is now authorized to adopt and implement a regulatory program for movers transporting personal goods and their customers. Civil disputes involving a disagreement between and their customers are now governed by A.R.S. Title 3, Chapter 19, which is enforced by the Department of Agriculture, Division of Weights and Measures (DWM). Officers may contact DWM for guidance in these situations.

41.14.2 Auto Repossessions

A. Self-help repossessions.

- 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.
- 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.
- If a vehicle has been removed to a private storage lot, the repossessor'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.

- If the repossessor 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 than release the vehicle to the owner, with or without the consent of the repossessor. The officer shall not arrest the repossessor 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 repossessor 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 that 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.

Whether a person is a transient occupant or a tenant determines whether a person can be trespassed and forced to leave (transient occupant) or whether the person is a tenant who must be formally evicted and cannot be arrested for trespass. The fact that the place the person rents describes itself as a hotel or motel, or collects rent daily, does not mean that the person is not a tenant. Officers should make inquiries that assist them in making this determination, for example: how long has the person lived there; is this their permanent address; do they receive their mail at that location; do they have all their personal belongings with them, etc. If an officer is uncertain, the person should be treated as a tenant.

An 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. Landlords, on the other hand, may not keep the property of a tenant pending payment of past due rent.

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. This includes fees for parts, labor, and storage. 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. If the business owner gives up possession of the vehicle, the business owner also gives up the lien. *Garage liens do not apply to towing situations where the owner has not given consent for the tow.* Officers will take no enforcement action except to preserve the peace. 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 (now known as sole or joint “legal decision making” or primary or joint “residential parent”) or court-ordered visitation (now known as “parenting time”), presenting various custody/legal decision making/residential parent orders from the court (sometimes multiple orders from multiple courts), and demanding that officers move children from one location to another. 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 44.9.

41.14.7.1 Child Custody Matters Where there is no Court Order

A. When there is no custody/legal decision making/residential order in place:

- 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.
- 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.
- 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 one parent/person to another parent/person should generally not be done in the absence of a custodial arrest of the parent/person for 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 physical 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 place a copy of the order 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:

- Recite the facts upon which it is based, and
- Direct law enforcement officers to take physical custody of the child immediately, and
- 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 assistance. In situations in which death is clear (burned bodies, decay or rigor mortis, for example), requesting medical assistance 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:

- Death when not under the current care of a physician, nurse practitioner, licensed midwife or physician's assistant.
- Death resulting from violence.
- Unexpected or unexplained death.
- Death of a person in custody in a jail, prison, or secure mental health facility.
- Unexplained or unexpected death of an infant or child.
- Death occurring in a suspicious, unusual or unnatural manner, including death from an accident related to a person's occupation or employment.
- Death occurring as a result of anesthetic or surgical procedures.
- Death suspected to be caused by a previously unreported or undiagnosed disease that constitutes a threat to public safety.
- 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 or alternate 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 or alternate medical examiner in the County, then the report shall be made to the Sheriff, who is then responsible for securing a licensed physician to assume the duties of the medical examiner.

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. A number of agencies oversee animals and wildlife in Arizona, including Town of Marana Animal Control, Pima County Animal Control, as well as 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, 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 is likely to 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

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.

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

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 in the course of duty 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 the stop data collection system.

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 the stop data collection system.

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 in the stop data collection system. 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 the stop data collection system.

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.

41.17.6 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, Operational 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 the stop data collection

system.

If an officer wishes to request verification prior to the release of an individual or arrestee, Operational 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 Crime Scene Unit Supervisor_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):

- Interviews with all victims and witnesses.
- Photographs of all physical injuries and property damage.
- Provision of victim's rights information to the victim.
- Advising the victim of his/her right to seek an order of protection or, when applicable, an emergency order of protection.
- 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.

If a firearm is seized, the officer shall leave a copy of the property receipt for the firearm with the owner or

possessor for each seized firearm. The receipt shall indicate the identification or serial number or other identifying characteristics of each seized firearm.

D. If requested to do so, an officer shall assist a victim in applying for an emergency order of protection. See G.O. 74.5.

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
_Tucson Medical Center. Before transporting the victim, the officer shall notify the Sexual Assault Nurse Examiner (SANE) advocate at (520) 349-8221.

When the sexual assault examination is completed, TMC will contact police communications and request an officer to respond and collect the sexual assault kit. The officer picking up the kit will sign a chain of custody form provided by TMC. The officer will transport the evidence (sexual assault kit) to the substation and place the evidence into the cold storage locker.

E. 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.

Investigators or transporting officers shall, prior to the service being provided, advise the victim that issues of payment are between the victim and the medical facility.

Adult victims of sexual assault may remain anonymous and still have a sexual assault examination completed and evidence preserved. In this case, officers will be dispatched after the kit is complete. The officer shall provide the case number to the Sexual Assault Nurse Examiner (SANE) advocate, complete a 61.01- Miscellaneous Officer case report, and place the kit into evidence.

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 ……RESTRICTED

41.22 In-Progress Robbery ……..…RESTRICTED

41.23 Identity Theft ……..…RESTRICTED

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 for follow-up investigations and enforcement action.

41.25 Town Code Offenses

The Town 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 Service Dog Unit (SDU)

The Service Dog Unit is trained and utilized to assist in searches (for people and of places and things, including contraband and explosives) and for tracking, apprehension of violent felons, and other duties as assigned. Officers assigned as part of an active-duty handler-dog team (one officer; one dog) are required to meet the certification criteria of the National Police Canine Association (NPCA) for Patrol, Explosive, or Narcotic Certification before undertaking any duties, and will certify with NPCA annually.

41.27.1 Care of the Service Dog

Each assigned SDU officer is responsible for the complete care of the assigned canine (including feeding, grooming, veterinary care, and control of the home environment) and for the maintenance of any required equipment (electronic collar, harness, muzzle, and leash). All approved food, equipment (including leash, kennel, dishes, etc.) and veterinary needs will be provided by or paid for by the Department.

One hour of each scheduled workday will be dedicated to the maintenance of the canine and will be scheduled into the canine officer's work schedule. Canine officers shall request and receive supervisor approval for any time in excess of four hours per week for maintenance of the canine.

41.27.2 Deployment of a Service Dog

A. Service dogs are trained to track, search both open areas and structures, and apprehend and restrain persons and to protect their handler. Some service dogs are also trained to detect drugs or explosives.

B. Any police officer may request the use of a service dog when it appears appropriate; an off-duty handler will be called out only with the approval of a supervisor. Pending the arrival of the service dog and handler, officers should limit access to the area to be searched, to avoid contamination of the area with additional scents that may affect the dog's ability to successfully locate the person or item being sought.

C. When a handler arrives on scene, the handler will be responsible for determining whether or not the service dog will be used, what additional information the handler needs (known chemicals or poisons within a facility, for example), whether a back-up officer is necessary and the role of that back-up officer, and whether the dog will be on or off lead. The handler has the authority to refuse any specific use of a

service dog. The recommendation of a handler regarding the use of a dog may be countermanded only by the on-duty or on-call supervisor.

D. All officers must recognize that the use of a service dog to make an arrest constitutes the use of force or the implied threat of the use of force and must therefore be justified under the 4th Amendment. The use of the dog to effect an arrest or prevent an escape must be reasonably necessary under the circumstances and should generally be limited to situations in which the:

- Safety of officers or others is immediately threatened, or
- Nature or type of resistance indicates that the use of lesser force would be ineffective, or
- The crime in question is of a serious nature.

Service dogs may be used to help locate a suspect in a lesser crime, but should not be allowed to effect an arrest unless justified under the circumstances.

E. When there is a risk of a suspect being bitten and it is practical to do so, handlers shall issue a verbal warning that the dog is being used. Before any search using a canine, the handler shall, if practicable, notify all known police personnel of the pending deployment of the dog.

F. Service Dog units will not normally be used in crowd control near the main body of the crowd.

41.28 SWAT and Hostage Negotiation Team

A. The Department relies upon the Pima County Regional SWAT Team 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 Communications. Officers should be aware that, when the Team agrees to respond, response times will vary between 1-2 hours.

B. Officers may apply, through the Chain of Command to be a member of the regional SWAT team. Officers should be aware that the selection process for special operations teams is generally a rigorous one, requiring field experience, physical fitness and agility, and the ability to function as a team member.

C. The SWAT team, which shall include the Department's trained hostage negotiators, if any, is under the command of Pima Regional SWAT Commander, 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.

D. When SWAT responds, 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.

E. SWAT shall perform in accordance with the Pima Regional SWAT Procedures Manual, which shall be maintained by the Pima Regional SWAT commander with the approval of the Pima Regional SWAT Executive Board. The SWAT Procedures Manual will establish the selection criteria and process and all specialized training and readiness exercises required of all officers assigned to SWAT.

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.

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 officers 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:

- Act as a resource for students and the administration.
- Counsel students on ethical decision-making.
- Explain the role of law enforcement in society and educate students about the law.
- Engage in activities intended to reduce crimes involving students, both on and off campus.
- Be the primary liaison between the assigned schools and the Department.
- 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 Deployment and Use of Audio and Visual Recording Equipment, including Body Worn Cameras

41.32.1 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 patrol

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.

41.32.2 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.

Officers shall activate all AV equipment for all enforcement related contacts, to include, but not limited to: traffic stops, dispatched calls, field interviews, self-initiated investigations, critical incidents and use of force incidents. During citizen contact that is not enforcement related the Officer may use discretion in determining when to activate the body worn camera.

41.32.3 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. The Support Services Commander will maintain a list of assigned recording devices. The wearing or use of personal audio or audio/video recorders is prohibited.

41.32.4 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 through the Support Services Commander and 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.

41.32.5 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:

- 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.
- When practical, officers should advise subjects they are being recorded. Doing so often acts as a means to de-escalate contacts with community members.

- If asked by a citizen, officers shall advise they are being recorded.
- Officers are not required to initiate or cease recording an event, situation, or circumstance solely at the demand of a citizen.
- 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 Town, 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.

41.32.6 Failure to Activate and 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. 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, since doing so may affect the officer's ability to accurately recall what the officer actually saw, heard, etc.

41.32.7 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.

41.32.8 Use of AV Recordings

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

- Promote officer safety.
- Document statements and events during the course of an incident.
- Enhance the officer's ability to document and review statements and actions for both internal reporting requirements and for courtroom preparation/presentation.
- Preserve visual and audio information for use in current and future investigations.
- Provide an impartial measurement for self-critique and field evaluation during officer training.
- 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 of Police, 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.
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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.

41.32.9 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 a incident/contact requiring recording occurs):

While on employee breaks.

While writing a report.

When discussing a case with other members.

During other administrative functions.

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.

41.32.10 Retention of Recordings

All AV recordings are potentially evidence and shall be handled as such. Officers will place the Taser AXON BODY 2 in the Evidence Transfer Machine (ETM) at the end of shift for charging and uploading. The media captured via the AXON will only be uploaded to EVIDENCE.COM. All recordings should be tagged with the following information (metadata) in Evidence.com:

1) ID NUMBER – D.R. (department number) or other identifying incident number

2) TITLE – description of the incident and or person interviewed

3) CATEGORY – Each event must be categorized according to event type so proper retention periods will be applied. Video can be saved in multiple categories. In the event a video is taken that does not fall into a listed category and has no apparent evidentiary or administrative value, the officer may leave the video as non-classified.

***Event Categories*:**

Category	Incident Type
1	Uncategorized
2	Criminal felony
3	Criminal misdemeanor
4	DUI

5	Non-evidentiary
6	Pending Review
7	Restricted
8	Traffic Related
9	Training Demo
10	Use of Force

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41.32.11 AV Recordings Management

A. Department Program Administrator

The Property and Evidence Supervisor shall maintain oversight of the AV recording equipment selection, acquisition, implementation, and any systems related to its use. The Property and Evidence Supervisor 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) Evidence.com will automatically purge files based on a categories predetermined retention schedule. Officers will receive notice seven days prior to any files being purged. An AV recording that is related to a case or investigation, or which has been designated for retention 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 the body-worn camera involves recording in an area with a reasonable expectation of privacy, i.e a bathroom or a locker room, then the request for deletion via email will identify the recording as such. All efforts will be made by supervisors to ensure that affected parties' privacy concerns are addressed in a respectful manner.

The email will be forwarded through the officer's chain of command to their Lieutenant. The receiving Lieutenant shall review the file and approve or deny the request. Prior to deleting an accidental activation, the Lieutenant will ensure the file is not associated with a police contact or CAD event. No files associated with an official police contact, CAD event, or any pending litigation or complaint is eligible for deletion. The commander will forward the email to the Office of Internal Affairs where the email will be retained.

41.32.12 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 Town of Marana Legal Department.

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CHAPTER 42 CRIMINAL INVESTIGATION

42.1 Investigative Protocols

A. The Investigations Unit has case and follow-up responsibility. C.I.U is comprised of five (5) detectives that rotate “on-call” status weekly. The supervisor of the unit creates the “on-call” schedules and disseminates the schedules to Communications.

To initiate a detective call-out, patrol officers should contact Communications for the name and contact number for the CIU supervisor and on-call detective. Officers must be prepared to provide the following information:

- Nature of the crime.
- Has jurisdiction been established.
- Is someone in custody.
- Will the suspect speak with detectives.
- Is the victim present, will they speak with detectives (man, women, child, language barrier).
- Is the witness present, will they speak with detectives.
- Has an initial statement from victim, witness or suspect been taken.
- Has crime scene been notified.
- What is it that you need detectives to do, interview, search warrant, etc.

The Sergeant of the Criminal Investigations Unit (C.I.U.) shall provide Communications with an up-to-date on-call list for detectives, to ensure 24-hour coverage. Patrol officers should contact Communications for the name and contact number for the on-call detective or unit.

B. The Sergeant who is in charge of Investigations shall develop and implement a case screening and case file management system. These systems are to be designed to apply effective allocation of available resources to cases arising in the community, focusing on matters with high priority, cases which appear to be effectively prosecutable, and matters involving habitual repeat offenders.

- The case management system shall include a control system, which shall track the following information for each case:
    - Assigned investigator
    - Date assigned
    - Case number
    - Report due date
    - Designation of open, suspended or closed for each case.
- A case file shall be created for all open investigations, which shall serve as an immediate information source for investigators and should include copies of all relevant reports and other documents, such as copies of evidence sheets, search warrants, and lab tests. When the case is suspended or closed, the case file should be filed with Records. Files shall be maintained in the Investigations Unit filing system except when checked out by an investigator or supervisor.

- The Investigations Unit supervisor is responsible for reviewing all cases sent to the Unit for assignment and for ensuring that files are suspended or closed, and purged, as appropriate.

C. Detectives who are assigned a case shall complete a thorough follow-up investigation. The exact steps to be taken in an investigation depends upon the facts, but may include any or all of the following, as well as any other investigative steps that may be required in the particular case:

1) Reviewing and analyzing all existing reports, laboratory tests and evidence.

2) Conducting additional interviews and interrogations.

3) Seeking additional information from patrol officers, informants or others.

4) Preparing and seeking appropriate search and arrest warrants.

5) Planning, organizing and conducting searches and collecting physical evidence.

6) Completing supplemental case reports.

7) Preparing for presentation of the case to the prosecution for issuance of an arrest warrant or summons.

8) Identifying suspects, requesting arrest warrants and apprehending suspects.

9) preparing for court testimony.

Detectives should maintain contact with the victim and other witnesses involved in the case throughout the investigation, providing updates as appropriate.

42.2 Use of Polygraphs in Investigations

Polygraph examiners may be either Department employees who are trained as polygraphers or outside providers. Polygraphs completed during criminal investigations will be audio recorded in their entirety (including pre- and post-test questions or interview). The recording and Examiner's report shall be placed in Evidence; a copy of the report may be placed in the investigative file as well.

42.3 Cold Cases

The Department maintains a cold case register in compliance with A.R.S. §13-4271. The Investigations Section is responsible for maintaining the register and providing the required notices to victims and victim's family employees or lawful representatives.

42.4 Informants ……..……RESTRICTED

42.5 Eyewitness Identification

A. Complete documentation of any identification process will be made, including the date, time, location and identity of those present and any significant statements made by those present, including the witness, officer, attorney and suspect. When practical, identification procedures may be audio or video recorded. The Department does not use physical line-ups.

B. An eyewitness identification procedure is unnecessary when a witness indicates that he or she is unable to identify the suspect, knew the suspect prior to the crime, or learned the identity of the suspect from some third party source (for example, the newspaper).

C. A suspect or likeness of the suspect should not be deliberately displayed to more than one witness at

a time. Witnesses should not be permitted to state their conclusion regarding a suspect identification in the presence or hearing of another witness.

D. Officers shall not, in any manner, indicate an opinion regarding guilt, innocence or identity of a suspect to a witness. The witness's recollection, unaided by outside influences, must govern the identification.

E. Officers may drive cooperating witnesses around the general area of the crime in an effort to locate the suspect. The results of such an identification process should not be broadcast on a police radio due to the proximity of officers to other potential witnesses.

42.5.1 Show-Up (One-on-one) Identification

A. If a person is arrested or detained within a reasonable time of the offense (generally, within two hours), and a witness agrees to do so, an identification procedure known as a "show-up" or one-on-one identification may be used.

B. If a suspect is arrested or provides written or recorded verbal consent to be transported, then the suspect can be taken to the witness. Otherwise, the suspect will not be taken to the witness' location for the identification procedure.

C. The witness shall be advised that the person being detained may or may not be the person involved in the crime (this notification to the witness shall be documented). The officer will avoid making any statements that would in any way affect the witness' identification (such as stating the suspect has been arrested, made incriminating statements, or possessed incriminating evidence when detained). If the witness identifies the person being detained as a suspect, the witness should be asked to state the basis for his/her the identification.

D. If there is more than one witness who will participate in the identification, the witnesses shall be separated and shall each make a separate identification of the suspect.

E. A suspect shall not be detained for an unreasonable period of time (generally no longer than the time it takes to conduct a brief investigation to confirm or dispel suspicion that they have committed a criminal offense) for the identification, unless probable cause is developed to arrest the suspect, or, after being clearly informed that cooperation is not mandatory, the suspect consents to take part in the show-up.

F. Detailed documentation of the facts and circumstances of a show-up procedure shall be included in a department report. When audio recording equipment is available, the witness' comments during the identification should be recorded.

42.5.2 Photographic Lineup Identification

A. The Department's preferred eyewitness identification method is a photographic line-up. Such line-ups shall include five or more photographs, all in color or all in black and white; of substantially similar general appearance, including the face only (all other information on the photograph shall be covered). To the extent feasible, the background in each photo will be the same. If multiple suspects are involved in a crime, only one suspect will appear in a line-up. If multiple witnesses are involved in the case, separate photographic lineup identifications will be performed with each witness.

For details on the lineup protocol click ono the following hyperlink: LINEUP

B. To avoid any allegation that the officer influenced the witness during the identification procedure, the photographic line-up should be shown to the witness by an officer who does not know whether the line-up contains the suspect, or who the suspect is. In some cases the investigator will need to do the line-up because no other appropriate officer is available.

C. In either case, the presenter should handle the line-up as follows. The line-up photos should be printed one at a time, randomly mixed, placed in a file folder and given to the witness. The witness should then be seated across from the officer so that the officer cannot see the photos the witness is viewing. The officer should ask the witness to look at the photos one at a time, turning the photos over so that no two photos are visible at the same time. The officer must take care not to say anything or do anything that communicates the identity of the suspect or influences the witness in any way.

- Prior to viewing the line-up, the officer shall ask the witness to review the written instructions and sign the instruction document.
- The victim should view the photographs one at a time and should be allowed to look at each photo as long as desired. The victim or witness should view all photographs even if the witness identifies the suspect before seeing all of the photographs. The witness may go through the photos a second time if desired. If the witness goes through the photographs a second time, this fact shall be documented in the DR.
- After the line-up, the officer shall initial the back of each photograph, noting the date and time of the identification procedure. If the witness identifies a person as the suspect, the witness should be instructed to initial and date the back of the photograph. The officer should ask the witness for the basis for their identification of the person as the suspect. The officer's documentation of the line-up should include any witness reactions or statements regarding the photograph, as well as the date and time the photographs were shown to the witness. Photographic line-up procedures should be audio or video recorded.
- The actual photographs used must be preserved so that the line-up can be reconstructed at trial.

42.6 Use of Interview Rooms

A. Interview rooms may be used by both uniformed and non-uniformed personnel.

B. No officer shall use a video or audio equipped room without first having been trained in the use of the equipment.

C. Officers shall search suspects who are in-custody prior to taking them into the interview room.

CHAPTER 43 VICE, DRUGS AND ORGANIZED CRIME RESTRICTED

43.4 Medical Marijuana

A. The Arizona Medical Marijuana Act (AMMA) provides that the use, possession and transportation of marijuana by certain designated persons is not illegal under State law.

B. Definitions that apply only to the AMMA include:

Allowable Amount of Marijuana – generally for a registered qualifying patient, 2.5 ounces of usable marijuana. If the patient's registry card permits them to also cultivate (grow) marijuana, the limit is twelve (12) plants. The plants must be contained in an enclosed, locked facility, unless the plants are being transported because the qualifying patient is moving. For designated caregivers, the allowable amount of marijuana is 2.5 ounces, or if the caregiver is authorized to cultivate, twelve (12) plants, times the number of the caregiver's registered qualifying patients. The plants must be in an enclosed, locked facility, unless

the plants are being transported because the caregiver is moving. Caregivers may also be qualifying patients, adding another 2.5 ounces or if they are authorized to cultivate, twelve (12) plants.

Cardholder - A qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card.

Designated Caregiver – A person with a valid registry identification card licensed by ADHS to assist no more that (5) qualifying patients with the medical use of marijuana.

Enclosed, Locked Facility - A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

Physician – Arizona licensed M.D., D.O., naturopathic physician, or homeopathic physician.

Qualifying Patient – A person who has been diagnosed by a physician as having a debilitating medical condition.

Registry Identification Card – A card issued by the Arizona Department of Health Services that identifies the person as a qualifying patient, registered designated caregiver or registered agent of a dispensary. The card will include the following information: name, address, DOB, photo, issuance date, expiration date, twenty digit alphanumeric number, whether the cardholder is a qualified user, designated caregiver, or registered agent of a dispensary and whether the person is authorized to cultivate.

Usable Marijuana – The dried flowers of the plant, not including the seeds, stalks, and roots of the plant and not including the weight of any non-marijuana ingredients combined with the marijuana and prepared for consumption as food or drink.

Visiting Qualifying Patient – A non-resident or a person who has been an Arizona resident for less than 30 days who has been diagnosed as having a debilitating medical condition. A visiting qualifying patient who has a card issued under the laws of the patient's own/former state, or an equivalent to a card (which may include just a physician's recommendation for states such as California, where cards are issued by some counties but not others) may possess the allowable amount of marijuana, but may not obtain marijuana from an Arizona dispensary.

Written Certification – Written document, dated and signed by a physician stating the patients qualifying medical condition.

43.4.1 Lawful possession, use, transportation

A. Impact on the application of the 4th Amendment.

The AMMA does not limit an officer's use of the odor of marijuana as probable cause for a search or search warrant. The standard for establishing probable cause remains in cases involving marijuana possession whether the information known to the officer would lead a reasonable person to believe that contraband or evidence of a crime is present.

Facts indicating that the activity is not criminal must of course be considered by the officer. If the officer has reason to believe the person is a registered cardholder, for example, those facts must be in the determination of probable cause.

B. If an officer comes into contact with a person in possession of marijuana and the person claims to be a registered patient or caregiver, the officer shall request to see the person's registry card. The officer shall

verify that the registry card is valid through ADHS. If a person is not in possession of their registry card but can provide the twenty- digit alphanumeric number, officers shall use that number to verify the person's authorization.

C. A person shall not be arrested in the following situations:

- The person is a registered qualifying patient and does not possess more than the allowable amount of marijuana.

- The person is a registered designated caregiver who is assisting a qualifying patient with the patient's medical use of marijuana, if the caregiver does not possess more than the allowable amount. The allowable amount of marijuana will depend on the number of qualifying patients connected through ADHS's registration process, not to exceed five patients, and whether the caregiver is also a registered qualifying patient.

- The person is a registered qualifying patient or registered caregiver and is offering or providing marijuana to a patient, caregiver, or dispensary as long as nothing of value is transferred in return and as long as the person giving the marijuana does not knowingly cause the recipient to possess more than the allowable amount of marijuana.

- The person is providing a patient, caregiver, or dispensary with paraphernalia for the medical use of marijuana.

- A person who is in the presence or vicinity of the authorized use of medical marijuana.

- A person who is assisting a patient in the administering of medical marijuana.

D. Officers may arrest a person who:

- Possesses or uses medical marijuana:
  - On a school bus
  - On the grounds of a preschool, primary school, common school, middle school, junior high school, high school or secondary school, public university, college, community college or post-secondary education institution
  - In a correctional facility.
  - In a child care facility

- Smokes marijuana on any public transportation or in in a public place, including a motor vehicle that is in a public place.

- Operates, navigates or is in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana.

- Is in possession of more than the allowable amount of marijuana permitted based on their registry information.

- Is in possession of marijuana and claims to be a registered user, but does not possess their registry card and/or cannot provide their ADHS number. The officer should arrest the subject for unlawful possession of marijuana, since the AMMA provides for a presumption of lawful use <u>only</u> if the person is in possession of the person's ADHS card. Officers may arrest and book the person into

jail, or complete a long-form complaint.

E. Officers should be aware that possession of, or application for, a registry identification card does not constitute probable cause to arrest or reasonable suspicion to stop, nor may it be used to support the search of the person or property of the person involved.

43.4.2 Seizure of marijuana

A. Officers shall not seize marijuana if the person who is in possession of the marijuana is a qualifying patient, designated caregiver, and/or registered cultivator, unless:

- The person possesses more than the allowable amount of marijuana, or
- The person is arrested for a separate offense, or
- The person is not in possession of the ADHS card and is unable to provide their ADHS number.

B. If an officer arrests a person who is a qualifying patient, caregiver, and/or dispensary agent for an unrelated offense and the person is in possession of marijuana, officers shall seize and impound the marijuana, unless the arrest occurs within the person's own residence and the person requests that the marijuana be secured at the residence.

C. Marijuana that is seized as evidence shall be field-tested prior to impound. Marijuana that is not seized as evidence does not have to be field-tested prior to impound.

43.4.3 Marijuana dispensaries

A. The Arizona Department of Health Services licenses dispensaries to sell marijuana to qualified, registered, patients and caregivers.

B. Dispensaries are not subject to search or inspection (except by ADHS pursuant to A.R.S. §36-2806(H)), seizure or penalty under state law for acting pursuant to the Arizona Medical Marijuana Act.

C. A registered agent of a dispensary is not subject to arrest, search, or seizure under state law for acting pursuant to the Arizona Medical Marijuana Act.

D. Registered dispensaries are required to have a single secured entrance and to implement security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

E. Dispensaries are not allowed to permit any person to consume marijuana on their property and are subject to reasonable inspection by the ADHS.

F. Officers may make arrests for:

1) The crimes established by the AMMA, and

2) Crimes committed at dispensaries or by dispensary agents based on conduct that is not protected by the AMMA.

Conduct by dispensaries that is not criminal but is not permitted by the AMMA (having an unsecured entrance or permitting the consumption of marijuana on the premises) shall not be handled by arrest. Such conduct is instead to be reported to the ADHS for their consideration in regard to revocation of the license of the dispensary.

43.5 Asset Forfeiture

A. The Criminal Investigations Unit is responsible for the initiation and follow-up investigations of all cases where the seizure of assets through commencement of the forfeiture process is appropriate. The time limits for the submission of forfeiture cases are established by statute and forfeiture cases must be filed in strict compliance with those time limitations. The assigned investigator(s) shall work closely with County, State or Federal prosecutors who handle forfeitures in order to ensure compliance with the law and successful forfeiture actions. When funds are or property is forfeited by the court, the Investigations Unit shall provide the Property and Evidence supervisor with copies of the court's orders.

B. Property that is forfeited to the Department must be disposed of in compliance with State statute and the relevant court order. The Property and Evidence supervisor shall keep accurate records and accounting of the receipt of forfeited funds or property and the expenditure of those funds or proceeds from the sale of property. Forfeited funds are held by the County or State prosecution office that assists with the forfeiture until an expenditure that is qualified under law is made by the Department, at which time reimbursement of that expenditure may be requested.

CHAPTER 44 JUVENILE OPERATIONS

44.1 Arrests and Temporary Custody of Juveniles

44.1.1 Temporary Custody

A. A peace officer *shall* take a child into temporary custody when:

- there is probable cause to believe that the child has committed a criminal or delinquent act, which if committed by an adult could be a felony or breach of the peace, or
- the child has been apprehended in commission of the criminal or delinquent act, which if committed by an adult could be a felony, or in fresh pursuit, or
- pursuant to an order of the juvenile court, or
- pursuant to a warrant.

B. A peace officer *may* take a child into temporary custody

- when the officer has probable cause to believe that the juvenile has committed a delinquent act, or
- the child is incorrigible, or
- the child is a runaway.

C. The decision whether to arrest a juvenile will generally follow the usual practice when dealing with an adult arrested for a similar crime, with additional consideration of the circumstances related to the age and experience of the offender. Pursuant to state law, officers may release juveniles only to a parent, guardian or custodian of the juvenile, or to the juvenile court. Officers must also comply with statutorily mandated sight and sound restrictions for the holding of juveniles who have been arrested.

D. Depending on the situation and the offense, juveniles who are arrested may be cited for the offense using an Arizona Traffic Ticket and Complaint citation (ATTC) (if included in section 44.5 below) and may be released on a paper referral to a parent or guardian, or may be taken to the County Juvenile Center.

44.2 Juvenile detention at police facilities

A. Both federal and state law requires that juveniles be handled differently than adults when detained. The key differences are that a juvenile:

- May be held in secure detention only if being held for a delinquent offense, and
- Must be separated by sight and sound from adult detainees.

B. A delinquent offense is defined by statute as an act which is a crime or petty offense whether committed by a juvenile or an adult, or which has been designated as a delinquent offense. A status offense, by contrast, is an offense that would not be an offense if committed by an adult. For example, a minor in possession of alcohol, or one consuming alcohol, has committed a status offense.

C. The type of detention that is permitted by law depends on the type of offense committed by the juvenile. A juvenile who has committed a delinquent offense may be held in secure detention. Secure detention is detention that restricts freedom of movement, such as handcuffing to a fixed object or being placed in a room with a door that locks, whether or not the door is locked. A juvenile cannot be held in secure detention in a police facility for longer than six (6) hours.

D. A juvenile who has committed a status offense may not be securely detained. A juvenile who has only committed a status offense may not be handcuffed to a stationary object, or kept in a room with a locking door, whether or not the door is locked. If necessary for safety, such juveniles may be handcuffed, but not to a stationary object.

E. All juveniles must be separated by both sight and sound from all adult arrestees.

F. Each facility in which juveniles may be detained must maintain a log that records the detention of all juveniles. Any officer bringing a juvenile into the facility, or removing a juvenile, no matter the length or purpose of the detention (including processing or interrogation) must make an entry into the log. The log, entitled Juvenile Detention Log, shall be completed with the following information:

- Date
- Time in and out
- Name and number of officer who secured the juvenile
- Name and number of the officer who removed the juvenile
- Juvenile's name, date of birth, and gender
- Case number
- All charges
- Whether a meal or snack was provided
- Whether the juvenile was securely or non-securely detained

44.3 Interviews of Juveniles

A. Generally, a juvenile who is in custody and being interrogated has the same rights as an adult under the 5th Amendment. See G.O.1.4.3.

B. In addition, a juvenile's parents may become involved in a custodial interview. Prior to or during an interview with a juvenile, an officer may contact the juvenile's parents, legal guardians or custodian. If the juvenile requests to speak with the juvenile's parents, or the parents request to speak with the juvenile, that communication shall be permitted unless exigent circumstances exist or the parents are involved in the alleged criminal activity. A parent who is present and requests to be permitted in the interview with the juvenile shall be allowed to be present, unless the parent is involved in the alleged criminal activity,

interferes with the interview or investigation, or the juvenile does not want the parent present.

A parent may invoke a juvenile's rights under Miranda. The law does not require a parent to be present at the interview of a juvenile. However, the presence or absence of a parent may affect whether statements made by the juvenile are voluntary and therefore admissible. Unless the parent is a suspect or a co-defendant, an officer shall:

1) Make a reasonable effort to notify parents of the arrest of a juvenile.
2) Permit an in-custody juvenile who asks to call a parent to do so.
3) Ask, prior to the start of any questioning, if the juvenile wants a parent, guardian or custodian present during the interview and, unless time is of the essence, delay a reasonable period of time for the person to arrive.

A. If a parent refuses or is unable to respond in a reasonable time, inform the juvenile and clarify whether they are willing to answer questions without the parent being present.

B. If a parent is being disruptive during the interview, the parent may be asked to leave the interview. The officer must then clarify with the juvenile whether they are willing to answer questions without the parent being present.

C. If the juvenile does not want the parent to be present during questioning, and the juvenile appears to have the maturity and experience to reasonably make such a decision, exclude the parent from the interview.

Officers have an obligation to ensure that the juvenile understands his or her Miranda rights and waives those rights voluntarily. There is a heightened concern with the voluntariness of confessions by juveniles. An officer should not interrogate a juvenile if the officer believes the juvenile is incapable of intelligently understanding their rights. Officers should consider the age, intelligence, educational background, mental capacity, physical condition, prior experience in the criminal justice system, need for an interpreter and injury (if any) of the juvenile prior to questioning. Officers shall:

1) Use or complete the form required by the prosecuting attorney or court for juvenile Miranda, if a specific form is required by the local prosecution office or court; if none, advise a juvenile of Miranda rights following the same guidelines for an adult interview or interrogation.

2) If further explanation of the rights is necessary, thoroughly document the explanation that was provided in the officer's report, or electronically record it.

3) Advise the juvenile, when applicable, that the juvenile may be, or will be, tried as an adult. See A.R.S. §13-501.

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4) Limit the duration of the interview to a reasonable period of time (not to exceed two hours without supervisory approval).

5) Limit to two the number of officers present during the interview (under normal circumstances).

C. Juveniles who are not suspects, but are only victims or witnesses, may not be involuntarily detained or taken into custody without the juveniles' consent (if they are of suitable age and maturity to provide consent), parental consent or an appropriate court order.

44.4 Disposition of detained juveniles

A. Depending on all of the circumstances, including consideration of the juvenile, the offense and the victims, if any, there are a variety of options for the disposition of a juvenile offender, including the following.

1) **Parental Referral** - The officer may release the juvenile to his/her parents. This alternative may be appropriate when, in the officer's opinion, the parents can correct the juvenile's behavior and the intervention of Juvenile Court is not required. A DR will be completed, with the juvenile listed as the arrestee on all paperwork, and the release of the juvenile to the parents shall be documented. Parental referral is not an option if the juvenile is taken into custody for any sex-related offense, for domestic violence, or for being a runaway.

2) **Paper Referral** - The officer may complete a paper referral, which is a referral of the juvenile to Juvenile Court. This alternative is appropriate when the parents appear to be able and willing to handle the juvenile. This alternative will be utilized when parental custody will, in the opinion of the officer, be sufficient to control the juvenile's behavior pending action by the Juvenile Court.

3) **The Center for Juvenile Alternatives (CJA)** - is an alternative that should be considered prior to releasing a juvenile on a Paper Referral to a parent or guardian for a status offense. The CJA provides critical crisis intervention, assessment, referral and outreach services to status offenders, including a specialized program focusing on truancy issues.

4) **The Domestic Violence Alternative Center (DVAC)** - is an alternative to booking a juvenile into PCJCC. It provides an alternative to the traditional intake for juveniles who are charged with a non-violence related DV offense. Officers may also wish to contact DVAC regarding juveniles arrested for violence related DV offenses, as under certain circumstances, they may accept them into the program. DVAC is housed next to the CJA facility and provides services to meet the needs of the entire family. Short term (23-hour) respite is available on-site if it is not safe or possible for the youth to return home immediately.

5) **County Juvenile Court Center Detention** - Officers shall be aware of what crimes constitute status offenses. Status offenders cannot be transported to juvenile court for detention, but must be released to a parent or guardian.

6) **Detention in the County Jail** - Arizona law provides that juveniles who are 15, 16, or 17 years of age and are charged with first degree murder, second degree murder, forcible sexual assault, armed robbery, and violent felony offenses shall be booked into the County Jail as adults. Effective Jan. 1, 2017, such juveniles may be housed in a juvenile detention facility if the juvenile is not charged with a dangerous offense and such placement is ordered by the court.

B. Officers shall be aware of what crimes constitute status offenses. Status offenders cannot be transported to juvenile court for detention, but must be released to a parent or guardian. The Juvenile Complaint/Referral form shall be completed prior to any juvenile being incarcerated at the detention facility.
Officers will use the following guidelines in deciding to detain juveniles:

- An escapee from a juvenile detention facility or has an outstanding warrant.
- Under age 15 and charged with murder, manslaughter, kidnapping, sexual assault, arson of an occupied structure, armed robbery, or aggravated assault. Juveniles 15 or older arrested under these charges shall be booked at the County Jail as an adult.

- Charged with a delinquent offense and there is no less restrictive alternative that will reduce the risk of serious harm to the juvenile or others (e.g., DUI with severe intoxication).
- Charged with a serious property crime or a crime of violence other than those listed above, which, if committed by an adult, would be a felony, and the juvenile:
- Is already detained or on conditional release in connection with another delinquency proceeding.
- Has a demonstrable record of willful failures to appear in Juvenile Court proceedings.
- Has a demonstrable record of violent conduct resulting in physical injury to others.
- Has a demonstrable record of adjudication for serious property offenses.

When a juvenile is taken to the juvenile detention center, officers shall telephone the parent or guardian of the juvenile, if known, and advise of the location of the juvenile. This notification shall be included in the case report regarding the offense.

44.5 Juvenile Traffic and Liquor Offenses

Civil traffic violations and criminal traffic offenses, excluding DUI offenses, must be cited into Town Court. DUI is the only juvenile criminal traffic offense that will be cited into Juvenile Court. Town Court has no jurisdiction over any other type of juvenile offense. Juveniles who appear in Town Court on criminal traffic violations are required to bring a parent or guardian to Court with them; a juvenile may appear alone on a civil traffic offense. All Title 4 offenses involving juveniles are to be referred to PCJCC, using either a paper referral or physical arrest. The Arizona Traffic Ticket and Complaint form may not be used to cite a juvenile into Juvenile Court on any charge.

44.6 Juvenile Victims

A. Interviewing juvenile victims and witnesses may present special challenges, especially if the child is very young or has been traumatized. If information concerning the alleged crime is available from an independent adult source, the information should be sought from that adult, so that the child does not need to be interviewed on scene. If the juvenile victim must be questioned, officers should ask only basic questions to gather basic information; details should not be elicited. Questions should be limited and simple, such as: what happened, who did it, where, when, whom did you tell?

B. If it appears that a crime has in fact been committed, no further questioning of the child should occur without the assistance of an officer or detective who has received training in interviewing child victims.

C. DCS shall be notified in any incident in which the suspect resides in the home or has access to the child, if the officer reasonably believes that the child is not safe at the home, or if there is concern for any other child associated with the suspect. Officers shall include in their DR the date and time DCS was contacted and the name of the person at DCS who took the report.

44.7 Welfare Calls Involving Children

A. If the officer is asked to check on an ill or injured child, officers should seek consent to speak with any adults who are present and the child or children separately. The following types of questions should be asked and observations made:

- Children's names, ages and whereabouts.
- Name of the school and caretakers before and after school.
- When the child last ate and if the child eats regularly; the officer may ask to look in the refrigerator

and kitchen cabinets to see if there is available food.

- Officers should observe the visible areas of the child, especially the head, neck, arms and legs, looking for injuries, bruises in different stages of healing, injuries in areas not explained by childhood accidents. Ask about any injuries or bruising. Ask the child if he/she feels safe at home.
- If the child is an infant or is asleep, have the parent or guardian expose the child's chest, back, and legs, checking for bruising, pattern marks, breathing difficulties, and/or any other injuries on exposed areas.

B. If the officer is asked to check on the conditions in which the child is residing (dirty house calls), the officer should ask for permission from the parent or guardian to walk through the house. Depending on what the officer finds, officers have the following options:

- Document and photograph the condition of the house, if it does not rise to a criminal level.
- Document, photograph and contact a supervisor to discuss further actions that should be taken. Depending on the condition of the house, options may include citing the parent for A.R.S. §13-3613 (contributing to the delinquency/dependency of a minor), contacting DCS and removing the child, and/or pursuing felony charges.

C. When a call involves ongoing violence between adults, Communications will seek to determine if children are present at the scene and will relay that information to the officer who is responding. In such situations, as soon as feasible, officers should locate the children and, if possible, remove them from the immediate area.

D. If the children need to be interviewed, such interviews should be done by officers with training in interviewing child witnesses, if possible. In any event, the interviews should be done without blaming the parents or guardians and should focus on the children. Any questions concerning what happened should be asked in an open-ended style and in language that is age appropriate to the child. The children should be told that the officers will make sure they have a safe place to stay.

E. In any situation in which there is immediate concern for the welfare of the child, whatever the circumstances (child victim, neglect or abuse), or if the parent or guardian refuses to allow access to the child, the officer shall remain at the scene and call for both a supervisor and Department of Child Safety. Before leaving a crime scene where children are present, ensure that there is a parent or caretaker present to care for the children. If there is not, contact DCS regarding placement of the child. If a neighbor or relative offers to care for the child, do not allow the child to go with the person without DCS permission. The DR on any incident involving children shall include name and contact information of the caregivers.

44.8 Department of Child Safety (DCS)

If an officer believes a child has suffered or will imminently suffer abuse or neglect, the officer is to contact the DCS Child Abuse Hotline. Officers should be prepared to provide the following information:

- Officer's name and contact number.
- Names and ages of children.
- Names of parents or guardians, including mother's maiden name.
- Location of events.
- Reason for concern for the child(ren)'s welfare.

- Relatives or others available for emergency care.
- Information concerning the mental and physical health of the children.
- Names and contact information for others who may have information regarding the abuse or neglect of the child.

44.9 Temporary Custody; Temporary Custody Notice (TCN)

A. Pursuant to A.R.S. §8-821, a child may be taken into temporary custody if there is probable cause to believe the child is:

- A victim or will imminently become a victim of abuse or neglect, or
- Suffering serious physical or emotional injury requiring diagnosis by a medical doctor or psychologist, or
- Physically injured as a result of living in premises where dangerous drugs or narcotic drugs are being manufactured, or
- Reported by DCS to be a missing child at risk of serious harm.

B. Whenever a child is taken into temporary custody under these situations, a Temporary Custody Notice shall be provided to the parent or guardian. If the parent or guardian is present within the state, the Notice must be provided within 6 hours; if the parent or guardian is out of state, the Notice must be provided within 24 hours.

If neither the parent nor guardian is present at the place from which the child is removed, notice will be given to an adult at the residence, or posted at that location. If the residence is not known, a reasonable effort shall be made and documented to locate and notify the parent or guardian.

C. DCS must be contacted whenever a Temporary Custody Notice is served. Children taken into temporary custody for medical or psychological services must be immediately taken for examination. Officers should work closely with DCS to ensure that children are held only for the time permitted by statute and that proper notice is provided to the parents.

CHAPTER 45 CRIME PREVENTION AND COMMUNITY INVOLVEMENT

The following special programs exist to assist the Department in providing public information and education.

45.1 Neighborhood Meetings and Programs

When time permits and with the approval of a supervisor, officers should be made available to attend neighborhood and community meetings to discuss issues of concern to the residents.

Some neighborhoods may participate in the Volunteers in Prevention (VIP) program. The VIP program members patrol their neighborhoods looking for suspicious activity and report that activity to the police. They are trained not to take any action other than to make an immediate report. A police liaison shall be assigned to any active VIP program.

45.2 Speaking Engagements

Requests for officers to speak at public events or meetings shall be referred to the Public Information Officer, who shall discuss the request with the appropriate supervisor or commander. If an officer is available to handle the request, the assignment may be made. The PIO shall advise the person making the request whether or not an officer will be able to attend.

45.3 Neighborhood Watch Program

The Neighborhood Watch Program is another version of a Volunteers in Prevention program. The concept is for neighbors within an area to take those security and environmental measures necessary to reduce burglaries and other crimes, and to report any suspicious activity to the police. Any organized Neighborhood Watch Program shall be appointed a police liaison.

45.4 Tri-Star Multi-Housing Program

Tri-Star Multi-Housing Program formerly known as Crime Free Multi Housing is a voluntary educational program designed to help tenants, owners and managers of rental property deal with illegal activity on the property. CFMH educates owners and managers regarding proper leases and eviction procedures and educates tenants regarding their rights. CFMH also works with multi-housing projects by addressing security and environmental changes that can be made to improve public safety within the community.

45.5 Crime Prevention Through Environmental Design (CPTED)

Crime Prevention through Environmental Design is a crime prevention program that is a part of the Town's development services process. It emphasizes the ways in which design of a project can enhance public safety and reduce the incidence of crime.

45.6 Residential and Business Security Surveys

When requested, a security survey of a property (residential or commercial) can be performed by an officer. The officer examines the property and identifies potential security risks (poor locks, vegetation that blocks views of entry points, etc.) that the owner of the property may correct to reduce the risk.

45.7 Violence in the Workplace

When requested, an officer is made available to educate employees on ways to deal with violence in the workplace. Employees are trained in steps that may be taken to reduce risk in or on the property through environmental changes, threat assessment, decreased vulnerability, and enhanced communication.

45.8 Observer Program

A. The Observer Program allows community members to accompany an on-duty department employee during a regular duty shift.

B. Citizens who wish to participate shall be referred to the Administrative Sergeant, who will explain the rules of the program and approve the person for participation. In order to participate, the citizen shall:

- Complete a waiver of liability form. No one below the age of 18 may participate in the program, unless the person is a member of the Department’s Law Enforcement Explorer’s Program and the Explorer’s parent or guardian signs the waiver.
- Consent to a records check. Persons with police records may be denied permission to participate in the program.
- Shall not carry any type of weapon, except as authorized by policy with regard to AZ POST –

certified officers from other Arizona police agencies or federal law enforcement officers. Certified officers who carry a firearm while observing shall be required to wear a badge or other identification which clearly identifies the observer as a police officer.

- Advise the Department whether they have any claims or litigation pending against the Town. Persons with pending claims or litigation may be denied permission to participate in the program.
- Be advised that they must wear appropriate attire; shorts, cut-off jeans, tank tops, flip-flops, and sandals are unacceptable. Observers appearing for a ride along with inappropriate attire, offensive body odor, or other circumstances that render their presence unacceptable may be denied permission to participate in the program.
- Indicate what area, date and time the person is interested in observing.

C. The officer coordinating the program shall assign the person to a date, time and shift with a specific officer (one who has completed probation) for the ride along. A person may be limited to a single observation period in each 12-month period.

D. Employees who have observers assigned to them shall:

- Assume full responsibility for the conduct and safety of the observer in accordance with this policy;
- Explain their function and responsibilities;
- Take their observers only where their duties require;
- Instruct the observer to return to or remain in the police vehicle if a situation arises where the observer could be in danger or where the observer's presence might hamper an investigation;
- Return the observer back to the duty station at any time during the observation tour that the person’s presence or conduct is detrimental to the Department’s mission;
- Not allow more than one observer to ride along at the same time.

E. Officers desiring friends or relatives to ride with them must receive prior approval from their immediate supervisor and shall comply with all rules (including execution of the waiver of liability form) required of all Observers. Supervisors may deny an employee’s request to take an observer.

45.9 Special community events

Motor Unit Sergeant shall be responsible for coordinating special events planned in the community (parades, construction activity, sporting events, picketing and demonstrations, etc.) for which police assistance is necessary or desired. Planning for such events shall include the designation of an officer (or supervisor) as coordinator for each such event. The coordinator shall be responsible for communicating with affected Department units.

CHAPTER 46 CRITICAL INCIDENTS

46.1 Handling and Investigation of Critical Incidents

A. A critical incident includes any officer involved shooting, in-custody death, or other incident where the actions of a department employee result in death or serious injury. All critical incidents shall immediately be brought, through the chain of command, to the attention of the Police Chief.

B. Criminal investigations of critical incidents may be referred to another law enforcement agency, as directed by the Police Chief or the Chief's designee.

C. At the discretion of the Police Chief or the Chief's designee, either the Office of Internal Affairs or another outside law enforcement agency will conduct the administrative investigation of a critical incident. If there is an ongoing criminal investigation, all interviews of witnesses and involved employees should be completed in the criminal investigation prior to the commencement of the administrative investigation.

D. At the direction of the Police Chief or the Chief's designee, whenever a law enforcement officer has been killed, suffered serious bodily injury or been assaulted with a deadly weapon, the suspect has fled, there is a description of the suspect's vehicle or license plate, and the suspect is considered to pose an imminent threat to the public or other law enforcement, the Department may request that the Department of Public Safety issue a Blue Alert so that the information concerning the suspect may be broadcast throughout the State.

E. Critical incidents shall be investigated pursuant to the Critical Incident Protocol.

The purpose of the Critical Incident Protocol is to ensure that investigations of these incidents are conducted impartially and professionally in order to:

- Maintain the trust of the community.
- Protect the rights of all persons involved in critical incidents.
- Prevent undue delay of the investigation.
- Ensure the appropriate use of departmental resources.

F. Investigators and their chain-of-command must be fully aware of the legal requirements regarding the need to establish and maintain separation between the criminal investigation and the administrative investigation, as well as the rights of involved employees. If there are any questions regarding this protocol the department's legal counsel should be contacted.

G. Officers who discharge their firearm in the course of duty, striking another person, shall be placed on administrative leave. Officers involved as witnesses, or in other critical incidents, may be placed on administrative leave. The length of administrative leave will be determined on a case-by-case basis.

CHAPTER 47 Emergency Management and Homeland Security

47.1 Emergency Management and Homeland Security

The Emergency Management and Homeland Security Unit is responsible for drafting and keeping the Town of Marana's and police department's Emergency Management Plan up to date.

47.2 All Hazards Plan

A. The All Hazards Plan is the Department's pre-planned response plan for natural and man-made disasters, pandemics, civil disturbances, mass arrests, bomb threats, hostage/barricaded person situations, acts of terrorism and other unusual incidents, including the visits of government dignitaries who require security. The Plan shall be based on the standard Federal Emergency Management Agency's

Incident Command System.

B. Positions within the agency shall be assigned specific responsibilities within the Plan based upon current duty assignments and should be prepared to expand or contract their actions as necessary to meet the ongoing emergency. If an event occurs, the person assigned to each position is to respond as outlined in the plan to perform the assigned functions.

C. At a minimum, the Plan shall include the following assigned functions: command, operations, planning, logistics, finance/administration.

1) The command function shall include:

- Activating the incident command system.
- Establishing a command post.
- Initiating the notification and mobilization of additional agency personnel.
- Obtaining support from other agencies.
- Establishing a staging area, if necessary.
- Providing public information and maintaining media relations.
- Maintaining the safety of all affected personnel; and
- Preparing a documented after action report.

2) The operations function shall include:

- Establishing perimeters.
- Conducting evacuations.
- Maintaining command post and scene security.
- Providing for detainee transportation, processing, and confinement.
- Directing and controlling traffic; and
- Conducting post-incident investigation.

3) The planning function shall include:

- Preparing a documented incident action plan.
- Gathering and disseminating information and intelligence; and
- Planning post-incident demobilization.

4. The logistics function shall include:

- Communications
- Transportation
- Medical support

- Supplies; and
- Specialized team and equipment needs.

5. The finance/administration function shall include:
   - Recording personnel time.
   - Procuring additional resources.
   - Recording expenses; and
   - Documenting injuries and liability issues.

D. Equipment assigned for use in the plan shall be inspected, on a quarterly basis, by the supervisor to whom the equipment is assigned.

E. Annual training shall occur on the contents of the All Hazards Plan and the operation of the Incident Command System established by the Plan. The training should include an exercise to test the functionality of the plan. Each such exercise shall include a debriefing and any changes necessary to enhance the plan shall be made following the debriefing. The Department will also seek to participate in training involving other agencies, especially the Fire Department.

47.3 Hazardous Materials Incidents

A. Incidents involving hazardous materials, including collisions or accidents, shall be handled in cooperation with the Fire Department, who shall be notified immediately. The initial officers on the scene must use caution in approaching the scene, to avoid exposing themselves to the hazard.

B. Pending the arrival of the Fire Department, officers should establish a safe perimeter, attempt to remove any persons in immediate danger to a safe location (usually uphill or upwind), and contain the emergency.

C. Upon the arrival of the Fire Department, officers should consult with them to determine safe perimeter distances. Any necessary evacuation and containment procedures should be completed. If the situation is a crime scene, efforts should be made to preserve the scene to the extent reasonable as evacuation and containment is completed. If there is no crime involved, the Fire Department will assume primary responsibility for the incident. Officers will provide necessary assistance with evacuation, traffic control and crowd control.

D. Prosecution for possession, use, misuse and mishandling of hazardous materials may involve local, state or federal laws and prosecution offices. Department investigative personnel, Fire Department staff and local prosecutors will generally need to be consulted prior to the issuance of any charges related to hazardous materials.

E. Officers shall receive basic and periodic training on the recognition and handling of any known hazardous materials in the jurisdiction commonly patrolled by the Department (the existence of chemical factories, for example) and other commonly encountered hazardous materials. Training should be directed toward basic procedures to be followed when encountering hazardous materials.

47.4 Bomb Threats ……..RESTRICTED

47.5 Terrorism Liaison Officer Program

A. The Department participates in the Terrorism Liaison Officer (TLO) program through the Arizona

Counter Terrorism Information Center (ACTIC). ACTIC provides the Department with access to intelligence information. Although the Investigations Division is responsible for the Department's Terrorism Liaison Officer program; TLO's may be assigned anywhere within the Department.

B. Any member of the Department who receives or discovers terrorism related intelligence information shall immediately advise the TLO, who is then responsible for advising the proper federal, state or local terrorism task force or agency.

47.6 Visiting dignitaries; security operations

The All Hazards Plan should include a section addressing the handling of visiting dignitaries who need security. The plan should address the assignment of a supervisor to complete an action plan for any such visit, which shall include considerations of necessary equipment, personnel, travel routes, intelligence, coordination with other governmental entities, medical facilities and communications.

CHAPTERS 48-51 [Reserved]

CHAPTER 52 OFFICE OF INTERNAL AFFAIRS

52.1 Investigation of Complaints of Employee Misconduct

A. The Department is committed to maintaining a positive relationship with the community and to correcting any actions, practices, or behavior on the part of Department employees that are not professionally acceptable. To ensure that such investigations ("administrative investigations") are conducted in a fair manner, and conducive to good order and discipline, the following procedures are established.

B. Critical to this effort is the Office of Internal Affairs function. The sensitivity and impact of these investigations requires that the commander of the Internal Affairs Division have the authority to report directly to the Chief.

C. Note that critical incidents, including any officer involved shooting, in-custody death, or other incident where the actions of a department employee result in death or serious injury, are not to be handled under this General Order, but rather under the procedure set forth in 46.1.

52.1.1 Receipt and Assignment of Complaints

A. The Department will accept all written and/or verbal complaints of employee misconduct, whether from an internal or external source, including anonymous complaints.

B. An employee who initiates, receives, or is notified of a complaint or allegation of employee misconduct shall immediately refer the matter to a supervisor. An employee who receives or refers a complaint shall not discuss the complaint or allegations with anyone other than the supervisor to whom the complaint is referred, an internal investigator, or with the employee's chain of command.

C. The supervisor who receives the complaint must evaluate the complaint or allegation of misconduct and determine whether the complaint is appropriate for investigation by the supervisor, or whether the complaint should be referred to OIA for investigation.

- All complaints concerning misconduct that by its very nature would result in suspension, demotion, or termination if the misconduct is proven (for example, excessive force, falsification of departmental forms or reports, corruption and discrimination and harassment) shall be referred by

the supervisor to OIAfor investigation.

- All other complaints (misconduct that would not normally result in suspension, demotion, or termination, such as failure to perform duties or maintain equipment, unsafe performance, failure to report for duty or training, minor errors or omissions in the field, procedural errors, or work deficiencies, etc.) shall be investigated by the supervisor.
- Regardless who investigates the complaint, the supervisor shall contact OIA, who shall document receipt of the complaint.

D. The supervisor shall verbally report the receipt of a complaint to the supervisor's commander and/or the OIA Sergeant_who must concur with the assignment of the complaint prior to the initiation of the investigation. In cases requiring an immediate call-out of OIA personnel to begin an investigation, the supervisor shall receive approval from the supervisor's commander prior to call-out. In all other cases, the supervisor shall review the incident with the supervisor's commander within 24 hours to confirm responsibility for investigation of the complaint.

E. When the allegation involves serious misconduct, the chain of command shall make a recommendation whether the involved employee should be placed on administrative leave or reassigned pending completion of the investigation. The Chief, or if unavailable the Chief's designee, shall make the determination.

F. Supervisors are cautioned not to interview an employee concerning a complaint or allegation of misconduct that could result in dismissal, demotion or suspension without complying with A.R.S. §38-1104. A supervisor may discuss a complaint with an employee without a representative or notice of investigation pursuant to A.R.S. §38-1104 when:

- Done in the normal course of duty, counseling or instruction or an informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or other law enforcement officer.
- Doing preliminary questioning to determine the scope of the allegations or if an investigation is necessary.
- The questioning is conducted in the course of a criminal investigation or polygraph examination.

52.1.2 Complaints assigned to O.I.A.

When appropriate, the Support Services Commander_may recommend to the Chief that a complaint be handled by an outside agency. If the Chief determines that an outside agency will handle the investigation, the Chief or Chief's designee will contact the selected outside agency and coordinate the transfer of the investigation to that agency.

An OIA complaint that is not assigned to an outside agency for investigation will be assigned to an IA investigator, who will complete the investigation. When the Office of Internal Affairs has completed an investigation, the investigative file will be forwarded to the affected employee's chain of command. The chain of command will have 30 days to review the OIA investigative file. This chain of command review will consist of the first line supervisor through the lieutenant. The Office of Internal Affairs may assist with coordinating the employee's chain-of-command review upon request.

Each member of the chain will document their recommendation on a Personnel Report and forward their recommendations to the Chief of Police. For disciplinary review purposes, the chain of command will generally start with the affected employee's immediate supervisor. Exceptions may occur with the review starting at a higher level, as may be deemed appropriate by the Chief of Police or Bureau Commander.

Decisions regarding sanctions against an employee are generally made following a review of the circumstances and recommendations by the member's chain of command. Two levels of the chain of command must agree on a proposed sanction in order for it to be implemented. The Chief of Police is the final authority for any recommended sanction.

52.1.3 Complaints Investigated by the Supervisor

All complaints that are not assigned to an outside agency or to OIA shall be investigated by the affected employee's supervisor unless otherwise assigned.

52.1.4 Sequence of Criminal and Administrative Investigations

A. When an incident results in both criminal and administrative investigations, it is important that all involved investigators be fully aware of the legal requirements regarding the need to establish and maintain separation between the administrative investigation and the criminal investigation. To avoid these complications, criminal and administrative investigations will generally be done in sequence, with the interviews of witnesses and involved employees in the criminal investigation being completed prior to the initiation of the administrative investigation.

B. In situations involving locations or scenes where evidence may be observed or collected, it may be appropriate for both criminal and administrative investigators to be present at the scene. Criminal investigators are in charge of the scene and shall direct all of the collection of evidence and documentation of the scene. Administrative investigators may observe the work of criminal investigators.

C. Administrative investigators may be present during a criminal interview, but shall not ask any questions during the interview. If the officer declines to speak with the criminal investigators, or after the criminal investigators indicate that they are done interviewing the involved officers and will not need to conduct further interviews, those officers may be questioned (outside of the presence of the criminal investigators) by the administrative investigators.

D. Following the administrative interviews, if any, administrative investigators may become aware of additional evidence. If the criminal investigator(s) do not collect this evidence, the collection shall be done by the administrative investigators once the criminal investigators have left the scene.

E. Administrative investigators shall not accompany criminal investigators during a crime scene walk-through with an officer who was directly involved in an incident that is being investigated for possible criminal activity.

52.1.5 Criminal Investigations

Generally, criminal investigations will be completed by an assigned criminal investigator and will follow the ordinary investigative path for the investigation of crimes not committed by a Department employee. Department employees have the same rights, in a criminal investigation, as non-Department employees. The employee may agree to an interview or may decline to speak with an investigator. *Miranda* rights need not be read to an employee unless the employee is in custody and is to be interrogated.

The Chief of Police shall regularly review the progress of the investigation until criminal charges are filed or refused by the appropriate charging authority. Criminal investigations will be completed within a reasonable period of time, consistent with the particular requirements and circumstances of each case. Employees shall be informed of the existence of a criminal investigation within 30 days following the conclusion of the investigation if the investigation shows that the allegations are not true or are without foundation.

All incoming complaints shall be reviewed for potential criminal charges prior to being designated as

Administrative Investigations. Unless otherwise directed by the Chief of Police, criminal investigations may be conducted concurrently with administrative investigations. With the approval of the Chief of Police criminal investigations will be conducted by the Office of Internal Affairs.

52.1.6 Administrative Investigations

A. The person assigned to complete the investigation will conduct a thorough investigation, when possible making contact with the reporting party first to gather all pertinent information. All witnesses and any other parties will be contacted and interviewed, if available. Investigators shall comply with the requirements of Arizona law (see below) when contacting and interviewing Department employees.

B. Upon completion of the investigation, the investigator shall make findings and shall recommend discipline, based on the seriousness of the incident and the employee's disciplinary history, and in accordance with Town and Department disciplinary policy. The investigator shall complete the Department Investigation Form on all complaints. The completed investigation will be sent through the chain of command for review and final determination of discipline.

52.1.7 Administrative Interviews with Department Personnel

A. When so ordered by the Police Chief or the Chief's designee, employees shall submit to an interview during any administrative investigation into alleged misconduct. All employees are required to fully and truthfully participate in, and cooperate with, any administrative investigation to which they are a party, witness, or may have useful information. Employees shall provide all complete and truthful relevant information, whether specifically requested or not. Any and all acts of intentional untruthfulness and/or purposeful omission of relevant information shall result in discipline. Employees shall comply with all directions given by the investigator. All administrative investigations are confidential.

B. The interview of any department employee shall be conducted when the employee is on-duty, unless the urgency of the investigation dictates otherwise. If the interview occurs when the employee is off-duty, the employee shall be compensated for this time in accordance with regular department procedures. The interview will not be conducted at the employee's home without authorization of the Police Chief.

C. The interview session shall be for a reasonable duration. The investigating officer will allow for reasonable interruptions of the interview to allow the employee to attend to personal or physical necessities, including telephonic or in person consultation with a representative, attorney, or other person.

D. During the course of the interview, the scope of the questions presented to the employee shall be limited to the specific allegations of misconduct. All interviews will be conducted in a professional manner. No threats or intimidation will be used or tolerated. The employee being interviewed will not be subjected to any offensive or abusive language.

E. The interview shall be recorded by the Department. A copy will be provided to the employee upon request.

F. The employee, at the conclusion of the interview, is entitled to a period of time to consult with the employee's representative, if any, and may make a statement not to exceed five minutes addressing specific facts or policies that are related to the interview.

G. An employee shall not discuss the investigation, including the employee's interview, with any unauthorized person. Other than the investigators, the only persons an employee may speak with concerning this investigation are the employee's attorney, minister, representative, or spouse.

52.1.7.1 Completion of a Notice of Investigation (NOI)

A. Prior to the interview, the investigator shall complete a written NOI. The notice shall include:

1) Alleged facts that are the basis of the investigation.

2) Specific nature of the investigation.

3) Officer's status in the investigation.

4) Known allegations of misconduct that are the reason for the interview.

5) Officer's right to have a representative present at the interview.

6) Copies of all complaints that contain the alleged facts that are reasonably available (except for copies of complaints that are filed with the employer and that include allegations of unlawful discrimination, harassment or retaliation or complaints that involve matters under the jurisdiction of the Equal Employment Opportunity Commission).

7) An explanation of the employee's rights under *Garrity*.

B. Investigators are required to give the employee specific notice of the allegations of misconduct that are being investigated. General, catch-all statements included in the NOI will not meet the requirements of Arizona law; investigators should be as specific as the allegations allow.

C. The NOI need not disclose any fact to the employee that would impede the investigation.

52.1.7.2 Service of a Notice of Investigation

A. The completed notice of investigation (NOI) will be given to the employee prior to any interview in an administrative investigation.

B. The investigator shall go over the form with the employee paragraph by paragraph. Both the investigator and the employee will review the form, sign it, and be provided a copy of the form prior to the interview. If the employee refuses to sign the document, the interviewer should note on the form that signature was refused and that the document was served, serve the document and proceed with the interview.

C. The interview will not be stopped to issue another notice of investigation for allegations based on information provided by the employee during the interview.

52.1.7.3 Employee Representative

A. The employee may request to have a representative present during the interview at no cost to the Department. The representative must be available on reasonable notice so that the interview is not unreasonably delayed. The representative shall participate in the interview only as an observer. The representative shall be from the Department and shall not be an attorney.

B. The Department shall not discipline, retaliate against or threaten to retaliate against an employee for requesting a representative or for acting as a representative.

52.1.8 Use of Polygraphs

The Department may require the employee to submit to a polygraph examination if the employee makes a statement during the investigation that differs from other information relating to the investigation that is known to the Department and reconciling that difference is necessary to complete the investigation. The complete polygraph procedure shall be audio recorded and a copy of the recording shall be provided to the employee.

52.1.9 Gathering of Evidence

During an administrative investigation, if related and material to the investigation, an employee may be

required to:

- Submit to being photographed or to participate in a line-up.
- When reasonable suspicion exists, submit to a test for alcohol or drug use while on duty.
- Complete financial disclosure statements or provide financial records.
- When reasonable suspicion exists, submit to other medical or laboratory exams, at agency expense.
- Provide records related to the use for business purposes of any personally owned electronic equipment, or provide the equipment itself for examination (including cell phones, recording devices and computers).

52.1.10 Duration of Investigations

A. Once a supervisor who is authorized to initiate an investigation of employee misconduct receives notice of an allegation of employee misconduct, the Department shall make a good faith effort to complete any investigation of the misconduct within thirty (30) working days of complaint initiation. The investigation is considered complete, for purposes of the thirty (30) working day_limit, on the date the employee is served with a notice of discipline or the notice of findings of the investigation. If the Department determines that disciplinary action is appropriate, the Department shall give specific notice of any proposed discipline, including the length of suspension, if any, within the same time frame.

B. No investigation may continue beyond thirty (30) working days without the written permission of the Chief. Any investigation continuing beyond thirty (30) working days_requires written explanation of the delay to the employee.

The thirty (30) working days limit:

1) Is suspended during the time that any criminal investigation or prosecution is pending in connection with the act, omission or other allegation of misconduct.
2) Is suspended during the period of time in which an officer who is involved in the investigation is incapacitated or otherwise unavailable.
3) May be suspended for a period prescribed in a written waiver of limitation by the officer.
4) May be suspended for emergencies or natural disasters during the time period in which the governor has declared a state of emergency with the jurisdictional boundaries of the Department.
5) In a multijurisdictional investigation, may be extended for a period of time reasonably necessary to facilitate the coordination of the involved Departments.

52.1.11 Completion of the Investigation and Final Report

Upon completion of the investigation, the investigator and investigator's supervisor will sign off on the written investigative report.

52.1.12 Dispositions

Each allegation shall be resolved with one of the following dispositions:

EXONERATED - The employee committed all or part of the alleged act, but the act was justified, lawful and within policy.

UNFOUNDED – It is found that the reported misconduct did not occur or did not occur as alleged.

NOT SUSTAINED – There is insufficient evidence to either prove or disprove the allegation.

SUSTAINED – The allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.

PREVENTABLE – Employee is at fault and is to receive corrective action/discipline. This disposition may only be used for Internal Investigations where Department property is damaged.

NON-PREVENTABLE - Employee's actions were determined not to be the cause of the accident, damage or loss. This disposition may only be used for Internal Investigations where Department property is damaged.

52.1.13 Review

A. Investigations where the recommended action is less than that of a suspension, demotion or termination will be reviewed by the chain of command through the Chief of Police who shall make the final decision and approve the counseling, retraining, or reprimand.

B. Investigations where the recommended action is a suspension, demotion, termination or commendation will be reviewed by the chain of command through the Police Chief, who shall make the final decision.

C. At the conclusion of the review, the employee shall be provided with a copy of the final investigative report, with the proposed personnel action (if any) attached. If the disciplined employee is sworn, the Department shall also provide either a basic summary or copies of the disciplinary case files for any discipline ordered against any other Department officer of generally similar rank and experience within the previous two years for the same or a similar violation.

D. In addition, the investigator shall provide for the Support Services Captain's_signature a Complaint Response Letter, explaining the results of the investigation to the original complaining party. Specific disciplinary action is generally not disclosed in the Complaint Response Letter.

52.1.14 OIA File Maintenance and Security

A. All administrative investigations files will be segregated from all other department files and maintained in a locked file cabinet located in the office of the Office of Internal Affairs. If the files are maintained electronically, they shall be kept in a manner that is secure.

B. All files will be maintained as required in the established records retention and destruction schedules.

52.1.15 Release of Reports

A. Generally, administrative investigations files are considered confidential, and access is limited to the following:

- The Police Chief
- OIAand other personnel assigned to complete an internal investigation may have limited access when necessary, as determined by the Support Services Captain,
- The accused employee and/or the employee's legal counsel shall be provided a copy of the file upon written request and in compliance with the Peace Officers Bill of Rights,
- Other law enforcement agencies completing background investigations,
- AZPOST as required to perform its statutory duties, and
- A prosecutor in compliance with *Brady v. Maryland*.

B. In addition, administrative investigations files are, like all other files of the Department, official Department records. As such, they may in certain circumstances be subject to release in response to

public records requests, subpoenas, and court orders.

All persons or agencies, other than those listed above, requesting copies of administrative investigations reports shall be asked to make the request in writing. The Town Attorney shall be consulted with regard to requests from outside entities for copies of these records and reports.

C. A.R.S. §38-1109 prohibits the release of investigative files until the investigation is complete or has been discontinued by the Department. If the employee appeals a disciplinary action, the investigation is not complete until the conclusion of the appeal process.

D. Information will not be released when it is not subject to release under the Arizona Public Records Act or other applicable statutes or court orders. The release of records, and their redaction prior to release, is fully discussed in 82.3.

E. Whenever copies are made of an Internal Investigations file, the date the file was copied and the name and contact information of the individual to whom the copy was provided shall be entered into the file. Whenever an internal investigation file is redacted and released, the redacted copy and any notes related to the redaction shall be maintained in the original internal investigation file.

52.1.16 OIA file

This file shall contain a completed OIA investigation, including a record of the complaint investigated, witnesses identified and interviewed, and evidence gathered. If completed, the investigation shall include the final report and recommendation from the investigator as well as the chain of command review and the final action taken regarding the complaint.

52.2 *Brady* Material

A. Police Departments have a legal requirement to provide to prosecution offices, on any case presented for prosecution, all evidence favorable to the defense (*Brady* material). This includes both material exculpatory evidence as well as information that could be used to impeach government witnesses, including police employees. Any material in an employee's files that reflects upon the employee's reputation for truthfulness or bias, or which reflects crimes committed by the officer, must be disclosed to the prosecutor's office.

B. All prosecution offices (United States Attorney's Office, Arizona Attorney General's Office, County Attorney's Office, or Town Prosecutor's Office) shall be provided with the *Brady* material contained in the files of any police employee, as noted below. If feasible, an officer should be advised when *Brady* material is being provided to a prosecution agency.

- U.S. Attorney's Office – the U.S. Attorney's Office will contact the Department if they are in need of *Brady* material on a particular employee/witness. If the prosecutor requests an opportunity to review the employee/witness files, the prosecutor shall be permitted to do so.

- Arizona Attorney General's Office – The Attorney General's Office shall be provided, upon request regarding a specific employee/witness, with the final report of any administrative investigation or other personnel action that contains a finding that an employee was untruthful, expressed bias, or committed a criminal act. If the Attorney General's Office requests the entire file on the incident, it shall be provided.

- County Attorney's Office and Town Prosecutor's Office – these offices shall be routinely provided with the final report of any administrative investigation or other personnel action that contains a finding that an officer was untruthful, expressed bias, or committed a criminal act. If either office requests the entire file on the incident, it shall be provided.

C. Each prosecution office is charged with deciding whether the *Brady* information released to them will be made available to the defense in a specific case, or whether it will be presented to the court for a determination of whether it will be released to the defense.

CHAPTER 53 INSPECTIONS

A. Sergeants shall perform regular inspections of the personnel assigned to their operational unit. Inspections shall be made and documented, at least annually, of vehicles, uniforms/personal appearance, equipment and firearms. In addition, sergeants shall monitor their unit's assigned work area and shall note and report any deficiencies in provided equipment, furniture and supplies.

B. Commanders should regularly (at minimum, annually) review the performance of assigned units, from an administrative and operational perspective. Identified deficiencies should be addressed, as permitted by available resources.

C. Inspections and annual unit performance reviews shall be documented and forwarded through the chain of command.

CHAPTER 54 PUBLIC INFORMATION

54.1 Public Information

A. The Department has a duty to keep the public informed of its activities and of relevant law enforcement related information. The Department provides such information in the following ways:

- Maintenance of a Department web site, which contains information concerning the Department's structure, unit functions, employment opportunities, crime prevention tips, ways to report crime and contact the department and other useful information. Maintenance of the information on the website is the responsibility of the Office of OIA Sergeant.
- Availability of a public information officer, who will distribute information on crimes or incidents that are of importance or interest to the community and who will respond to requests for information from the media, as permitted by law.

B. All requests from the media for comment or interviews regarding official police matters or Department business will be directed to the Public Information Officer or the Police Chief. Employees shall not make or participate in making any statements regarding official police business without prior authorization from the Public Information Officer or the Police Chief.

C. Public records information shall be released consistent with 82.3.

54.2 Media Access to Police Scenes

Generally, media representatives will be allowed no more access to crime scenes than that allowed to the general public. If the incident commander chooses to permit additional access to the scene, it shall be after all evidence collection has been completed and only if it can be done without interference with the

police investigation or a person's right to privacy. If the scene is on private property, media access will be permitted only with the approval of the owner or owner's representative.

Any incident commander may request the assistance of the Public Information Officer at the scene of any incident.

CHAPTER 55 VICTIM/WITNESS ASSISTANCE

55.1 Victims' Rights

A. Arizona has adopted, both in the State Constitution and by statute, a bill of rights for persons who are victims of crimes. Under the law, officers are required to provide certain specific information to a victim of any criminal offense (felony, misdemeanor, petty offense, as well as violations of local criminal ordinances).

B. The term "victim" is defined by statute to include neighborhood associations who have registered with the Town to invoke victims' rights for crimes specified in A.R.S. §13-4401.01.B.

C. Whenever a crime occurs and a victim is identified, a DR shall be used to document the incident. The victim shall be provided with a copy of the victim's rights form. The form is intended to:

1) Allow the victim to request or waive his/her rights.

2) Allow a victim to designate a lawful representative as permitted by State law (a victim who is physically or emotionally unable to exercise victim's rights may designate a non-witness to act as a representative, or the parent/guardian of a minor victim may act as a representative, or the court may appoint a representative for an incapacitated or deceased victim).

3) Notify the victim:

- Of his/her right to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.
- Of the availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to State law.
- In cases of domestic violence, of the procedures and resources available for the protection of the victim pursuant to State law.
- Of the names and telephone numbers of public and private victim assistance programs, including the County victim compensation program and programs that provide counseling, treatment and other support services.
- Of the police report number, if available, other identifying case information and the telephone number that the victim may call to determine the status of the case.
- That he/she will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.
- That, the victim has the right, if the suspect is an adult and has been arrested, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances, and of the victim's right to be heard at the initial appearance. The victim shall

also be advised that, in order to exercise these rights, the victim must contact the custodial agency regarding the suspect's release and must contact the court regarding any changes to the initial appearance schedule.

- That, if the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.
- That the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive, at no charge, one copy of the police report, including any supplements to the report, from the investigating law enforcement agency.

D. If at the time of the contact with the officer, the victim is physically or emotionally unable to request or waive the victim's rights, the officer shall note this on the form and the victim will be treated as if he/she had invoked the victim's rights. A victim may later choose to waive his/her rights.

E. The officer shall provide the victim with a copy of the form. If the suspect is arrested and booked into jail, the officer shall provide a copy of the form to the custodial agency. The remaining copies shall be submitted to Records for distribution to the appropriate agencies/offices.

F. If the victim is not available at the scene of an incident, is not identified until after the scene has been cleared, or if the report is taken by telephone or other remote method, the officer taking the report or identifying the victim shall promptly mail the victim a victim's rights form and shall document this fact in the DR that is completed.

G. In any situation in which an Arizona Traffic Ticket and Complaint form is issued and there is a victim to the crime, officers shall mark the "yes" victim box on the citation form. Doing so informs the prosecutor and court of the existence of a victim.

H. If the suspect is arrested during a follow-up investigation, the arresting officer shall contact the victim to advise the victim of the arrest. The contact should be made in person or, if that is not possible, then the contact should be by telephone. If it is not possible to contact the victim directly, then the victim shall be notified by mailing the victim's rights form to the victim. The victim shall be notified of the initial appearance date, time, and location, prior to the initial appearance of the arrestee.

I. If the Department arrests the suspect on a warrant that was issued for this offense, or if the Department is notified by another agency that the suspect has been arrested on the warrant for the underlying offense, the employee serving the warrant or receiving notification of the warrant service by another law enforcement agency shall:

1) Notify the victim of the arrest and of the time, place and date for the initial appearance.
2) Inform the victim of the telephone number of the custodial agency in which the arrested person is held.
3) Provide the custodial agency with the victim's contact information so that the custodial agency may notify the victim of the release of the suspect as required.

J. Victims, including officers who are victims, have the legal right to refuse a pre-trial defense interview.

55.2 Address Confidentiality Program

55.2.1 Overview of the Program

A. In compliance with state statute (A.R.S. §§41-161 through 169), the Arizona Secretary of State has adopted and implemented an Address Confidentiality Program (ACP). The purpose of the program is to

protect the home addresses and telephone numbers of victims of domestic violence, stalking and sexual offenses. The Secretary of State's website provides complete information concerning the program. http://www.azsos.gov/services/acp

B. Under the program, a victim of one of these crimes may apply to the Secretary of State ACP Office for a substitute address. Once the Secretary of State issues the substitute address, all 1st class, certified and registered mail received at the substitute address will be forwarded to the person's actual address.

C. The participant will be provided with a Secretary of State ACP Authorization Card. When the participant presents a police employee with this card, the employee shall confirm that the card is valid and current by contacting the Secretary of State at (602) 542-1892. Upon confirmation, the employee shall subsequently use the substitute address for all forms and records.

D. If a person advises an employee that he/she is registered with the Secretary of State but does not have a card in his/her possession at the time, the employee shall call the Secretary of State's Office at (602) 542-1892 to verify participation. If the person is verified as a participant, the substitute address shall be used. The employee shall also forward a copy of the card (if feasible) or a copy of the information contained on the card to the CIU supervisor_for implementation of the substitute address into the Department's records system.

E. Participants may also request that the Department redact the person's actual address from any public records created within 90 days of the person's application to the ACP. The Department is required to remove the actual address and may, if desired, change it to the substitute address. All requests shall be referred to the Records Unit Supervisor for implementation.

F. Employees will not share the actual address of an ACP participant with other employees or with another criminal justice agency unless the address is shared for the purpose for which the address was originally obtained. Knowingly obtaining or disclosing an ACP participant's address, except as permitted by statute, is a class one misdemeanor.

55.2.2 Use of an ACP Substitute Address

For Department purposes, a substitute address under the Address Confidentiality Program shall be used for all reports, citations and other forms, whether paper or electronic. However, if the incident occurred at the ACP's actual address, the actual address shall be used as the location of occurrence. See section entitled Maintenance of Secure Address Records below for further information.

55.2.3 Request for Emergency Disclosure of the Address

A. If, for law enforcement purposes, a police employee has a time sensitive need for an ACP participant's actual address, application must be made to the Secretary of State. An example of a situation where obtaining the actual address might be necessary is when the ACP participant is the subject of physical characteristics warrant which is valid for a limited time.

B. The application must consist of:

1) A statement of request (see below) printed on Department letterhead.

2) A completed copy of the Secretary of State's "Emergency Disclosure of Participant Information Form" which may be located on the Secretary's web site, and

3) A copy of this policy.

C. The statement of request must be on Department letterhead and must include the following information:

- ACP participant's name and ACP apartment number if known.
- Date of request.
- Statement of reasons the Department needs the actual address.
- Why the Department cannot proceed without disclosure of the address from ACP.
- Statement of the facts regarding methods used to locate the address or, if applicable, reasons that other methods appear unlikely to succeed.
- Statement that this policy adopted by the agency will protect the confidential address of the ACP participant.
- Anticipated length of time address will need to be maintained.
- Printed name, title, badge number (if any) and contact number of both the employee making the request and the employee's supervisor and signatures of both employees.

D. The process for requesting disclosure is as follows:

- Verify the person's participation in the program (call (602) 542-1892 to confirm participation).
- Advise the Secretary of State's Office of the intention to send a request for an actual address and explain the urgency associated with the request.
- Complete the form, have it signed by a supervisor, and complete the statement of request (on letterhead).
- FAX ((602) 542-3251) or scan and email (acpinfor@azsos.gov) the following documents to the Secretary of State's ACP office:
    - A copy of this policy.
    - The completed request (on letterhead).
    - A copy of the completed "Emergency Disclosure of Participant Information Form" (attached).

The Criminal Investigations Unit supervisor may be contacted for assistance .

E. These emergency requests will be made only when absolutely necessary to do so in the context of an ongoing criminal or administrative investigation or court proceeding and only after all other reasonable efforts to identify the address have been completed (or appear unlikely to succeed).

F. Once the Secretary of State provides the actual address, state law requires that the address be maintained as confidential and only for as long as permitted by the Secretary of State. The Criminal Investigations Unit supervisor shall be provided with the original documentation regarding the communication provided by the Secretary of State, which shall be maintained as provided in the Maintenance of Secure Address Records below.

55.2.4 Service of Process on an ACP participant

In-person service of process on an ACP participant (a subpoena or an order of protection, for example) may be accomplished by serving the Secretary of State's Office. The employee who is making service must contact the Office at (602) 542-1892 to confirm that the participant is still enrolled in the program and to advise the staff of the expected time of arrival at the Office, which is located at 1700 W. Washington, 7th

Floor, Phoenix, Arizona. The document(s) to be served shall be enclosed in an envelope that is addressed to the participant by name and apartment number (on ACP card) and is clearly marked "Service of Process."

Service of process should be accomplished during normal business hours.

55.2.5 Maintenance of Secure Address Records

A. Actual addresses of persons who are participants in the ACP shall be maintained by the CIU supervisor for further information and use consistent with state law. The addresses may be maintained in secure hard copy form or in a secure electronic file.

B. If an ACP participant requests redaction of the person's actual address from any public records created within 90 days of the person's application to the ACP, the redaction shall be accomplished by the Records Section supervisor. The actual address shall be redacted and may be replaced with the substitute address.

C. If an ACP participant's address is provided by the Secretary of State pursuant to an emergency request, the address may be maintained no longer than permitted by the Secretary of State and shall then be redacted from all records and files, including electronic records.

D. Employees shall not share the actual address of an ACP participant with other employees or with another criminal justice agency unless the address is shared for the purpose for which the address was originally obtained.

55.3 Next of Kin Notification

Next of kin shall be notified as soon as feasible after an incident involving a death, serious injury or serious illness. Next of kin notification is the responsibility of the assigned detective if one responds to the scene. In all other situations, it is the responsibility of the initial responding officers; every reasonable effort shall be made to notify next of kin prior to the end of shift. Details (name, method, date, time and nature of relationship) of the notification, or failure to notify, shall be included in the DR. If notification is not made, the task shall be passed to the incoming shift.

If the next of kin are not local residents, officers shall request the assistance of the local law enforcement agency in the jurisdiction where they reside.

55.4 Death Cases Involving other Jurisdictions

If the event causing death occurred outside the Town, but the death occurred inside the jurisdiction, the jurisdiction where the event occurred shall be notified. Similarly, if a death occurs outside of the Department's jurisdiction as a result of an event that occurred within the Town, officers may respond to provide assistance if requested and if approved by an on-duty supervisor.

55.5 Specific Types of Victim Assistance

A. Victims/witnesses who have been threatened or who, in the Department's judgment, express specific, credible reasons for fearing intimidation will receive appropriate assistance. The information that is provided shall be investigated, as appropriate, or referred to the appropriate law enforcement agency for response. The information shall also be forwarded by the investigating officer to the appropriate prosecutor and/or law enforcement agency for response, and to any available victim witness advocate who may assist the victim/witness.

B. If the Department becomes aware of a danger to a victim/witness, a supervisor will be provided the information. If the victim/witness is located within the jurisdiction, the supervisor will ensure the victim/witness is notified of the danger and shall arrange for appropriate precautions to be taken. If the

victim/witness is located outside the agency's jurisdiction, the supervisor will either notify the victim/witness or have another jurisdiction attempt notification; in either case, the supervisor will request that the other jurisdiction take appropriate precautions.

55.6 Victim Assistance Advocates

The Marana Police Department participates in the Victim/Witness advocacy program operated through the Pima County Attorney's Office. The Victim Assistance advocates to provide victim services in accordance with A.R.S. §§13-4401 and following, as well as A.R.S. §§8-381 and following. In addition to other services, those caseworkers will, at a minimum, provide the following services that may be of assistance to officers:

- Re-contacting the victim/witness periodically to determine whether needs are being met, if in the opinion of the caseworker, the impact of the crime has been unusually severe and has triggered above-average need for services.
- Explain to the victim/witness the procedures involved in the prosecution of the cases and his/her role in those procedures, if not an endangerment to the successful prosecution of the case.
- Coordinate the scheduling of line-ups, interviews, and other required appearances at the convenience of the victim/witness, to include transportation when feasible.
- Coordinate the prompt return of victim/witness property taken as evidence in accordance with the statutes and court rules (except for contraband, disputed property and unlawful weapons); and
- Identify for the victim/witness the assigned victim assistance caseworker.

CHAPTER 56 Peer Support

56.1 Notifications

The Marana Police Department provides Peer Support and Chaplaincy services to its members in conjunction with the Southern Arizona Interagency Peer Support Team utilizing Critical Incident Stress Management (CISM). All types of peer support offered are in compliance with the International Critical Incident Stress Foundation (ICISF)

The mission of the Peer Support Program is to offer confidential peer support to all Marana Police Department employees and their family members in time of personal crisis or in response to critical incidents and extraordinary circumstances. All Employees shall have the equal opportunity to meet with a qualifying peer who can provide support and assistance with reactions to critical incidents and personal issues before they become chronic and debilitating.

The Peer Support Program is not part of the Employee Assistance Program (EAP) and does not replace psychological treatment. The objective of the Peer Support Program is to minimize psychological trauma that Marana Police Department employees and their families may experience throughout their career and render assistance in an attempt to accelerate normal recovery to abnormal events which are often unique to the Law Enforcement community.

Marana Police Department employees (sworn or civilian) who have been trained and are qualified to

perform as Peer Support Members (PSM's) provide peer support services to Department employees. A PSM is not a "counselor" or "therapist" but acts as a peer support provider, offering information and direction in meeting the individual and group challenges of Department members in a confidential setting.

A. General

1) The Peer Support Program is a voluntary support service that is not intended to replace or be used in lieu of those directed by the Town or Department or other available counseling or psychological interviews. Behavioral health counseling is available through the Town's Employee Assistance Program (EAP) and is provided to Department employees and family members whether or not they participate in the Peer Support Program.

2) Because the Peer Support Program is voluntary it should not interfere with the Peer Support Member's primary duties of employment. If the PSM's regular duties are affected by Peer Support Program, the member's supervisor may adjust the member's regular work schedule when conditions permit, and/or based on the needs of the Department at the time.

3) PSM's shall refer cases that require professional intervention to Dr. Luz Cornell, a mental health professional through the Southern Arizona Interagency Peer Support Team, or the Town of Marana Employee Assistance Program.

4) The Peer Support Program is not an alternative to discipline and is not used as part of the discipline process. A PSM does not have the authority to intervene in the disciplinary or Internal Affairs (I.A.) process, even at the employee's request. An employee may be recommended to contact a member of the Peer Support Team at the discretion of their supervisor or the Office of Internal Affairs.

- **Confidentiality**

1) Peer Support Members shall inform Department employees of the limits of their confidentiality and consider potential role conflicts, (e.g., supervisors providing peer support to subordinates).

2) Compromising of confidentiality for reasons other than those stated in ARS 38-1111 (see below) shall be considered grounds for removal from the program and will result in disciplinary action.

3) The Department provides assurance that PSM's will not be asked to give information about members that have received Peer Support.

4) CISM trained individuals acting as PSM's shall be bound to the guidelines under ARS 38-1111 which states:

38-1111. Critical incident stress management team member; privilege; exceptions; definitions

A. Except as provided in subsection B, a critical incident stress management team member who, in the course of the member's response to a critical incident at the request of the member or member's agency, acquires information secretly and in confidence from a designated person shall not be compelled to disclose that information in a legal proceeding, trial or investigation before any agency of this state or a political subdivision of this state.

B. Subsection A Does Not Apply If:

1) The communication or advice indicates clear and present danger to the designated person who received crisis response services or to other persons.

2) The designated person who received crisis response services gives express consent to the testimony.

3) The communication or advice is made during the course of a criminal investigation.

4) The designated person who received crisis response services voluntarily testifies, in which case the critical incident stress management team member may be compelled to testify on the same subject.

5) A breach of department policy exists and that breach amounts to a violation of laws that are normally enforced by law enforcement.

C. For The purposes Of This Section:

1) "Crisis response services" means consultation, risk assessment, referral and onsite crisis intervention services provided by a critical incident stress management team to a designated person.

2) "Critical incident stress management team member" means an individual who has completed training through a recognized organization that delivers critical incident stress management training and who is part of a law enforcement, probation, firefighter or emergency medical provider crisis response team.

3) "Department" means the branch of government in which a designated person is employed.

4) "Designated person" means an emergency medical provider, firefighter or law enforcement officer.

5) "Emergency medical provider" means municipal or state emergency medical services personnel.

6) "Firefighter" means a municipal or state firefighter.

7) "Law enforcement officer" means:

A. An individual who is certified by the Arizona peace officer standards and training board, other than a person employed by a multi-county water conservation district.

B. A detention officer or correction officer, other than a probationary employee, who is employed by this state or a political subdivision of this state.

- **Participation**

1) Participation in the Peer Support Program is open to all employees (sworn and civilian) who meet the following criteria.

2) Applicants shall submit a training request via their chain of command stating why the applicant wishes to be a PSM and what characteristics, experience, and training they possess that would contribute to the program.

3) Applicants will only be accepted with the approval of the applicant's immediate supervisor.

4) The applicant's chain of command shall forward the information to the Peer Support Program Coordinator

- **Selection**

1) Consideration for selection of Peer Support Program candidates includes, but is not limited to:

- Ability to maintain confidentiality.

- Desirable interpersonal qualities, above average oral and written communication skills, ability to exercise good judgment, and personal and professional credibility.

- **Training**

1) As soon as practicable upon selection as a PSM, members must complete ICISF approved training for proper application of CISM models before being able to provide peer support.

2) Chaplains must have completed a Chaplains Academy as presented by the Southern Arizona Interagency Peer Support Team and may either be denominationally ordained or non-ordained.

3) PSM's and Chaplains will be required to maintain and advance their skills through continuing training as scheduled by the Program Coordinator in conjunction with the Department Training Coordinator.

CHAPTERS 57-60 [Reserved]

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CHAPTER 61 TRAFFIC OPERATIONS

61.1 Traffic Enforcement

A. Enforcement of traffic laws is the responsibility of all patrol officers and is considered one of an officer's routine duties while on patrol. Traffic enforcement is intended to encourage compliance with traffic laws, prevent accidents and ensure the smooth flow of traffic.

B. Officers are required to render assistance to motorists as may be necessary. This may include answering questions, providing directions, assisting stranded motorists in obtaining assistance and other such actions.

C. Traffic stops have been and continue to be high-risk contacts for police officers. Officers must remain

alert when approaching a stopped vehicle and must exercise appropriate tactics and officer safety practices. When an officer has articulable facts to believe that the occupant of a vehicle presents a threat to the officer, the vehicle stop should be handled as a high-risk vehicle stop, which should be performed consistent with the training on high-risk vehicle stops.

D. For their own safety, officers should complete a vehicle license plate check prior to stopping and/or approaching a vehicle. Officers shall advise Communications of the vehicle's license plate and the location of the stop prior to leaving their vehicle. Officers should, when possible, have the driver pull off of the roadway, position the officer's vehicle safely and approach the stopped vehicle from the right side.

E. Officers will maintain a professional demeanor during all contacts with members of the public, including those persons stopped for traffic violations. Officers shall advise the driver of the reason for the stop, obtain the required information and issue whatever citation or verbal or written warning is, in the officer's discretion, appropriate.

F. Officers may direct the violator to remain in or return to the vehicle, or to get out of the vehicle, as the officer believes appropriate. If the person refuses to obey the officer, the officer may use reasonable force to enforce compliance with the officer's directions.

G. Officers shall maintain visual contact with the vehicle and its occupants.

61.2 Leaving the Scene

All leaving the scene cases shall be documented on a DR, which shall include all relevant available information, including the license plate number and description of the vehicle and the driver of the suspect vehicle, if known.

61.3 Enforcement of Parking Regulations

The Town has a variety of parking restrictions in various parts of the jurisdiction. Any enforcement of those restrictions shall be done fairly and impartially in all areas.

61.4 Suspended Driver License or Registrations

If a driver has a suspended, revoked or cancelled license or registration, the officer shall take enforcement action and shall consider whether the vehicle is required to be impounded under A.R.S. §28-3511.

61.4.1 Seizure of Arizona Driver License

In every case in which an officer cites for a suspended, canceled, or revoked Arizona driver license, the officer shall seize the license, if it is present. The driver license shall be shredded and document the destruction in a Case Report. Out of state driver licenses shall not be seized.

61.4.2 Seizure of Arizona Registration and License Plates

In every case in which an officer cites for a suspended, revoked or cancelled Arizona registration, the officer shall seize the license plate and registration. The plate and registration shall be placed in Property and Evidence with the word "Destroy" written on the back. No P&E Form is required. Out of state licenses and registration shall not be seized.

61.5 Issuing Citations

A. Following the stop of a motor vehicle for a traffic violation, the officer may generally decide, based upon all of the circumstances, whether to issue a citation, a written warning, or an equipment repair order. A warning is appropriate if, in the officer's judgment, the driver's future driving behavior has been positively impacted by the contact, or the violation was inadvertent.

B. When a citation or equipment repair order is written, the officer shall explain to the person the steps

they must take to handle the violation. This will include information about and the procedures surrounding a court appearance, whether a court appearance is mandatory, whether the violator may plead or pay a fine by mail and other pertinent information.

C. If the citation is for a criminal offense and the person refuses to sign, explain to the person that refusing to sign will result in the person being booked. A person who refuses to sign a criminal citation shall be booked.

D. When issuing a citation to a driver who is not a resident of the State of Arizona, there are no special guidelines except that officers should consider an arrest, rather than a cite and release, when the traffic offense involves a serious misdemeanor violation such as DUI, criminal speeding, or reckless driving.

61.5.1 Traffic Enforcement Involving Juveniles

Juvenile civil traffic infractions shall be handled in the same manner as for adult violations, including citing them into Court. DUI is the only juvenile criminal traffic offense that will be paper referred into Juvenile Court. All other juvenile criminal traffic offenses (e.g., reckless, drag racing) will be processed in the same manner as for adult criminal traffic offenses.

61.5.2 Traffic Enforcement Involving Legislators

State legislators are immune from any civil process, including traffic citations, for fifteen days prior to the start of the legislative session and during the session itself. Federal legislators are immune while traveling to attend a session of Congress, during session and when returning home.

61.5.3 Traffic Enforcement Involving Foreign Diplomats and Consular Officials

A. Foreign diplomats, their families and staff, and Consular officials, are not immune from civil traffic offenses; they may be cited for such offenses. They may be, however, immune from arrest and search, even with a warrant. An officer must determine the scope of the person's immunity before citing for criminal traffic offenses.

B. Consular officials may be issued both civil and criminal traffic offenses. They may have some immunity under certain treaties; they will need to assert that immunity through the courts.

C. Officers shall request identification from any person claiming diplomatic immunity and shall seek verification of their status with either the FBI or the Department of State.

61.5.4 Open for Future Policies

61.5.5 Uniform Traffic Enforcement

A. A.R.S. Title 28 will be used for all civil or criminal violations of traffic laws, unless the violation is not represented in Title 28, in which case the Town Code may be used as the basis for a violation.

B. The enforcement action taken against a motorist for a violation is based upon an officer's training, experience, and common sense (with a goal of voluntary compliance). However, it is the policy of this Department that formal enforcement action be taken on serious and/or hazardous violations such as, but not limited to:

- DUI.
- Reckless Driving.
- Aggressive Driving.
- Serious violations arising out of the operation of a commercial vehicle.
- Driving with a suspended, revoked, or expired driver's license or vehicle registration.
- Speed violations in excess of 15 miles over the reasonable and prudent speed.

- Traffic collisions.
- Any speed or passing violations occurring in a school zone.
- Occupant Restraint Law: Officers will strictly enforce all occupant restraint laws, to include seat belts and child restraint devices.
- Other hazardous violations.

C. Less formal enforcement action (warnings or equipment violation notices) may be taken against a motorist for:

- Minor speed violations.
- Equipment violations.
- Non-hazardous moving or non-moving violations.
- Less severe violations.
- Newly enacted laws in which the contact would serve to educate the motorist.
- Operating off road vehicles.

D. Pedestrian and Bicycle Safety: Officers will enforce laws and ordinances relating to bicycles and pedestrians.

61.6 Traffic Collision Investigations

A. Officers responding to the scene of a collision are responsible for determining any necessary follow-up response, including scene safety, fire hazards, the presence of any hazardous materials, first-aid, the identification of witnesses and all involved parties, handling disturbances between involved parties and/or witnesses, traffic control and congestion, directing the tow of involved vehicles when requested or necessary, and the control of property or evidence at the scene. If a minor is injured in a traffic accident and the parent or guardian is not present, the officer must make a reasonable effort to notify the juvenile's parents or guardians. The officer dispatched by Communications shall be in charge at the scene, responsible for the follow-up response being completed and shall complete or assign the following responsibilities:

- Identifying and dealing with injured persons.
- Identifying and dealing with fire hazards and/or hazardous materials.
- Collecting information .
- Protecting the collision scene; and
- Controlling property belonging to collision victims.

B. The standard Arizona Traffic Accident Report form shall be completed for collisions that result in bodily injury, death, or property damage in excess of one thousand dollars, or the issuance of a citation. The full report will be done only for accidents that:

- Occur on the roadway, or

- Occur off the roadway, if one of the involved vehicles left the roadway out of control and collided with something (house, fence, guardrail, etc.), or

- Involve a bicyclist or pedestrian who is on or in a sidewalk area and is struck by a motor vehicle exiting a private drive or alley.

C. If the accident does not result in a citation, bodily injury or death and the property damage is less than

one thousand dollars, the officer shall complete only the portion of the Arizona Traffic Accident Report form specified in A.R.S. §28-667.B. (time, day, month and year of the accident; information adequate to identify the location of the accident and identifying information for all involved parties and witnesses, including name, age, sex, address, telephone number, vehicle ownership and registration and proof of insurance, a narrative description of the accident, a simple diagram and the investigating officer's name, agency and identification number).

D. When the incident involves a fatality, life threatening bodily injury or a hit and run, a DR shall be completed in addition to the accident report.

E. Those involved in the traffic accident shall be provided with the case report number and the officer will ensure that an exchange of driver information occurs.

F. Officers shall check the license, registration and insurance of each involved driver and issue citations or impound vehicles as appropriate. Citations shall be noted on the accident report. The case number shall be documented on the E-citation.

G. If a civil citation is to be issued to a person who has been admitted to a hospital, the citation shall be marked "served" and left at the hospital with the person's belongings. If the citation is for a criminal offense, the officer shall prepare a DR noting the need to issue the citation as a follow-up at a later time.

61.7 Driving Under the Influence of Intoxicating Liquor or Drugs

A. Officers will make reasonable efforts to prevent intoxicated individuals from driving a vehicle. No person will be allowed to drive a vehicle for the purpose of making a DUI arrest. Any driver suspected of driving under the influence will be stopped as soon as it can be done lawfully and safely. While most driving violations apply only on the roadway, the DUI statutes apply on both public and private property.

B. Upon observing a suspected drunk driver, officers will carefully observe the vehicle movements in order to be able to document in the DR any facts that lead the officer to reasonably believe the vehicle operator is DUI. A vehicle may be stopped because the officer has reasonable suspicion of DUI, a traffic violation or any other offense. Once the vehicle is stopped, officers will pay attention to and later document any additional signs of impairment displayed by the driver. Officers may refer to The Visual Detection of DWI Motorists booklet published by the National Highway Traffic Safety Administration (NHTSA) for some common driving cues of an impaired driver.

C. Officers stopping a vehicle for non-DUI traffic violations or investigating a traffic accident will pay attention for any indications of impaired driving. Before individuals involved in an accident can be charged with DUI there must be evidence that they were driving or in actual physical control of the vehicle. Officers will consider the physical evidence, as well as the statements of any witnesses who can place the driver behind the wheel.

D. When arresting a driver who is in actual physical control of a vehicle, officers must document the details that show the driver was in physical control, including vehicle key in the ignition, whether the vehicle's engine was running or in gear, placement of the driver, the location of the vehicle (roadway, right-of-way or private property), and other relevant details.

E. Prior to making an arrest for a DUI offense, the driver will be offered the opportunity to perform standardized field sobriety tests, except in those cases where the tests cannot be administered due to concerns for the suspect's or officer's safety. *Miranda* does not need to be read to the person prior to the administration of Field Sobriety Tests as long as the officer does not interrogate the driver during the tests.

61.7.1 Standardized Field Sobriety Tests

A. Prior to the testing, officers shall ask if the suspect is injured, sick, has any physical disabilities, and if the suspect's shoes are comfortable. Documentation of the suspect's answers shall be noted in the DUI Worksheet along with the surface and lighting conditions for the tests.

B. The following tests are included in the DUI Worksheet, which contains instructions for the tests, the cues that are to be evaluated and a place to record the evaluation. Officers shall read the instructions and carefully document the driver's actions during each test.

- Horizontal Gaze Nystagmus – This test may only be done by a certified HGN Technician.
- Walk and Turn Test
- One Leg Stand Test

C. The following additional tests are optional. Officers may consider using these tests in situations where the Standardized Field Sobriety Tests cannot be completed. The optional tests may provide additional cues of impairment consistent with the suspect's lack of ability to divide attention: Alphabet/Number test; Balance test; Finger-to-nose test.

61.7.2 Arrest of DUI Suspects

A. To make a DUI arrest the officer must have probable cause that the:

- Suspect was driving or in physical control of a motor vehicle, and
- Suspect's ability to drive was impaired to the slightest degree by alcohol or drugs, <u>or</u> there is an alcohol concentration of .08 percent or more within two hours of driving or being in actual physical control of the vehicle.

B. If the officer takes the suspect into custody for DUI the officer shall advise the suspect of his/her *Miranda* rights prior to interrogating the suspect. If the subject indicates that he/she understands the rights, the questions on the DUI Worksheet report shall be asked, along with other reasonable questions to further the investigation.

C. A records check will be conducted on all persons arrested for DUI including driver license status and prior DUI history.

61.7.3 Administrative Per Se and Implied Consent

A. Persons arrested for DUI must be allowed access (by phone or in person) to an attorney, if requested, before taking a breath, blood or urine test, if granting the request will not unreasonably interfere with the investigation. In all cases where DUI is being charged, the arresting officer will read the Admin Per Se/Implied Consent Affidavit form to the suspect and complete the form. Officers will document the facts that established probable cause for the arrest on that form.

B. If the arrestee refuses or fails to successfully complete any blood alcohol concentration (BAC) test(s), the officer shall specify the manner in which the refusal or failure occurred. The officer shall then serve the driver with a Twelve (12) Month Implied Consent Order of Suspension and seize the driver's Arizona license or permit (only Arizona licenses or permits may be seized). If the driver's license is expired, suspended or cancelled, or if the driver does not have a license in his/her possession, the driver shall be provided with a copy of the MVD DUI Affidavit and directed to contact an MVD office to surrender his/her driver license in order to obtain a temporary driver permit. The officer shall indicate on the bottom of the Affidavit the reason the temporary permit was not issued.

C. If the arrestee has completed a test to determine their BAC and the results are not available or indicate a BAC of 0.08 or more (BAC of 0.04 or more for commercial vehicle operators) officers shall complete the DUI Affidavit, serve the driver with a Ninety (90) Day Order of Suspension, and seize the

driver's Arizona license or permit.

D. If a valid Arizona driver license or permit is surrendered, the officer shall issue a temporary driving permit that is valid for fifteen days. Seized Arizona driver licenses shall be attached to the original (white) copy of the Implied Consent/Administrative Per Se Affidavit and forwarded to MVD. Out of state driver's licenses or permits shall not be seized.

E. The implied consent provision applies whether the DUI occurs on private or public property and also applies to drivers in violation of the underage drinking and driving law.

61.7.4 Chemical Testing

All suspects will be informed that they are under arrest prior to being requested to provide a breath, blood or urine sample. Except pursuant to a search warrant (see 61.7.6), force will not be used to obtain blood, breath or urine samples.

61.7.4.1 Open For Future Policies

61.7.4.2 Blood Testing

Blood may be drawn with the voluntary consent of the suspect. Only a physician, registered nurse or other qualified person (including employees who have completed the AZ P.O.S.T. approved training course as a phlebotomist) may withdraw blood for the purpose of determining alcohol concentration. Phlebotomists will draw blood in accordance with the Marana Police Department Phlebotomy Guidelines. An officer will witness the blood draw and take immediate custody of the sample. The officer shall document the sterilizing agent used (officers should request a non-alcoholic antiseptic be used), any unusual circumstances, and the entire chain of custody.

61.7.4.3 Urine Testing

In cases where blood cannot be obtained, an officer may request the person to complete a urine test. Such tests may be done by a medical facility or using a urine test kit, if one is available. In either case, the same sex officer will observe the collection and take custody of the sample. The officer shall document any unusual circumstances and the entire chain of custody.

61.7.5 Right To An Independent Test

All suspects under arrest for DUI will be advised of the right to arrange and pay for an independent test or tests, regardless of whether the suspect completed a test for the officer. The officer advising the suspect shall document this in their report. Suspects who are released have the responsibility to arrange for and obtain their own independent test. Suspects who are to be booked and request an independent test shall be transported for the test as soon as practical after the arrest and in any event prior to booking. If the test is a blood test, the officer may request a portion of the sample as provided in A.R.S. §28-1388.

61.7.6 Search Warrants For Blood Or Urine Testing

A. When the suspect refuses to provide a chemical sample and no sample is taken under a medical draw, the officer shall apply for a search warrant based on probable cause for a blood and/or urine sample.

B. If the suspect refuses to cooperate with the service of the search warrant, officers may use reasonable force to restrain the suspect while blood is drawn. Officers should not endanger themselves or the suspect; if it reasonably appears injury will occur, officers should cease the attempt, charge the suspect with failure to comply with a court order and book the suspect into jail.

61.7.7 Disposition of the Suspect and Suspect's Vehicle

A. Generally, misdemeanor DUI suspects should be cited and released upon their signed promise to appear. Absent exigent circumstances, DUI suspects will not be cited and released if one or more of the following exists:

- A previous failure to appear charge.
- A previous DUI arrest in the past 24 hours.
- Refusal to be fingerprinted or photographed.
- Inability to get a responsible person to pick them up.
- They make statements that they will drive again if released.
- They are charged with a felony (may not be cited, must be long formed if released).

B. Suspects who are released will be given a lawful order to not return to the vehicle and drive until sober.

C. Additional issues to consider when dealing with DUI charges and arrestees include:

• BAC Greater than .05 but less than .08	May charge with DUI A.R.S. §28-1381A1 if impaired to slightest degree. Consider using DRE if drugs are suspected, including lawfully prescribed or recommended (medical marijuana) drugs.
• BAC .30 or higher	If booked, obtain a doctor's release prior to booking. If released, medical attention is the responsibility of the driver or the person accepting custody of the driver. Advise the responsible party of the suspect's condition and that medical attention should be obtained (document advice).
• Aggravated DUI	When charging with a felony DUI, do not cite the underlying misdemeanor DUI or civil traffic charges.

D. The arrestee's vehicle will be impounded if required under A.R.S. §28-3511, another law, or department policy. If not required, officers may:

- Release the suspect vehicle to a responsible party designated by owner/operator, if the:
  - Responsible party has a valid license, and
  - Vehicle has current registration and proof of financial responsibility, and
  - Responsible party shows no signs of impairment; a preliminary breath testing (PBT) may be used if the responsible party consents.
- Secure the suspect's vehicle if requested.
- If the owner requests it, the vehicle may be towed.
- If no other disposition of the vehicle is appropriate, the vehicle may be towed.

61.7.8 DUI Countermeasure Enforcement

The Department will utilize patrol personnel in impaired driver countermeasure and enforcement programs

such as the following:

A. Enforcement of impaired driver laws.

B. Mobile surveillance of roadways where there has been a high incidence of DUI violations.

C. The selective assignment of personnel at the time when, and to the locations where, analysis has shown that a significant number of DUI violations have occurred.

D. Alcohol and drug-related accident investigations.

61.8 Towing, Impounding And Inventory Of Vehicles

Any time an officer tows, impounds or otherwise stores a vehicle, the officer shall complete the necessary reports and notify the proper section (which may be Communications, Records or Evidence) of the action taken.

61.8.1 Vehicle Inventories

A. Officers shall inventory a vehicle when doing so is required by 61.8.2. The purpose of a vehicle inventory is to protect the:

- Property in the vehicle.
- Department from claims of lost, damaged or stolen property, and
- Community from potential danger.

B. Officers shall inventory a vehicle at the scene from which the vehicle is being removed, unless it is unsafe or impractical to do the inventory at that time. Officers must complete the Tow/Impound Form, describe the vehicle and list all items found within the passenger compartment and trunk, including items found in containers within the vehicle. Locked containers (including the trunk or glove compartment) shall be unlocked with keys or (with the approval of a supervisor) a locksmith may be called. Entry should not be forced except with the approval of a supervisor.

C. Items with a value of less than $200 may be left in a locked vehicle or in the vehicle's trunk. Items with a value of more than $200, and jewelry, weapons, money and items of personal property (wallets, purses, etc.) shall be impounded as either safekeeping or prisoner's property. Officers should note on the Tow/Impound Form the presence or absence of items such as stereos, speakers, video displays, and GPS devices that are often targeted for theft.

D. Items of evidence or contraband that are discovered during the inventory should be handled consistent with established evidence procedures.

E. Both a DR and a Tow/Impound Form will be completed when a vehicle is inventoried.

61.8.2 Towing Vehicles And Required Vehicle Inventories

A. Officers may order a vehicle towed in a variety of different situations. The Department uses Eddies Towing for primary tows. The owner or driver of the vehicle may express a preference for another tow company, if desired.

- When a vehicle is towed for any reason, the officer shall include the name of the tow company and the storage location of the vehicle in the DR or other record of the tow.
- The tow company should not be contacted until the vehicle is ready to be removed from the scene.

- If a tow company is cancelled after being notified, that should also be included in the documentation regarding the incident.
- Arizona law requires a tow truck driver who removes a vehicle from a collision scene to clean up any debris prior to leaving the scene; this requirement should be enforced.

B. Officers may tow a vehicle, and shall complete an inventory, as provided below:

An officer may have a vehicle towed from the scene of a collision when:

The owner or driver specifies a tow company to tow the vehicle. In this situation, the officer is not required to inventory the vehicle.

- When the owner or driver of a vehicle involved in the collision requests the officer to summon a tow company to tow the vehicle and expresses no preference for a tow company. In this situation, the officer is required to inventory the vehicle.
- When a person involved in a collision is no longer at the scene, and a vehicle cannot be moved safely off the roadway, the officer shall have the vehicle towed. In this situation, the officer is required to inventory the vehicle, if reasonable given the vehicle's condition.
- An officer may tow a vehicle when it is illegally parked and is creating a hazard (for example, blocking a fire lane) or when it has been abandoned as defined in A.R.S. §28-4801. The vehicle must be inventoried if it is unlocked and neither the driver nor the owner is present. Locked vehicles shall be towed locked and need not be inventoried. The officer shall complete a parking citation and leave a copy with the vehicle.

- An officer may tow a vehicle incident to an arrest of the driver of a vehicle. When a person is arrested, his/her vehicle may be:
  - Released to a third party named by the arrestee (if the third party can respond in a reasonable time), or
  - Secured at the scene (if the arrestee requests it be left at the scene, the vehicle can be secured and there is a legal place to park the vehicle), or
  - Towed for storage, at the direction of the officer or the request of the arrestee; or
  - Impounded as evidence.

If the vehicle is towed for storage or impounded and is unlocked, it shall be inventoried.

- If the vehicle is impounded as evidence or is processed for evidence (for example, a stolen recovered) before being released.
- If the vehicle itself is impounded as evidence, the procedures in the next section shall be followed.

If the vehicle is impounded under A.R.S. §28-3511. See 61.8.4

61.8.3 Abandoned Vehicles

A. An abandoned vehicle is a vehicle, trailer or semitrailer subject to registration under Title 28 that is lost, stolen, abandoned or otherwise unclaimed and that has been abandoned on a public highway, public property or elsewhere in this state, including private property. Evidence that a vehicle was left unattended for a period of **forty-eight hours within the right-of-way of any highway**, road, street or other public thoroughfare **or for a period of seventy-two hours on public or private property** or elsewhere in this state is prima facie evidence of abandonment. A.R.S. §28-4801.

B. It is illegal to abandon a vehicle on any street or highway, public land (including parks land) or private property. A.R.S. §28-4831.

C. Abandoned vehicles on private property. If an officer is dispatched to a call regarding an abandoned vehicle that is on private property, the officer shall determine whether the vehicle has been on the property for more than 72 hours (required time in order to be considered abandoned). If so, the officer shall run a registration and warrant check on the vehicle and verify the VIN and license plate number. If any of those checks result in information on the vehicle (that it is stolen, for example) the officer shall take appropriate action. If there are no results, the officer shall advise the property owner that they may, at their discretion, have the vehicle towed. Officers shall not arrange for the vehicle to be towed.

D. Abandoned vehicles on any street or highway, or public property.

- If the vehicle is blocking a street or highway, the officer shall write the appropriate parking citation and have the vehicle towed. The vehicle must be inventoried if it is unlocked and neither the driver nor the owner is present. Locked vehicles shall be towed locked and need not be inventoried. The officer shall complete a parking citation and leave a copy with the vehicle.

- If the vehicle is on a street or highway or on other public property but is not an immediate hazard, the officer shall mark the vehicle as abandoned and document having done so. The officer shall make a reasonable attempt to advise the last registered owner of the vehicle that the vehicle has been marked and will be towed after 48 hours if not removed. The officer marking a vehicle shall either follow-up on the vehicle and remove it after the 48 hours or shall arrange for another officer to do so.

When the vehicle is towed, the officer shall complete the appropriate vehicle towing/storage report and complete any inventory, as required by this policy.

61.8.4 Impounding Vehicles as Evidence

A. Normally, a vehicle is only impounded when it is evidence, is an instrumentality of a crime, is fruit of a crime, is seized for forfeiture, or when required by statute. Other than vehicle impoundments required by statute, a vehicle shall be impounded only with the approval of a supervisor.

B. Impounded vehicles, with the exception of those mandated by A.R.S. §28-3511, are to be stored at the Marana Police Department's impound lot located at 5100 West Ina Road. A tow company will be used to tow the vehicle. In order to establish the chain of custody, the impounding officer shall accompany the wrecker to the impound lot and remain with the vehicle at all times until it is secured.

C. At the impound lot, the vehicle shall be parked in an appropriate space; its location shall be included in the DR. Unless the vehicle is subject to forensic analysis, the officer shall properly inventory the vehicle, complete the Tow/Impound Form, ensure the windows are rolled up (or adequately covered if that is not possible), and lock the doors if the keys are available. If the vehicle is subject to forensic analysis, any inventory should be coordinated with the personnel who will be doing that analysis.

D. When releasing a vehicle from impound, the officer shall complete an "Authorization" form for vehicle release and a supplemental report filed with Records. Notify the Property and Evidence Section.

61.8.5 Vehicle Impounds Under A.R.S. §28-3511

A. A.R.S. §28-3511 requires that law enforcement agencies impound vehicles when the:

- Driver's driving privileges are suspended or revoked for any reason, except that the vehicle shall not be impounded if the person's privilege to drive is valid in this state, or

- Driver has never been issued a driving license in any jurisdiction, or
- Driver is subject to an ignition interlock device and is operating a vehicle without a functioning certified ignition interlock device (except in the case of a substantial emergency as defined in A.R.S. §28-1464), or
- Driver's driving privilege is canceled, suspended or revoked for any reason or the person has never been issued a driving license in any jurisdiction, and the person is not in compliance with financial responsibility requirements in Arizona, and the person is involved in an accident that results in property damage or injury or death of another person, or
- Driver is arrested for extreme DUI or Aggravated DUI or operating while under the age of 21 with spirituous liquor in the person's body, unless all the following apply:
    - Vehicle is currently registered and the driver or the vehicle is in compliance with financial responsibility requirements.
    - Spouse of the driver is with the driver at the time of the arrest.
    - Spouse notifies the officer that the spouse will drive the vehicle from the place of arrest to the driver's home or other place of safety.
    - The officer has reasonable grounds to believe that the spouse has a valid driver license, is not impaired by intoxicating liquor, any drug, vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substance and, if under 21 years of age, does not have any spirituous liquor in the spouse's body.
- A vehicle is displayed for sale or for transfer of ownership with a vehicle identification number that has been destroyed, removed, covered, altered or defaced.

B. These are required impounds; the officer has no discretion to decide not to impound.

C. These vehicles shall be inventoried prior to the tow company being called for the tow. Once inventoried, the tow company shall tow the vehicle to their lot.

D. The case officer shall deposit the original form in the "slotted" evidence lockers at either police station. Supervisors and Lead Police Officers shall ensure these steps have been followed during daily de-briefings. Communications will automatically print a copy of all Mandatory Impound registration checks that will be forwarded to the Property and Evidence Section.

The Property Evidence custodian will send, by first class mail, notice of impound to all registered owners and lien holders of the vehicle. The officer who impounds the vehicle shall also provide written notice of impound to the driver of the vehicle.

61.8.5.1 Hearings To Contest Impound
A person whose vehicle has been impounded may, under A.R.S. §28-3512, request a hearing to contest the impoundment of the vehicle. *The property evidence custodian shall handle post impound hearing.*

61.8.5.2 Release of vehicle
Companies that tow vehicles impounded under Title 28 must agree not to release the vehicle to the owner without receiving release paperwork issued by the Department. The company shall advise any person seeking release of their vehicle to contact the Department.

61.9 Stranded Motorists

A. Unless responding to a crime in progress, a request for back-up or a similar situation, officers shall stop to render aid to motorists whose vehicles are disabled on the side of the roadway. When appropriate, officers should render first aid and/or call for medical assistance or obtain fire department assistance.

B. Officers should offer to contact a private person of the motorist's choice to provide mechanical assistance or a towing service of the motorist's choice to render towing assistance to the motorist.

C. If, due to either the time of day, the location of the vehicle, the temperature or any other circumstance, an officer believes the motorist may be in danger if left alone, the officer should not leave the location until assistance has arrived or the motorist has been relocated to a safe location.

61.10 Roadway Hazards

A. Officers shall respond to any reported or on-sight observance of a roadway hazard that may affect traffic, including debris in the roadway, non-working traffic signals, damaged traffic control signs, parked vehicles obstructing or nearly obstructing roadways and similar hazards. Upon arrival, officers should resolve those hazards that they may safely resolve (removing material from the roadway, or towing disabled vehicles, for example), or contact the appropriate agency to respond to resolve the hazard.

B. Officers shall remain at the scene of any such hazard to direct traffic until the matter has been resolved, or until otherwise directed by a supervisor.

C. Directing Traffic

1. Officers should, if available, respond to direct traffic at any incident that disrupts the normal flow of traffic, or when directed to do so by the on-duty supervisor. This includes critical incidents.
   a. Employees that respond to fire scenes to assist with traffic control will coordinate their actions with the senior on-scene fire department official, or their designee.
2. When directing traffic or in the roadway controlling traffic, officers shall always wear either their reflective vests or their department issued yellow raincoats.
3. Officers may manually control traffic lights when special events or traffic accidents require them to alter the usual cycles in order to maintain a safe and efficient flow of traffic.
4. Officers should try to follow the normal traffic light progression when directing traffic at a malfunctioning traffic light.
5. When manually directing traffic, officers should use the following standard hand signals:
   a. STOP – The officer should make eye contact with the driver, point at the driver, and then extend arm slightly above parallel with the ground with the hand raised.
   b. TURN RIGHT – The officer should make eye contact with the driver, extend the officer's left arm to point at the driver, and move the officer's right arm to point where s/he wants the driver to go.
   c. TURN LEFT – The officer should make eye contact with the driver, extend the officer's right arm to point at the driver, move the officer's right arm to point where s/he wants the driver to go, then use the left arm to motion the driver to turn.
   d. GO – The officer should make eye contact with the driver, point at the driver, then motion where s/he wants the driver to go.
6. At night or when weather conditions reduce visibility, the officer should place flares to warn drivers of changing traffic conditions.

D. Traffic Direction and Control during Special Situations

1) During special events such as, but not limited to, parades, sporting events, major highway construction, and maintenance activities, the Special Events Coordinator, along with the on-duty supervisor, shall establish a contingency plan for traffic direction and control. The plan shall address the following problems and circumstances:

- Ingress and egress of vehicles and pedestrians.
- Provisions for parking.
- Spectator control.
- Public transportation.
- Provisions for news media.
- Provisions for relief of officers assigned point control duties.
- Alternate routes for through traffic.
- Temporary traffic controls and parking prohibitions.
- Emergency vehicle access.
- Coordination and utilization of special operations personnel.

2) Temporary Traffic Control Devices

A. Normally, temporary traffic control devices will only be used with the approval of a supervisor for the control of traffic during special events or in the event of a traffic signal malfunction.

1. Use traffic cones in the patrol vehicle or barricades and signs may be requested from Communications.
2. If a situation causes a traffic problem or danger to the public, officers will take control of traffic until the necessary barricades are in place.

b. Officers conducting manual traffic control shall wear the Department issued traffic control vest or issued yellow raincoats.

3) Fire Scenes - Officers responding to the scene of a fire call will ensure observance of the following rules in regards to traffic control:

- Non-emergency vehicles will not be allowed to enter into the area where fire apparatus are parked and operating.
- No vehicles will be allowed to drive over any fire hoses.
- Parked vehicles that interfere with fire operations may be towed as needed. When feasible, a reasonable attempt shall be made to contact the registered owner.

4) Adverse Road and Weather Conditions – During severe or adverse weather conditions, the on-duty supervisor will ensure that notification is made to any agency or group that may be affected by or needed to aide in the control of traffic or road conditions to prevent injury or damage from occurring.

A. The on-duty supervisor may contact Public Works or other support units to request assistance.

B. On-duty supervisors may close roads or streets, if the existing conditions pose a public safety hazard.

- If the closing of streets may be for an extended period of time, the on-duty supervisor may request the news media to make a special announcement of the closing.

5) If a situation causes a traffic problem or danger to the public, officers will take control of traffic until the necessary barricades are in place.

6) Any problems or incidents that occur shall be documented in writing.

61.11 Directed Traffic Enforcement

A. Traffic Enforcement is the responsibility of all uniformed officers, not just those assigned to the Traffic Unit.

B. During STOP sessions, Supervisors shall review_traffic accidents, traffic enforcement reports, and comparison of available collision data and enforcement activities data and then implement the appropriate directed enforcement response based upon the compilation and review of that information. The response may take the form of:

- A directed patrol specifically assigning personnel to conduct enforcement activities at a specific

place and time, based on an analysis of traffic accident experience, and analysis of traffic related reports or community complaints.

- Assignment of one or more Department members to conduct enforcement activities exclusively for a particular type of violation.
- Distribution of information to personnel that directs their attention or increases emphasis upon a specific type of violation and/or particular place and time range.
- The use of certain types of equipment during directed enforcement activities. Such equipment may include the use of radar, unmarked vehicles, or other equipment.
- Assigned personnel may be deployed to areas having the greatest concentration of accidents and calls for traffic services, and at the times experience has shown these occur.

The purpose of these assignments is to take and enforce action against those violations determined to cause accidents and should involve countermeasures ascertained to be the most effective for the specific enforcement problems involved.

C. Officers will use their discretion when minor violations have occurred involving a school bus with children on board. The officer will obtain the number of the school bus and contact a supervisor on how to proceed.

D. The Crime Analyst will conduct an annual evaluation of the directed enforcement programs to ascertain the effectiveness of directed enforcement efforts.

61.12 Parking Enforcement

Department personnel will take action on unsafe parking violations observed and on complaints concerning parking violations, when feasible. Enforcement action will be in compliance with Arizona Revised Statutes and Town Ordinances.

61.13 Vehicle Escorts

A. Employees will only provide an emergency vehicle escort service after receiving authorization from a supervisor. Regular and routine escorts shall only be authorized by the Chief of Police, or the Chief's designee. Officers may be provided as an escort for the following situations, at the Chief's discretion:

- Public officials
- Dignitaries
- Emergency Vehicles
- Funerals
- Oversize vehicles
- Hazardous or unusual cargo
- Parades
- Other special events as determined by the Chief of Police, or the Chief's designee.

B. Officers will not provide an escort for civilian vehicles during medical emergencies except in the most dire of situations, and with the approval of a supervisor.

CHAPTERS 62 – 69 [Reserved]

CHAPTER 70 DETAINEE TRANSPORTATION

A. At the beginning of the shift, an officer shall examine any vehicle assigned to the officer to ensure it is free from contraband and weapons. If an officer is using a vehicle for transport that is not assigned to the officer, the vehicle shall be searched prior to transport. Every vehicle shall be searched after a prisoner transport to determine if weapons or contraband were placed there by the prisoner during transport. Generally, a prisoner shall not be placed in a police vehicle until the prisoner and the vehicle have been searched. The search of the prisoner shall be thorough. If necessary, another officer of the same gender as the prisoner, or if none is available another officer who may stand by as a witness, shall be called prior to searching a prisoner of the opposite gender.

B. All possessions shall be removed from the prisoner, searched for weapons, evidence and contraband, and placed in the trunk of the patrol vehicle.

C. Pursuant to the Americans with Disabilities Act, detainees who are disabled and use an assistive device (walker, wheelchair, mobile chair, etc.) must be reasonably accommodated during transport. Officers should inquire as to what assistance the individual needs and assist in providing that assistance. If necessary, alternative transport may need to be arranged. Officers should be careful not to damage the assistive device.

D. In patrol vehicles, prisoners will be placed in the right rear passenger seat of a caged unit when being transported by only one officer. If a prisoner is being transported by two officers in a caged unit, the second officer shall be seated in the front passenger seat and the prisoner shall be placed behind the driver to enable the second officer passenger to easily monitor the prisoner. When a single officer is transporting two prisoners, a caged patrol vehicle shall be used with the prisoners located in the rear of the transport unit. For uncaged investigations vehicles, two detectives will be located in the front seat with the suspect seat belted into the right side of the rear passenger compartment. Officers shall not ride in the rear compartment or the cage of a transport vehicle with a prisoner. The prisoner will be handcuffed with hands behind his/her back during transport unless the officer determines that other restraint or no restraint is necessary. For transport to a detention facility, a caged transport unit shall be used and the prisoner shall be seat belted during transport. Officers may use approved alternative means of restraint, such as leg restraint straps, when necessary (e.g., under the influence of alcohol or drugs; illness; disruptive behavior).

E. Any vehicle used primarily for transporting prisoners, including caged prisoner transport vans, must have the driver separated from the prisoner by a safety barrier. Whenever possible, prisoners should be transported to the police station in transport vehicles or using a patrol vehicle or prisoner transport van. These vehicles have cages, power deactivated to the door and window locks, and other modification to keep the prisoner safe and prevent escape. When transporting a prisoner to the jail or juvenile detention facility, a caged patrol car or caged prisoner transport van shall be used.

F. Officers shall keep all weapons guarded and seat the prisoner to allow the officer to monitor the prisoner's activities during transport. The prisoner shall not be allowed to make telephone calls or otherwise communicate with anyone except officers during transport.

G. Officers should not stop to engage in other law enforcement activities when transporting a prisoner unless the risk to third parties is clear and the risk to the prisoner is minimal. Instead the officer shall notify Communications of any on-sight activity observed by the officer during transport.

H. Upon arrival at their destination, officers shall follow security protocols established by the facility (such as securing a firearm, removal of restraints, etc.), complete and deliver all required paperwork and notify detention staff or the receiving personnel of any special circumstances (medical conditions, suicidal, security hazards, escape risk, etc.) related to the prisoner. If documentation is not received confirming the transfer of custody, the employee shall confirm the receiving official's name in a supplement to the report

covering the reason the person is in custody.

I. If the escape of a prisoner occurs, the transporting officer shall notify Communications immediately and advise of last known direction, identification, and description of the escapee and whether or not the escapee is armed. The shift supervisor shall be notified of the situation and a search of the area shall be initiated. After notification has been made, the on-duty supervisor may request other resources such as a canine unit. If the escape occurs in another jurisdiction, Communications shall contact the other agency to seek their assistance. The officer's supervisor shall be responsible for reviewing the officer's report detailing the circumstances surrounding the escape, and if appropriate, recommending measures to prevent reoccurrence.

J. When transporting prisoners to court, it shall be the transporting officer's responsibility to escort and maintain close proximity with the prisoner(s) unless ordered otherwise by the judge. In any case, the transporting officer shall maintain visual contact with the prisoner(s). The transporting officer shall notify the judge and the on-duty supervisor, in advance, if the prisoner is considered to be a security risk. The judge and the on-duty supervisor may then direct the use of additional restraining devices and/or request additional officers.

CHAPTER 71 PROCESSING AND TEMPORARY DETENTION

71.1 Injury to Prisoner

A. If a prisoner is or appears to be sick or injured, complains of illness or injury, or has a pre-existing medical illness or injury that requires medical attention, the officer shall obtain any necessary medical attention for the person. Special attention should be paid to:

- Pregnant women – unless required by statute, pregnant women shall not be booked on misdemeanor charges unless approved by a supervisor.
- Diabetics - when his or her diabetes is not under control, a diabetic person may behave in a manner that would make them appear to be intoxicated. If there is any reason to believe that the person to be booked is having a diabetes related issue, medical assistance should be provided.
- Mentally ill persons - if a prisoner appears to be suffering from mental illness, the officer should consider the need for voluntary or involuntary commitment, under the procedures in 41.11.3.

B. Officers shall advise responding paramedics or hospital staff of their observations of the subject's condition (loss of consciousness, vomiting, etc.) and of any physical activity (fight, use of force, etc.) that the officer observed the individual participating in. Officers shall document the situation fully in a DR, detailing the circumstances surrounding the need for and provision of medical care. Photographs of injuries shall be taken when appropriate to do so.

C. Those who are transported to a hospital shall be under guard during transport and at the hospital, until either released pending a long-form complaint, cited and released or booked into jail.

D. When hospital staff admits a prisoner, the officer shall contact a supervisor to determine whether the person is to be cited and released, released pending a long-form complaint, or maintained in custody. If possible, those charged with misdemeanors who are to be hospitalized will be released. The guarding of a misdemeanant offender will be performed only in exceptional cases and only with the approval of a supervisor.

E. Any individual arrested for a felony who is admitted to a hospital shall be guarded on a twenty-four (24)

hour basis until booking can be completed. If the person is not kept under guard, then the person shall not be arrested. Instead, the incident will be referred to detectives for follow-up and issuance of charges.

- Prisoners under guard will be restrained using a method that prevents escape, provides safety for personnel and does not hinder medical care. Immediate family will generally be allowed supervised visitation. Visitors will be frisked for weapons or contraband and will not be permitted to carry personal items.
- The person's attorney will be allowed to visit a client after verification that the person is in fact the person's attorney. The attorney shall also be frisked for weapons, but shall be permitted to communicate privately with their client. The officer is required to maintain a visual presence during the visit.

F. Persons who are treated and released shall be transported to jail and booked. The usual requirements for transportation may need to be modified to accommodate the person's physical condition. When the person is booked, officers will verbally advise the booking staff at the jail of the treatment received and any medications or instructions provided, and shall provide the medical release. This communication shall be documented in the DR.

G. Officers shall not sign any forms accepting financial responsibility for the medical treatment of prisoners.

71.2 Restraining Prisoners

All persons arrested for felony offenses, and those arrested for misdemeanors who are belligerent or combative, who are verbally abusive or otherwise likely to become combative, or who appear likely to cause injury to themselves or others, or whom the officer feels it is necessary to restrain, shall be handcuffed at the time of arrest and remain handcuffed until confined in jail. Officers should not handcuff or restrain disabled, sick or injured prisoners unless the circumstances dictate otherwise.

71.3 Police Facility Prisoner Tracking

It is the arresting officer's responsibility, for those who are taken to a police facility for any purpose prior to booking or release, to enter the person into the log at that facility, and then photograph and fingerprint the person for positive identification. Each facility shall have a monthly Juvenile Detention Log and a separate Adult Detention Log listing the following information regarding the detention:

- The date and time logged in.
- The date and time logged out.
- Identification number of the officer who secured the detainee and of the officer who removed the detainee.
- Detainee name, date of birth, and sex.
- Case number.
- Charges
- Whether a meal was provided to the detainee (e.g., during prolonged detention or custody)
- Whether the detainee was held securely (restricted freedom of movement, e.g., handcuffed to a handcuff ring/bench or held in a detention cell). or non-securely.

Officers must be aware of and comply with the rules regarding detention of juveniles (see 44.2).

Those juveniles secured for processing shall either be held in a detention cell or secured to a stationary item, such as a handcuff ring, that is expressly designed for secure detention. Officers shall maintain constant supervision of persons detained in the facility until they are booked and turned over to detention staff. Until the prisoner is turned over to detention staff, the officer is responsible for the person being processed, searched and detained. After the person is turned over, the prisoner becomes the responsibility of the detention officer accepting the prisoner.

71.4 Temporary Detention In Detention Cells

A. Only sworn officers, detention officers and transport officers will have access to the detention cell area. The locks in the area are intended to prevent anyone from leaving without the use of a key/access card, to reduce the risk of prisoner escape.

1) Prisoners whose behavior presents a serious threat of harm to officers or of damage to property shall be transported directly to the County Jail or Juvenile Detention facility as appropriate and shall not be detained at a police facility in a detention cell. The jail or receiving officials shall be verbally informed of the behavior and the behavior noted on booking paperwork.

2) Any prisoner who has been placed in a detention cell who becomes violent or attempts escape shall be appropriately restrained and immediately transported. This behavior shall be documented and the documentation shall be provided to the jail or receiving official.

3) Any subject who attempts suicide shall be checked by appropriate medical personnel. The officer should consider voluntary or involuntary commitment. See 41.11.4. If the decision is made to book the person on unrelated charges, the subject's suicidal conduct shall be documented and the documentation provided to the jail or receiving official.

B. Officers shall secure their firearms prior to entering a detention cell or the area where detention cells are located.

C. Available detention cells shall be used for arrestees with the most serious crimes or who present the greatest escape risk; other persons may be detained on detention benches. At no time shall more than one person be detained in a detention cell that is designed for the detention of a single person. Males and females shall be detained in separate cells and juveniles shall be sight and sound separated from adults.

D. All prisoners, without regard to the nature of the crime for which they were arrested, shall be thoroughly searched prior to transport and again prior to placement in a detention cell. Everything in the person's possession, including smoking materials, jewelry, belt, necktie, shoelaces, etc., shall be removed, listed on the *property control form*, placed in a property envelope and secured.

E. When a prisoner is placed in a detention cell, the light shall be on and the responsible officer shall perform a visual face-to-face observation of the prisoner four times each hour.

F. The cell shall be examined prior to placing a prisoner in the cell and after removing the prisoner from the cell. Any damage to the cell caused by the prisoner shall result in an additional charge for Criminal Damage.

The officer removing the prisoner from the cell will either clean or report the need for cleaning or repair of a cell when necessary.

G. If a prisoner is hearing impaired, that person shall be detained in a facility where there is a TTY/TDD communication device to permit the person to make a telephone call. Given how slowly that technology

operates, a prisoner who must use the TTY/TDD device shall be permitted a longer period of time to complete his/her permitted call(s).

H. In the event of an emergency requiring assistance from other department personnel, the officer/detention/transport officer should use the radio to contact Communications to obtain assistance. In the event of a fire, personnel shall evacuate all the prisoners to rear secured parking lot and then follow the building's fire evacuation and suppression plan.

I. Each detention cell shall contain a toilet and sink, or shall be monitored regularly to ensure that the prisoner has the ability to use the bathroom and get a drink when necessary. Officers shall be responsible for assisting prisoners handcuffed to the detention bench, or in cells without toilet and sink, to and from the bathroom located in the detention area and for obtaining drinking water for these prisoners.

J. If a prisoner must be processed or tested, the responsible officer shall:

- Maintain constant supervision of the prisoner.
- Assure that no batons, stun devices or other weapons are accessible to the prisoner.
- Unless other officers are present, possess a radio to contact assistance in the event of an emergency; and
- Assure no keys/access cards are accessible.

K. The detention area shall be inspected prior to anyone being detained. Any deficiencies (including regular supervision of prisoners, weapons control, use of or need for panic or duress alarms and escapes) that occur in the secured area shall be documented and reported to the Operations Commanders, who shall address the deficiencies. The Support Services Commander shall perform an administrative review of the detention areas and procedures at least once every three years.

71.5 Arraignment Procedures

Arraignments are held twice daily (0900 hours and 2000 hours) at the Pima County Sheriff's Minimum Security facility located at 1801 S. Mission Road. In order for an arrestee to be seen for morning arraignments, they must be booked into Pima County Jail by 0300 hours. In order for arrestees to be seen for evening arraignments, they must be booked into Pima County Jail by 1800 hours.

71.6 County Jail Booking Procedures

A. Officers shall secure all firearms, dangerous instruments, and incendiary devices (e.g., matches, cigarette lighters, etc.) before entering a detention facility. All weapons, to include firearms, ammunition, Tasers, batons, pepper spray, and knives shall be secured out of view in a police vehicle trunk or in a locker provided by the detention facility, unless a specific request to the contrary is made by the Commander of the detention facility.

B. Officers shall ensure, to the best of their ability, that non-police personnel do not become aware of the presence of auxiliary firearms when weapons are secured. The Pima County Sheriff's Office (PCSO) jail procedures concerning security of prisoners and weapons shall be strictly adhered to. If an officer opts to utilize the weapon lockers provided by the detention facility, the officer shall ensure that they are separated from the prisoner by the security door prior to securing their weapons.

C. Misdemeanor arrests (other than arrests based on warrants) require as part of the booking process the completion of a Release Questionnaire (Form 4). This form, issued by the Arizona Supreme Court, is designed to provide the arraignment judge with sufficient information to determine whether to release the

arrestee and, if so, under what conditions.

D. Similarly, all initial felony arrests and confirmed out of state felony warrants require as part of the booking process the completion of a Felony Interim Complaint, which also includes Form 4.

E. Suspects who are booked for felonies should not receive citations for lesser included civil or misdemeanor charges (charges that are a part of the same conduct involved in the felony). Those offenses should be clearly documented in the DR and will be charged by the County Attorney's Office. Misdemeanor charges that are not a part of the felony charge may be cited.

F. By statute, all persons arrested for felonies are required to be fingerprinted at the time of arrest. Effective Jan. 1, 2017, this fingerprinting is to be done by the booking agency (the Sheriff if booked in the County jail, the Town if booked into a municipal jail).

G. By statue, all persons arrested for violations of 13-3601, Title 13, Ch. 14 (sexual offenses) and Title 28, Ch. 4 (DUI offenses) must be fingerprinted by the arresting agency or the booking agency. Effective Jan. 1, 2017, if the arrest is made for a misdemeanor violation and the arresting agency is a city or town law enforcement agency, that agency shall complete the fingerprinting.

H. In addition, DNA must be collected from all adults arrested for any offense in Title 13, Chapter 11 of Arizona Revised Statutes (homicide), or a violation of section §§13-1402, 13-1403, 13-1404, 13-1405, 13-1406, 13-1410, 13-1411, 13-1417, 13-1507, 13-1508, 13-3208, 13-3214, 13-3555 or 13-3608 or a violation of any serious offense as defined in A.R.S. §13-706 that is a dangerous offense. To collect DNA, buccal DNA evidence collection kits are kept at the MOC and MMC. Each kit contains a step by step instruction sheet. Once complete, the evidence will be sealed and placed into an evidence bin.

I. In addition, Arizona law requires that all persons who are booked must be asked their country of origin. If the person is not a citizen of the United States, that information is to be provided to the court on Form 4 and the officer must comply with consular notification requirements (see 1.6.7).

Prisoner's property that will not be accepted by the jail (e.g., bedroll, knapsack, carrying bag, etc.) shall be documented on a property/evidence form and submitted to property and evidence as safekeeping.

If a person is in possession of an animal at the time of arrest, the officer shall make every effort to release the animal to a friend, a relative, or a neighbor of the arrestee. If this cannot be accomplished, the Pima County Animal Care Center shall be contacted to take possession of the animal. Fees incurred for the care of the animal shall be the responsibility of the arrestee.

71.7 Special Transport Situations

Because the Department does not have a jail, it should not be necessary for officers to transport a prisoner to a funeral, to visit a critically ill person, to the reading of a will or to any other special situation. No such transports shall be made unless prior approval is received from the Chief of Police.

CHAPTER 72 [Reserved]

CHAPTER 74 LEGAL PROCESS

74.1 Enforcement of Court Orders

A. Municipal police officers generally do not have the authority to enforce civil court orders other than

those related to domestic violence, harassment and, in certain limited circumstances, child custody. Other civil court orders, such as judgments for damages, or eviction orders, may only be enforced by constables or deputy sheriffs. Any questions related to court orders should be referred to a supervisor.

B. The Department is mandated by law to serve orders of protection issued by a municipal court if the order can be served within Town of Marana and, by policy, serves injunctions prohibiting harassment upon the request of the Plaintiff.

C. If orders or other court paperwork is served on the Department, the following information will be recorded by the *Records Section:*

- Date and time received.
- Type of process, civil or criminal.
- Nature of the document.
- Source of the document.
- Name of plaintiff/complainant and/or name of defendant/respondent.
- If the document is to be served, the officer assigned for service, the date that the officer was assigned and the date service is due.
- Court docket number.

D. The Records section will route all orders that must be served to the applicable on-duty patrol sergeant/officer for service. The sergeant will log receipt of the order and assign it to an officer for service. The serving officer shall complete the service, sign and complete the Certificate of Service form, and return it to the sergeant to be logged and returned to Records with any copies.

E. If the order cannot be served, the officer shall return all paperwork to the on-duty patrol supervisor, who shall pass the paperwork onto the oncoming shift supervisor for service. If every reasonable attempt has been made to service the order, then the supervisor will return the paperwork to the Records Section.

F. The Records Section shall send the Certificate of Service completed by the officer, along with any attached forms, back to the originating court. If the officer is unable to complete the service, the officer will note in an appropriate space on the Certificate of Service the dates of attempts and the reason for non-service. The Certificate of Service should contain (at a minimum) the following information:

- Date/time of service was executed/attempted.
- Name of Officers(s) executing/attempting service.
- Name of person on whom legal process was served.
- Method of service/reason for non-service.
- Address of service/attempt.

74.2 Injunctions Against Harassment

A. A person may request the court to issue an Injunction Against Harassment whenever the person believes they are being subjected to harassment. Generally, such orders are issued when one person is seriously alarming, annoying or harassing another person, but the people are not involved in a domestic

relationship (neighbors or former business associates, for example).

B. When it issues an Injunction Against Harassment, the court may order a person not to commit harassment, order a person not to contact another person or go to a specific place, and may enter other orders that the court believes are necessary.

C. A copy of the order is presumed to be a valid existing order of the court for one year from the date of service on the defendant.

D. A person who violates an Injunction Against Harassment may be subject to arrest for violating A.R.S. §13-2810, “Interfering with Judicial Proceedings.” A person who has violated an injunction against harassment should, in most circumstances, be physically arrested and booked. If an officer believes that the immediate arrest of a violator should not occur due to unusual extenuating circumstances, the officer must first receive the approval of a supervisor.

74.3 Orders of Protection

A. An Order of Protection is a court order issued for the purpose of restraining/prohibiting a person from committing an act of domestic violence. A copy of the order is presumed to be a valid existing order of the court for one year from the date of service on the defendant.

B. An Order of Protection may:

- Order a person not to commit acts of domestic violence.
- Grant one person exclusive possession and use of a shared residence or a pet.
- Order a person not to go to a specific place.
- Order a person not to contact a specific person or persons.
- Order a person not to possess or purchase a firearm (and to surrender all firearms to the local police department).
- Include other orders that the court believes are necessary.

C. If exclusive use of a residence is provided in the order, the order may also permit the excluded person to retrieve belongings, if accompanied by a law enforcement officer.

D. In situations where an officer is the first to inform a defendant of the existence of an Order of Protection, and the plaintiff has a copy of the order that an officer can use to serve the defendant, the officer shall serve the defendant giving a copy of the order to the defendant. The officer shall then advise the violator that he or she has been served with an Order of Protection, and any continued violation of the order shall be treated as a violation of A.R.S. §13-2810, "Interfering With Judicial Proceedings" and the violator will be arrested. Whenever an officer serves an Order of Protection on a defendant, the officer must complete an Affidavit of Service and route it to the appropriate court.

E. A person who violates an Order of Protection may be subject to arrest for violating A.R.S. §13-2810. A person who has violated an order of protection should, in most circumstances, be physically arrested and booked. If an officer believes that the immediate arrest of a violator should not occur due to unusual extenuating circumstances, the officer must first receive the approval of a supervisor.

74.4 Out of State Orders of Protection

A. Under Arizona law, an officer may presume the validity of any court order issued by another state,

tribe, or U.S. Territory that is related to domestic or family violence. Such orders are, by law, to be enforced as if issued in Arizona. An order is "related to domestic or family violence" if it is an injunction or other order and was issued to prevent violent or threatening acts, or harassment against, contact, or communication with or physical proximity to another person. An officer may also rely on the statement of the person protected by the order that the order is currently in effect.

B. An officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.

74.5 Emergency Orders of Protection

A. The Emergency Order of Protection is a court order that is obtained telephonically from a judge by a police officer. An emergency order of protection may provide many of the same protections as provided by an Order of Protection. An Emergency Order of Protection is to be issued in situations where a person is in immediate and present danger of domestic violence, based on an allegation of a recent incident of actual domestic violence, and the courts are closed (nights, weekends and holidays). An emergency order expires at the end of the next day that the court is open, unless extended by the court.

B. Once served, the Emergency Order of Protection has the same force in law as a regular Order of Protection.

C. A person who violates an Emergency Order of Protection may be subject to arrest for violating A.R.S. §13-2810.

74.5.1 Procedure for Obtaining an Emergency Order of Protection

A. If a victim so desires, and an officer has reasonable grounds to believe that the victim is in immediate and present danger of domestic violence based on the allegation of a recent incident of actual domestic violence, then the officer should draft an emergency order, including the grounds for the order and the provisions that are requested, and shall then contact an available judge. The officer should advise the judge of the grounds for the order. If the judge issues the order, the officer shall write the order, sign it on behalf of the judge and provide a copy to the protected party.

B. Any Emergency Order of Protection is required to be served in order to be effective, but service of an Emergency Order may be done in person or verbally by the officer. The officer shall document the service of the order and verbally notify the Sheriff's Department of the issuance and service of the order as soon as feasible.

C. The original of an emergency order shall be filed with the court as soon as practicable after it has been issued. A notice of service shall also be filed with the court.

D. If an officer obtaining an Emergency Order of Protection cannot make service on the defendant, the officer shall give the protected party all copies of the order. Should the defendant return to contact the victim and another officer is called, that officer will then complete service on the defendant.

74.6 Preliminary Injunction (Divorce and Cases Involving Out of Wedlock Births)

A. Divorce cases: A Preliminary Injunction issued pursuant to dissolution of marriage (divorce) or legal separation is a court order that, similar to an Order of Protection, may subject the person violating it to arrest for violating A.R.S. §13-2810, "Interfering with Judicial Proceedings."

1) This Preliminary Injunction is generally issued at the outset of an action for divorce, legal separation or annulment, usually applies to both parties, and states that the parties are prohibited from:

- Transferring, encumbering, concealing, selling, or otherwise disposing of any joint, common or community property of the parties except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the court.
- Molesting, harassing, disturbing the peace of, or committing an assault or battery on the other party or any natural or adopted child of the parties.
- Removing any natural or adopted child of the parties then residing in Arizona from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.
- Removing the other party or the children of the parties from an existing insurance coverage or cancelling insurance coverage.

2) In addition, exclusive use of the residence may be ordered and the order may include other relief the court believes is appropriate.

B. Out of wedlock births – This preliminary injunction is intended to maintain the status quo after paternity is established, but prior to the issuance of a court order establishing custody, access and related matters. The preliminary injunction applies to both parties, and states that the parties are prohibited from:

- Molesting, harassing, disturbing the peace of, or committing an assault or battery on the other party or any natural or adopted child of the parties.
- Removing any natural or adopted child of the parties then residing in Arizona from the jurisdiction of the court without the prior written consent of the parties or the permission of the court.
- Removing or causing to be removed any child of the parties of the parties from any existing insurance coverage, including medical, hospital, dental, automobile or disability insurance.
- Requiring that both parties maintain all insurance coverage in full force and effect.

C. A person who violates either of these Preliminary Injunctions may be subject to arrest for violating A.R.S. §13-2810.

CHAPTERS 75-80 [Reserved]

CHAPTER 81 COMMUNICATIONS ……RESTRICTED

81.2.2 Dispatch Guidelines and Call Priority System

A. The Chief shall establish a call priority system. The dispatcher assigns priorities to calls for service based on established guidelines, as follows:

LEVEL 1 - EMERGENCY RESPONSE – An incident posing an immediate threat to life where the threat is present and on-going; and/or an incident posing an immediate threat to life involving the actual use or threatened use of a weapon. The mere presence of a weapon alone, however, without any indication of use or threat of use does not support or justify a Level 1 call.

Pre-Dispatch: 2 Travel: 3 Total: 5

For Level 1 calls, basic information (nature of call, location) is gathered **as quickly as possible.** Level 1 Calls are extreme emergencies that require immediate police attention. With the exception of Panic Alarms, dispatch may be preceded with the alert tone.

Dispatch Level 1 calls as rapidly as field conditions allow. If a priority call is already working and the air is 10-35, dispatch the call or call for a unit to clear regardless of the tone. If there are no units available, note that to the call history as **BCNU** (blind called, no units). **Pre-dispatch time should not exceed 2 minutes.** Notify a sergeant on the radio when the call has held for more than 2 minutes. Also notify a Communications supervisor of the holding call and add to the call history that you made the notifications. Examples of Level 1 calls:

- Animal attack or mauling in progress.
- Assault with weapons in progress or serious injury imminent.
- Bomb threat with a device located.
- Burglary of a residence or occupied structure in progress.
- Major accident with immediate intervention needed (eg., people trapped in burning car).
- Fights with weapons in use.
- Family fight with weapons in use.
- Kidnapping in progress.
- Officer needs assistance (999 or 10-78, 10-18).
- Sexual assault in progress.
- Suicidal or barricaded person situation in progress.
- Traffic lights at an intersection green in all four directions.
- Drowning where FIRE/MEDS is not yet on scene or if it is unknown if FIRE/MEDS is on scene.

LEVEL 2 - CRITICAL RESPONSE – An incident involving a situation of imminent danger to life or a high potential for a threat to life to develop or escalate. This incident must be in progress or have occurred within the past five (5) minutes.

Pre-Dispatch: 4 Travel: 6 Total: 10

Level 2 Dispatch, critical response, is used for emergencies that require immediate police attention. The purpose of a Level 2 response is the increased probability of apprehension of a perpetrator, and/or the prevention of injuries.

TIME ELEMENT: A report of a crime that has occurred with a time element of 5 minutes or less is entered as a Level 2 call for dispatch. Some non-violent incidents in progress do not fit the criteria for Level 2 dispatch, such as smoking marijuana, panhandling, and trespassing.

Dispatch level 2 calls as rapidly as field and radio conditions allow. If a priority call is already working and the air is 10-35, dispatch the call or call for a unit to clear regardless of the tone. If there are no units available, note that to the call history as **BCNU** (blind called, no units).

Pre-dispatch time should not exceed 4 minutes. When level 2 calls are holding with no response to the blind call, the dispatcher will notify a Field Sergeant over the air, immediately after the BCNU, with an expectation that the Field Sergeant will review resources and advise on a course of action. The Dispatcher will also notify a Communications Supervisor of the call holding and add to the call history that notifications were made.

The Field Sergeant will review resources and advise the Dispatcher on a course of action. The dispatcher will allow an adequate amount of time, depending on the call type, for the sergeant to respond with how the call will be handled. If there is no direction from the Field Sergeant, the Communications Supervisor will contact the Sergeant or LPO to determine a course of action.
Examples of Level 2 calls include:

- Bank robbery alarm.
- Vicious animal at large, public safety threatened.
- Assault just occurred within 5 minutes with significant injury.
- Bomb threats, location evacuating, no device found.
- Fatal or serious injury traffic accidents.
- Custodial interference with immediate danger.
- Shooting or stabbing just occurred, suspects GOA.
- Robberies just occurred.
- Calls with FIRE/MEDS en route or present, which require MPD response.
- Drowning where FIRE/MEDS is known to be on scene.
- Injury accidents with MEDS en route.
- 10-52 10-57.

LEVEL 3 - URGENT RESPONSE – Crimes against persons or significant property crimes where a rapid response is needed and the incident is in progress, has occurred within the past five (5) minutes or is about to escalate to a more serious situation.

11 Pre-Dispatch: 6 Travel: 10 Total: 16 Re-contact: 20

Level 3 calls are an urgent response to crimes against persons or significant property crimes where a rapid response is needed.
Dispatch Level 3 calls as rapidly as field conditions allow. In general, Level 3 calls should be assigned to the sector officer. If there is no area unit available to respond when it is received, the dispatcher will announce the call as a general broadcast. The objective is to inform, not request an officer to clear. The call type, location, and sector **MUST** be given.

Examples of the announcement are:

- “Units copy, MEDS is reporting a 10-52 in District 3 at Ina/Old Father”
- “Attention units in District 3, we have a 10-52 at “Ina/Old Father.”
- “Units, be advised of a District 3, a 10-52 at Ina/Old Father.”

A unit that is available to clear to respond will advise the dispatcher. If there is no response to the announcement after 10 minutes, the dispatcher will check the area or adjacent area unit(s) in an attempt to dispatch the call. If that is not possible, then a second broadcast will be made requesting any unit to clear. The dispatcher will document the blind call to the call history.

Level 3 calls have a pre-dispatch time of 6 minutes. If a field unit is not available within 10 minutes, the dispatcher will notify a sergeant and a Communications supervisor of the holding call and send a re-contact request. The telephone operator will contact the caller, explain the delay, and obtain a current status of the situation.

Examples of Level 3 calls include:

- Assaults with the suspect GOA within 10 minutes of the call.
- Burglary of a vacant property in progress.
- Fight brewing.
- Non-injury accidents with school buses, or accidents blocking and causing a hazard.

LEVEL 4 - GENERAL RESPONSE – Other crimes or matters requiring police response, generally occurring more than 10-minutes prior to dispatch and having a complainant.

Pre-Dispatch: 30 Travel: 10 Total: 40 Re-contact: 30

Level 4 calls are routine crimes or matters that require an officer to be dispatched.
Dispatch Level 4 calls as rapidly as field conditions allow**.** Level 4 calls will provide all information over the air. The details of the call will also be displayed to the assigned unit on the MDC.

Level 4 calls have a pre-dispatch time of 30 minutes. If dispatch is not possible within 30 minutes, notify a sergeant and a Communications supervisor of the holding call and send a re-contact request to the phone operator. Examples of "as available" response are:

- Stalled vehicle not creating an immediate hazard.
- Assaults, suspect GOA, no serious injury.
- Burglaries, suspects GOA.
- Preserve the peace.
- Non-injury traffic accidents.
- Noise disturbance with a complainant.
- DOA at a hospital.
- Shoplifter in custody, no problems with suspect.

The priority of a call, the size and scope of the incident, officer safety and the number of officers available for response shall determine the number of officers and supervisors initially assigned to a call. Officers or supervisors may request additional or fewer personnel as appropriate.

All employees who are provided with a radio and/or mobile tactical computer shall continuously monitor the assigned equipment while on duty for transmissions, even when out of the assigned vehicle, and shall respond promptly.

High-priority dispatches will be signaled by use of a Priority Alert tone. When possible, the Alert Tone will precede the voice dispatch of a call or when a dispatched call evolves to a higher priority situation after initial dispatch. The dispatcher will control radio traffic by advising that the frequency is 10-35 which limits radio traffic and initiating the 10-35 tone.

Communications should be notified in advance for any pre-planned event that may impact dispatch personnel (search warrant service, demonstrations, parades, etc.).

81.2.3 Communications During Response to a Call for Service

A. The dispatcher should be advised if an employee observes on-sight activity that requires immediate attention. Depending on the priority of the original call, the employee will either request the dispatch of another unit to the original call or respond to the on-sight activity.

B. Employees may request other resources or back-up when necessary. Patrol supervisors shall monitor

the radio and may cancel or delay calls or call response as necessary. If a call is cancelled or delayed, the supervisor must advise the complainant of the delay or cancellation.

81.2.4 Recording and Playback

Communications personnel have the capability of obtaining immediate playback of recorded telephone and radio conversations.

These recordings:

- Will be retained for a minimum period of thirty days.
- Will be securely stored and handled according to the Communications manual.
- May only be reviewed when authorized and done in accordance with Communications manual guidelines.

81.2.5 Emergency Messages

A. The acceptance and delivery of emergency messages is an important and legitimate law enforcement function. The level of service we provide to the community will directly impact the Department's reputation within the community. For example, acceptance and delivery of a message at an accident scene can leave a lasting impression on the involved parties and, in the case of delivering a message to a person's employer, may even save a person's job. In deciding which messages should be accepted and delivered, employees should consider that the primary mission is public service and, as such, such requests should be refused only due to extreme workload. Even in those cases, employees should make every effort to complete the request or assist the person by transporting them to a telephone or driving to a residence to deliver a message to someone that does not have a telephone.

B. Delivery of messages regarding seriously injured, ill, or deceased persons will be accomplished in accordance with 41.4.

C. Communications personnel and/or the on duty supervisor shall determine, on a case- by-case basis, the appropriate response to other requests of an "emergency" nature.

81.3 Emergency Communications Operations

In case of a failure of the Communications system, employees shall:

- Switch radio operations to the Emergency Back-up radio frequency.
- In the event of a failure of main radio frequencies, employees shall:
  Switch to AIRS2 (Arizona Interagency Radio System.
- In the event of a total failure of radio communications, employees shall rely on cellphone / landline telephone communication and department emails

81.4 Alternative Methods of Communication

The Communications Center maintains a current list of Officer assigned cell phones.

81.5 Communications Center Facilities and Equipment

81.5.1 Security

The Communications Center shall have security measures in place to:

- Limit access to the Communications Center to authorized personnel.

- Protect equipment.
- Provide for back-up resources.
- Provide security for transmission lines, antennas, and power sources.

81.5.2 Alternative Power Source

The Communications Center has a UPS Battery Back-up as well as an Emergency Generator to provide electrical power sufficient to ensure continued operation of the center in the event of the loss of power.

CHAPTER 82 CENTRAL RECORDS

82.1 General

A. The Records Section is responsible for the maintenance of all completed original Department Reports (DR) and other departmental records. The records are kept in accordance with national and state requirements for privacy and security in criminal history records information. In accordance with those requirements, access to the records room or electronic storage center where the records are kept is limited and tracked. After normal business hours, sworn supervisors have access to the room for operational needs. Most records are kept online where various security features limit access. The records are subject to release in accordance with the Arizona Public Records Act. Records are maintained as required in the established records retention and destruction schedules.

B. The Records Section is also responsible for submitting required information about crime data to the Arizona Department of Public Safety (DPS) and Federal Bureau of Investigation (FBI) as part of the Uniform Crime Reporting System (UCR).

C. The Records Section operates in accordance with the Records Section Procedures Manual, which shall be maintained and kept up to date by the employee in charge of the records section.

D. Each call for service that results in a DR, traffic collision report or miscellaneous report is assigned a unique report number that corresponds to the call number. The number format is the same for all types of reports. The Spillman incident number begins with a two-digit prefix representing the year of occurrence, followed by the month of occurrence, and ending with a four digit number indicating the total incidents generated within that month. Due to our RMS system being a shared system, a dash between the first four numbers and the last four numbers has been assigned as a unique identifier for the purpose of distinguishing Marana from other agencies. {YYMM-CCCC}. All reports related to this incident shall reflect the report number. The original reports are indexed into the records management system and tracked according to procedures established in the Section Manual. Reports shall be tracked so that it is apparent when a report is missing and/or overdue as proscribed by patrol procedures. Records shall advise sergeants of any missing/overdue reports from assigned personnel.

E. The records management system includes:

- An alphabetical master name index as a cross reference to all documents in which a person is named.
- A traffic records sub-system, which includes, among other things, traffic collision data, traffic enforcement data, and roadway hazard information.

F. Security for the records management system includes:

- Data back-up.

- Storage
- Access security.
- Annual password audits.

82.2 Release of Police Reports and Other Records

A. Requests from all persons for copies of police reports and other departmental records shall be directed to the Records section. Copies of records will be released pursuant to this policy and will be routinely made available, as required by State law:

- Pursuant to requests under the Public Records Act.
- To insurance companies and financial institutions for purposes of property damage/loss.
- In cases such as burglaries, larcenies, arson and criminal damage.
- To accident and crime victims and their attorneys.
- To defendants in criminal cases and their attorneys.
- To prosecutors.
- To officers who have authored the report, who are involved in follow-up investigations or demonstrate other legitimate need for the report.
- In response to court orders and properly issued subpoenas.

B. Employees must guard against the inadvertent release of police reports and other documents containing sensitive, confidential or private information. When no longer needed by an employee, copies of these documents (not including the original) shall be discarded by shredding or other appropriate method.

C. Reports involving juveniles shall be maintained within the Department's files, but shall be noted by adding JINVL to the circumstance code under the appropriate case report within the Spillman RMS system. Court ordered expungements will be complied with by sealing the case folder and removing from the records file room. The Pima county sheriff's department will be notified to remove juvenile information from the RMS system. State statutory law does not provide any special confidentiality for juvenile records nor does it provide for the destruction of juvenile records upon the juvenile reaching the age of 18 in the absence of a court order.

82.3 Public Records Requests

A. The Arizona Public Records Act, A.R.S. Title 39, Chapter 1, promotes prompt public access to government records in order to ensure government accountability. Public records include most records kept in the ordinary course of business, and may include written documents (police reports, accident reports, etc.) as well as audio and video recordings, photographs and computer records, and similar material.

B. This sub-section,.82.3, addresses only records requested for a non-commercial purpose under Arizona's Public Records law and does not concern information requested for a commercial purposed, pursuant to a lawfully issued subpoena, court order or other legal process, or to records routinely released to other criminal justice agencies, including prosecutorial agencies. Requests for records created by another agency, copies of which may appear in the department's files, should be referred to that agency for response.

C. Public records requests must reasonably identify a record that exists or is being produced with enough specificity to allow the department to identify the record with a reasonable amount of effort. The department is not required to create a record in order to comply with a public records request.

D. The department may request, but not require, that the public records request be provided in writing and may request the reason for the request. While the law weighs heavily in favor of releasing public records, it also requires balancing the confidentiality, privacy and best interests of the government. Obtaining the reason for the request assists in balancing these interests.

E. Employees will redact (remove) from a public record prior to its release any information that falls into one of the following categories:

1. Certain victim information. Under A.R.S. §13-4434, the following information shall be removed from all publicly accessible records (other than from certain traffic accident reports as provided in A.R.S. §28-667 and other than records that are transmitted between law enforcement and prosecution agencies or the court) related to a criminal case involving a victim, unless the victim consents in writing to its release or the court orders disclosure:

- The victim's name, if the victim is a juvenile and the countervailing interests of confidentiality, privacy, the rights of the minor or the best interests of the state outweigh the public interest in disclosure.
- Date of birth
- Social security number
- State or government issued driver license or identification number
- Address
- Telephone number
- Email address
- Place of employment

2. Certain witness information. Under A.R.S. §39-129.01, the following information regarding a witness to a crime contained in a record created by or received by a law enforcement or prosecution agency may not be released unless the witness consents in writing to the disclosure or the court orders disclosure:

- Witness's address, unless the address is the location where the crime occurred.
- Date of birth
- Social security number
- Telephone number
- Home address
- Email address
- State or government issued driver license or identification number.

3. Confidential information. This includes information considered confidential for legal reasons, including but not limited to:

- Information contained in search warrants and court orders for identification before these documents are returned to the court.
- Information from search warrants and court orders for identification that are sealed by the court.
- Identification of confidential information sources.
- Identification of undercover officers and investigative techniques.
- Disclosure of information that would tend to identify confidential informants or undercover persons, or operations these persons are involved in,or undercover operations.
- Addresses and other personal identifying information regarding police officers (other than their names) when the officer is a victim or witness. Information that cannot be released due to statutory

prohibitions such as wiretap investigations, grand jury testimony, consumer fraud, or information that a court has ordered sealed, purged, or otherwise restricted. Department legal counsel should be contacted to determine the legality of release of any of these documents.

- Private information. This includes information that a person has a significant privacy interest in protecting from public dissemination, including but not limited to information that by its very nature is so gross, demeaning, biased, or sensitive that it would do irreparable harm to innocent persons or their character if released. Department legal counsel should be contacted to determine the legality of such a release.

4. Information that is not in the best interest of the State to release. This includes information that would cause specific, material harm to an investigation or to the agency's mission if released, including but not limited to:

- Legitimate need on the part of government not to release certain information. This must be more than a desire not to release the information; there must be the potential for specific, material harm to the investigation.
- Information known only by suspect(s).
- Specific details as to how the crime was committed.
- Information that would tend to hinder, jeopardize, or delay an investigation.
- Identities of suspect's friends, habits, or other information that, if known, would tend to hinder the gathering of evidence or information.
- Names of witnesses and information that would tend to identify them, if it can be shown that harm may come to them or if the release would keep others from coming forward. If witnesses have testified or have otherwise made public the fact they are witnesses, there may be no legitimate basis for withholding the information.
- Investigator's opinions and/or speculation (prior to a determination of guilt or innocence by a court).
- Erroneous information that would result in specific, material harm to an investigation.

Note: many items in this category may be redacted during the initial stages of an investigation but may no be longer redacted once revealed in open court or otherwise made public.

F. The refusal to release or the excessive redacting of a public record may result in the filing of a lawsuit against the Department. If the court determines that the refusal to release the record was unreasonable, the court may order the information to be released and may award costs and attorney's fees to the party seeking the record. Generally, the Department should redact and release public records, rather than refuse to release the record in its entirety.

82.4 Internal Records Requests

A. Employees requesting information by telephone shall identify themselves by name and identification number and, when possible, provide a phone number for call back verification.

B. Employees requesting records for a non-official purpose shall make a public records request and pay the appropriate fee. These records shall be redacted as provided in the public record policy.

82.5 Sealed and Expunged Records

Court orders expunging or sealing police records shall be forwarded to the Records Section for implementation. Paper records, if any, shall be sealed and shall remain sealed until purged as required by Department policy or until opened by court order. Specific sealed information contained in the Department's controlled automated electronic systems shall be segregated into a confidential, restricted

file and marked as sealed or expunged with reference to the court order, which shall be maintained. This confidential file may be accessed only by Records personnel and the information contained in the file may be released only when lawfully permitted (court order or specific statutory authority).

82.6 Criminal Information Systems

A. The Arizona Criminal Justice Information System (ACJIS) system is a series of databases maintained by the Department of Public Safety (DPS) for the use of specific law enforcement and criminal justice personnel. The information in the database may be accessed only for law enforcement purposes and may be shared only with other law enforcement personnel, and only for law enforcement purposes. To directly access the database, an employee must first be certified as a Terminal Operator by DPS.

B. Information from ACJIS shall not be disseminated to any person not authorized to receive the information, including employees or the public.

82.7 Arrest/Identification File

The records management system shall include an identification file (also known as a criminal history file or an arrest file) for every person arrested by the department. The file will be assigned a number unique to that specific arrestee. The identification file shall include a fingerprint card, criminal history transcripts (state and federal), photograph (if available), and copy of the arrest report, or these items must be readily accessible by cross-reference in the file. When assigning an arrest file number, records personnel will conduct a reasonable search to make sure the arrestee is not already assigned a number.

CHAPTER 83 COLLECTION AND PRESERVATION OF EVIDENCE

83.1 Definitions

Chain of Custody: Documentation of the physical handling of all property from the time obtained until final disposition.

Evidence Custodian: The employee assigned as head of the Evidence Section.

Found Property: Lost or abandoned property that is not evidence and comes into the custody of the Department.

Safekeeping Property: Property that is not evidence that is taken into Department custody for the purpose of safeguarding the property for the rightful owner.

Prisoner Property: Property that is not evidence and that belongs to a prisoner who has been booked into jail.

Property for Disposal: Property that is not evidence, and has been given to the Department by a person who has requested that the property be removed or destroyed.

Evidence: Property, trace materials and/or biological findings that may be related to a crime and which may implicate or clear a person of a crime.

Collecting Officer: The person who collected and packaged the property.

Submitting Officer: The person who turned the property over to the custody of the Evidence Section.

83.2 Evidence Section

A. The Evidence Section is responsible for the storage, organization, retrieval and return or disposal of all property that is collected for safekeeping, as evidence, and as found property.

B. All property and evidence that is to be submitted to the Section will be submitted before the submitting employee completes his/her duty shift and shall be secured while in the custody of the submitting employee until submitted. No property or evidence shall be left unsecured in a desk, vehicle or office.

C. Evidence Guidelines detailing the required packaging and labeling of all property and all other Evidence procedures shall be drafted by the Evidence Custodian, approved by the Chief, and be made available to all employees. Evidence Guidelines shall be followed by all employees.

D. Security of the Evidence Section is essential to establishing the chain of evidence for prosecution purposes. Only Section employees, the Section supervisor, and the Police Chief shall have direct access to the Evidence Section and facility. All persons entering the Evidence storage area will show identification, be logged in and out and be accompanied by section personnel. All access keys to all Evidence storage units or areas will be limited to section personnel. Any drop-box or overnight storage areas will be secured with mechanisms that allow property to be entered or dropped off, but not removed, except through the use of an access key.

E. An officer who seizes or receives property of any kind from a person shall provide a receipt or enter into the electronic system the information necessary to generate a receipt.

83.3 Collection of Evidence at the Scene

83.3.1 Scene Management

A. It is the responsibility of the case officer at a crime scene to first assure that the scene is secure and protected as much as possible. The case officer shall then ensure that the scene is processed for all possible evidence, and the proper steps for its documentation, preservation and submission are taken. If the case officer is not qualified to handle any aspect of a scene, the case officer shall have personnel respond to do so. 24/7, 365 call-out lists for investigators, traffic accident investigators and crime scene technicians are maintained by Communications to assist case officers when this occurs. Equipment and supplies for processing scenes (recovery of latent fingerprints, photography, sketches of scenes and collection and preservation of physical evidence), as well as expertise in using these items, are held by the Crime Scene Investigators who can assist the case officer.

B. Generally, a scene is photographed or video recorded, fingerprinted, marked and then evidence collected, in that order. Each employee who takes custody of evidence at a scene shall note in the employee's report a description of the item and the source of the item (person or location obtained from). Any transfer of custody of any evidence collected at the scene shall be documented in each employee's report of the incident.

83.3.2 Latent Fingerprints

A. Each officer shall receive training on processing a crime scene for latent prints and taking an individual's fingerprints, and shall carry a fingerprint kit for that purpose. All latent prints will be packaged separately in latent print envelopes appropriately marked for identification and submitted to Evidence.

B. An individual's fingerprints will be captured using appropriate electronic equipment or appropriately marked for identification fingerprint cards. For arrested individuals an officer may utilize the custodial fingerprinting service at the Pima County Jail.

83.3.3 Photographs

A. Crime scene photographs shall only be taken with Department issued or Department approved digital cameras or video recorders. Officers shall receive training in taking evidentiary photographs (images obtained for the purposes of evidence to support a criminal investigation).

B. All evidentiary photographs, regardless of quality, shall be downloaded onto the Department's photographic evidence storage device. At no time shall any images be deleted. A specific case identifier shall be included at the beginning and the end of the series of images.

C. No officer may take photographs of a crime scene using private equipment or maintain a personal copy of any evidence photographs. Any images taken by an officer on an unauthorized camera or other electronic device shall have the memory medium packaged and placed into Evidence.

D. Photographs or video recordings shall be taken when investigating serious crimes against persons or property, or when recovered property is to be returned to the victim in lieu of impounding (such as in shoplifting cases). Examples of serious crimes include, but are not limited to:

- Homicide
- Sexual Assault
- Arson
- Burglary
- Robbery
- Aggravated Assault
- Child Neglect/Abuse
- Traffic Fatality/Serious Injury Accident
- Injured Prisoner/Use of Force
- Any time a person is injured or alleges injury as a result of police contact, including traffic accidents.

The officer taking the photographs shall document in the DR the evidentiary value of the photographs. Photographs should whenever possible include a landmark for relative positions of the item being photographed. When size is an issue, the item should be photographed with and without a scale of measurement and be taken prior to the item's removal.

83.3.4 Biological Evidence Collection

A. To avoid scene contamination, officers should closely control access to any crime scene in which there may be biological evidence. Officers should use protective gear (gloves, shoe covers, etc.) both for their own protection and to avoid scene contamination. Access to the scene should be strictly limited; a log should be kept of all those entering the scene.

B. Given that biological evidence may be transferred during a physical encounter, both the suspect and the victim, themselves, must be considered part of the crime scene. The suspect and victim shall not be left alone until possible evidence is collected.

C. Any items that contain or may contain biological evidence should be collected and transported to the Evidence Section. All such evidence must be properly packaged to avoid cross contamination.

D. If an item is such that it cannot be transported, Evidence technicians may be called to the scene to assist with forensic collection from those items, subject to the approval of a supervisor. Sworn personnel will be in charge of the scene and investigation, with the responding Technician providing technical forensic support only.

E. The above guidelines are especially important when dealing with DNA evidence. Given its unique and fragile nature, only trained personnel should seize DNA evidence. During that training, employees are taught how to collect, package and transport the DNA evidence, as well as how to submit it to DPS for

analysis. Employees should follow those procedures and updates.

83.4 Collection of Evidence at Police Facilities

83.4.1 Fingerprinting Subjects

A. Subjects will not be ten-print fingerprinted in the field. Prints shall be obtained either at a police facility or at the jail, preferably using the Arizona Automated Fingerprint Identification System (AZAFIS). Only certified operators shall use the AZAFIS equipment.

B. If the AFIS System or Live Scan equipment is non-operational or not available, fingerprints will be taken using an FBI fingerprint card. The card and a copy of the booking sheet will be forwarded to the AFIS operator for later entry into the AFIS system.

C. Subjects may also be referred to the Department for the purpose of obtaining a set of fingerprints for personal reasons or by court order. Such fingerprinting is only done at Marana Police Headquarters during posted hours. All persons requesting fingerprints, or responding due to a court order, must have a valid government-issued photographic identification card.

D. Fingerprints of juveniles shall be handled as follows:

- Juveniles booked at the Pima County Juvenile Detention Center will be fingerprinted during intake.

83.4.2 Photographing Subjects

A. All arrested persons, and others who consent to providing a photograph, shall be photographed during the arrest process, either at the Department or at the jail or detention facility. Photographs taken at the Department shall be taken using the mug camera, using the same background and covering the person up to the neck with the same color cover.

B. Juvenile photographs shall be handled as follows:

Juveniles arrested for serious crimes will be photographed using a department issued camera prior to transporting the juvenile to the Pima County Juvenile Court Center

CHAPTER 84 PROPERTY AND EVIDENCE CONTROL

84.1 Submission of Evidence

A. Evidence Guidelines detailing the required packaging and labeling of all property and all other Evidence procedures shall be made available to all employees. Evidence Guidelines shall be followed by all employees.

B. All items initially submitted or returned after check-out to the Evidence Section shall be either sealed or tagged and shall remain that way until released or disposed of by Section personnel. Seals shall be completed in permanent ink by initialing across the tape, creating an integrity seal for the package. No property or evidence may be submitted without the completion of both a property sheet and a DR detailing the reason the property/evidence was seized.

C. Property should be packaged in packaging provided by the Department and shall be packaged and marked in a manner that does not affect the integrity of the item and its evidentiary value. Evidence tags should be affixed in a manner that does not damage the property (using a tag rather than a label when appropriate). Officers may consult the Evidence guidelines or contact Evidence personnel for guidance on handling unusual or bulky items.

D. All property is tracked using both the case number and a unique property identification number. Each piece of property shall have its own number.

E. Items that are perishable or dangerous should not be submitted for storage in Evidence. Perishables should be photographed, sampled if desired for evidentiary purposes and destroyed. Explosives, fireworks, and flammable liquids shall be handled in the following manner:

Explosives shall be turned over to the appropriate government agency tasked with safely rendering such items safe.

Fireworks and flammable liquids: Small quantities may be stored at the police impound yard. Larger quantities should be as explosives and turned over to the appropriate government agency.

F. Any particularly unusual or unidentified hazardous materials – for example, chemically contaminated materials – shall be handled by a hazardous materials call-out and shall not be submitted to Evidence without consultation with the Evidence Custodian.

84.1.1 Submission of Evidence for Laboratory Analysis

A. It shall be the responsibility of the case agent to notify the property room when property must be sent to a laboratory for analysis. The evidence shall be prepared and packaged as required by the laboratory from which the analysis is requested.

B. It is the responsibility of the property room to submit the evidence as soon as practicable to an appropriate laboratory for analysis.

C. A written record on any evidence submitted to a laboratory for examination shall be maintained. The record shall include the following information:

- The name of the officer last having custody of the item.
- The date and time of submission or mailing and the method used for transmission.
- The documentation returned by the lab with the item and/or laboratory results.

D. Lab reports, when returned by the lab, shall be forwarded to the Property and Evidence Unit and the responsible officer/detective.

Lab reports forwarded to the Property and Evidence Unit will be attached to the corresponding Property and Evidence Control form or entered into the electronic tracking system.

Officers receiving a lab report shall complete a supplemental report documenting the results of the examination(s).

84.2 Firearms

A. When placing firearms, ammunition and magazines into evidence, officers should:

- Handle them carefully to preserve fingerprint evidence.
- Unload firearms, but not disassemble them.
- Immobilize the action of a weapon using a cable tie.
- Leave ammunition in a magazine.
- Package bullets and magazine in a separate envelope, but (if removed from a firearm) with the firearm.

- Avoid damaging or scratching casings, bullets or fragments.
- If a bullet is lodged in an object, cut and remove a section of the object; do not remove the bullet.

B. When applicable, the following notations and warnings should be clearly marked:

- If a weapon cannot be unloaded, place a large label on the firearm packaging that the firearm is potentially loaded and unsafe.
- If submitted in compliance with an Order of Protection, label the property control sheet "Order of Protection."
- If submitted for safekeeping in a Domestic Violence matter, label the property control sheet "Domestic Violence."

84.3 Other Evidence

Other evidence shall be submitted as follows.

A. Money. Money shall be counted by listing the number of bills of each denomination, with a total on the label. All amounts over $50 shall be counted by two officers. All amounts over $2,500 shall be handled by Evidence call-out.

B. Syringes. Individual syringes shall be photographed and disposed of in a sharps container. Found discarded syringes unassociated with an investigation shall be placed in a sharps container and disposed of in a biohazard barrel.

C. Oversized items. When possible, the collection of very large or bulky items should be avoided by collecting trace evidence and then photographing the item. If collection is required and transport in an available police vehicle is not possible, an Evidence call-out should be done.

D. Vehicles impounded as evidence. The Crime Scene Unit controls the department's vehicle impound lot, which shall contain only vehicles that are themselves evidence. All other vehicles shall be towed to private storage lots. Vehicles impounded for forensic processing shall be secured and locked at the impound lot, with an evidence tag and keys and tow receipts placed into evidence. Recovered stolen vehicles that are being returned to the owner should not be placed in the impound facility. The vehicle should be held at a private tow yard.

Refer to 61.8 regarding the towing, impounding, and inventorying of vehicles.

84.4 Submitting Property that is not Evidence

84.4.1 Found Property

A. Whenever practical, found property should be photographed and returned to the owner. A DR shall be completed, including the name and address of the person to whom the property was released.

B. Found property that cannot be returned should be properly packaged and labeled prior to being submitted to Property and Evidence. It shall be packaged separately from all other property; the label shall include the name and address of the person who found the property.

C. Found property that is not claimed by the owner shall be handled as provided by State law.

84.4.2 Property for Disposal

Property that holds no evidentiary or monetary value may be documented in a DR and disposed of by the case agency. If property for disposal cannot be properly disposed of on scene, it shall be properly

packaged and labeled, separately from other property, and submitted to the Evidence Section with a signed Evidence release form authorizing immediate disposal.

84.4.3 Property Held for Safekeeping

An officer who takes any property into possession for safekeeping shall provide a copy of a completed property control form to the person from whom the property is taken as a receipt. The property shall be properly packaged and labeled, separately from all other property, and submitted to the Evidence Section.

84.4.4 Prisoner Property

A. Prisoner property shall be packaged and labeled with the owner's name and address.

B. All prisoner property shall be searched prior to submitting it to the jail. All money, jewelry, valuables, wallets, prescription medication, and small personal belongings shall be booked into the jail with the prisoner. Contraband (as defined by the booking facility) holding no evidentiary or tangible monetary value may be discarded by the officer. Any weapons, drugs, and contraband with monetary value shall be submitted to Evidence under the guidelines applicable to the specific type of property. The location of prisoner property, including notation of any that is disposed of, shall be included in the DR.

C. The following items shall be considered contraband, as outlined by the County Jail:

- Weapons, including pepper spray, mace, pocket knives, ammunition, etc.
- Tools that can be used as a weapon, such as screwdrivers, hammers, cutting tools, etc.
- Unprotected sharps such as syringes and razors.
- All illegal materials.

D. Every effort shall be made to take prisoners to the jail with the minimal amount of property (for example, by leaving it, with the arrestee's permission, in the custody of a responsible party).

84.5 Security of Property Room

A. All property, including evidence, which is seized or taken into custody by an employee of the department for impounding shall be maintained in the property room. The property room is a secure area with access limited to authorized personnel only.

B. The property room records system tracks all property from the time an employee submits property to the room all the way through the property's disposal/release, including times when it is checked out and then returned. See 84.6. The system also records where the property is located within the property room. In order to maintain a high degree of control over the property, periodic inspections, inventories and audits are completed as follows:

- An inspection to determine adherence to procedures used for the control of property is conducted at least semi-annually by the person responsible for the property and evidence control function or a by a designee.
- An audit of property occurs whenever the property and evidence custodian is assigned and/or transferred from the position; this audit is conducted by the new property and evidence custodian and a designee of the Chief to ensure that records are correct and properly annotated.
- An annual audit of property and evidence is conducted by a supervisor not routinely or directed connected with the control of property and evidence.
- An unannounced inspection of property storage is conducted, at the direction of the Chief, at least once a year.

C. Within the property room, there are special areas to allow for refrigerated items, frozen items, oversize

items, firearms, and valuables.

D. In the event that the property room is closed, the department has temporary evidence lockers available at the main station and the substation.

E. The department normally destroys controlled substances that are ordered forfeited. However, the Chief may give written approval for the use of one or more of these items for training purposes. The item will be weighed and packaged both prior to release for training and upon its return, with any significant weight discrepancy explained in a memo to the Chief.

F. Unless the firearm is otherwise prohibited from being sold under federal or state law, firearms must be either used by the Department or sold/traded to a licensed firearms dealer.

84.6 Checkout And Return Of Property

A. Authorized department personnel may remove items from Evidence for the purpose of investigations, forensic testing, judicial hearings and trials and as otherwise approved by the Evidence Custodian. Each person removing property shall complete the property control form when retrieving the item, and shall take a copy of the form with them so that the chain of custody can be maintained. Anyone receiving the property shall sign the form; the form is to remain with the property until the property is returned to the Evidence Section.

B. If property is retained by the court or other agency, a receipt shall be signed by the receiving person; the receipt shall be returned to Evidence.

84.7 Release And Disposition Of Property

A. Generally, once the Department is ready to dispose of property, it should be returned to the owner. Upon receiving a signed release (a court order, memo or standing order from the prosecution, or a signed release from the assigned detective), the Evidence Section shall send a letter to the owner, informing them of the property's release and providing them with thirty days to contact the Department and make arrangements for the property.

B. If private possession of the property is not lawful, or there are competing claims of ownership, or the owner does not respond to the mailed notice, or the owner or owner's address is unknown, the property shall be disposed of as prescribed by A.R.S. §§12-940 through 945.

84.7.1 Conversion of Property to Department Use

A. A.R.S. §12-941 allows for unclaimed property and evidence determined to be of use in police operations to be retained and utilized by the Department. Firearms (A.R.S. §12-945) and court ordered forfeited deadly weapons, dangerous instruments or explosives (A.R.S. §13-3105), unless prohibited from being sold, must be disposed of or sold as directed by the previously referenced statutes.

B. The Chief shall determine the distribution of unclaimed property for use in police operations, as well as any property forfeited to the department for its use.

84.7.2 Special Retention for Biological and Cold Case Evidence

Biological evidence collected in connection with certain homicides and felony sexual assault cases must be preserved for an extended period of time. Such evidence shall not be disposed of except in compliance with the State law regarding retention of such evidence that is in effect at the time of disposal of the evidence.

84.7.3 Destruction of Marijuana and Narcotics

Destruction of marijuana and narcotics shall be overseen by no less than three witnesses.

The destruction of drugs in the custody of the department shall be documented in a case report. The report shall contain all of the case numbers of the drugs that are destroyed. A list of the drugs destroyed shall be printed and signed by the department members that participated in the destruction process. This signed list shall be scanned into the Laser fiche system under the documenting case number.