**CHIEF'S MESSAGE**

"Ad Honorem"

I would like to welcome you on board the Flagstaff Police Department. Congratulations for passing one of the most rigorous employment processes anywhere. We choose our candidates very carefully, as we firmly believe the Flagstaff Police Department is the best department in the nation.

By accepting this job, you are in essence swearing an allegiance not only to uphold and enforce the law, but also to protect the image and reputation of this fine agency. Our motto "Ad Honorem"-was selected by the Romans centuries ago to help establish their culture and devotion to professionalism. Translated this phrase means that we shall do our duty and provide exemplary service to our community without an expectation of personal reward or gain. Nothing is more important to this agency than ethics, integrity, and public trust. You are now a steward of this reputation.

Police work is a calling. It involves so much more than other careers, and is arguably the most important profession in today's democratic society. I expect you to serve this community with integrity, conscious of our dedication to the preservation of individual rights, and committed to the boundaries established by our Constitution. If you do this, there is no more noble and honorable deed you will perform in your lifetime.

Remember our motto. Speak of it with pride to other members of this Department and share its definition with the community through your own personal acts and deeds. Welcome to the finest police agency in the country.

Respectfully,

Kevin Treadway

Chief of Police, Flagstaff Police Department



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**LAW ENFORCEMENT CODE OF ETHICS**

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

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

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

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

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

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



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## MISSION STATEMENT

**The mission of the Flagstaff Police Department is to protect and preserve life, property, public order and the rights of the individual, by providing exemplary service through the establishment of a partnership of shared responsibility, support and trust with law abiding members of the community.**

**Our Values:**

**We value life -** Preserving life is our highest priority.

**We value the Constitution -** It provides equal and enforceable standards for all.

**We value integrity -** We recognize integrity as the basis for mutual respect and trust.

**We value service -** By providing exemplary service we enhance our credibility and establish trust with the community.

**We value quality of life -** We value our role in promoting an environment that enables people to preserve or enhance their quality of life through a partnership of shared responsibility and trust.



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# Table of Contents

**CHIEF'S MESSAGE** . . . . . 1

**Law Enforcement Code of Ethics** . . . . . 2

**MISSION STATEMENT** . . . . . 3

**Chapter 1 - Law Enforcement Role and Authority** . . . . . 9
100 - Law Enforcement Authority . . . . . 10
102 - Chief Executive Officer . . . . . 12
104 - Oath of Office . . . . . 13
105 - Vision Statement of the Flagstaff Police Department . . . . . 14
106 - Policy Manual . . . . . 15

**Chapter 2 - Organization and Administration** . . . . . 18
200 - Organizational Structure and Responsibility . . . . . 19
204 - Special Orders . . . . . 21
206 - Emergency Operations Plan . . . . . 22
208 - Training Policy . . . . . 27
212 - Electronic Mail . . . . . 31
214 - Administrative Communications . . . . . 33
216 - Supervision Staffing Levels . . . . . 34
220 - Retired Officer Carrying Concealed Weapons . . . . . 35

**Chapter 3 - General Operations** . . . . . 37
300 - Use of Force . . . . . 38
302 - Use of Force Review Boards . . . . . 46
306 - Handcuffing and Restraints . . . . . 49
308 - Control Devices and Techniques . . . . . 53
309 - Conducted Energy Device (Taser) . . . . . 58
310 - Officer-Involved Shooting . . . . . 64
312 - Firearms and Qualification . . . . . 72
314 - Vehicle Pursuits . . . . . 79
316 - Officer Response to Calls . . . . . 92
320 - Domestic Violence . . . . . 98
321 - Officer Involved Domestic Violence . . . . . 106
322 - Search and Seizure . . . . . 117
324 - Temporary Custody of Juveniles . . . . . 121
326 - Vulnerable Adult Abuse . . . . . 131
328 - Discriminatory and Sexual Harassment . . . . . 135
330 - Child Abuse . . . . . 142
331 - Missing Children . . . . . 148
332 - Missing Persons . . . . . 160
333 - Stalking investigations . . . . . 166
334 - Public Alerts . . . . . 168



Adoption Date: 2014/08/15
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335 - Address Confidentiality Program . . . . . 172
336 - Crime Victim Compensation and Rights . . . . . 176
337 - Victim Assistance Workers . . . . . 181
338 - Hate or Prejudice Crimes . . . . . 183
340 - Conduct . . . . . 186
342 - Department Technology Use . . . . . 203
344 - Report Preparation . . . . . 206
346 - News Media Relations . . . . . 212
348 - Court Appearance and Subpoenas . . . . . 218
349 - Court Security and Inmate transports . . . . . 223
350 - Reserve Officers . . . . . 225
352 - Outside Agency Assistance . . . . . 229
356 - Registered Offender Information . . . . . 231
358 - Major Incident Notification . . . . . 236
359 - Firearm Injury Reporting . . . . . 238
360 - Death Investigation . . . . . 239
362 - Identity Theft . . . . . 243
364 - Private Persons Arrests . . . . . 245
368 - Limited English Proficiency Services . . . . . 247
370 - Communications with Persons with Disabilities . . . . . 255
372 - School Employee Arrest Reporting . . . . . 263
373 - Pupil Arrest Reporting . . . . . 264
374 - Biological Samples . . . . . 265
376 - Chaplains . . . . . 268
380 - Child and Dependent Adult Safety . . . . . 272
382 - Service Animals . . . . . 276
384 - Volunteer Program . . . . . 278
385 - Internship Policy . . . . . 285
386 - Native American Graves Protection and Repatriation . . . . . 286
388 - Off-Duty Law Enforcement Actions . . . . . 288

**Chapter 4 - Patrol Operations . . . . . 290**

400 - Patrol Function . . . . . 291
401 - Community Oriented Policing Philosophy . . . . . 294
402 - Racial- or Bias-Based Profiling . . . . . 297
404 - Roll Call Briefing Training . . . . . 299
406 - Crime and Disaster Scene Integrity . . . . . 300
408 - Emergency Services Response Team . . . . . 302
410 - Ride-Along Policy . . . . . 323
412 - Hazardous Material Response . . . . . 326
414 - Hostage and Barricade Incidents . . . . . 328
415 - Armed Robbery Alarm Procedure . . . . . 333
416 - Response to Bomb Calls . . . . . 336
417 - Crisis Intervention Team; Dealing with Individuals with Mental Illness and Developmental Disabilities; SMART Card Program . . . . . 340
418 - Civil Commitments . . . . . 344
419 - Medical Marijuana . . . . . 349



Adoption Date: 2014/08/15
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420 - Citation Releases . . . . . 355
422 - Diplomatic and Consular Contacts . . . . . 359
424 - Rapid Response and Deployment Policy . . . . . 367
426 - Reporting Law Enforcement Activity Outside of Jurisdiction . . . . . 369
429 - Immigration Enforcement . . . . . 370
430 - Emergency Utility Service . . . . . 378
432 - Patrol Rifles . . . . . 380
434 - Aircraft Crashes . . . . . 384
435 - Airport Security and Screening Policy . . . . . 387
436 - Field Training Officer Program . . . . . 397
438 - Obtaining Air Support Assistance . . . . . 400
440 - Field Contacts, Detentions, Photographs and Eyewitness Identification . . . 401
442 - Criminal Intelligence Systems . . . . . 413
444 - Shift Supervisors and Watch Sheets . . . . . 417
446 - Mobile Audio Video . . . . . 418
448 - Mobile Digital Computer Use . . . . . 426
450 - Use of Audio/Video Recorders . . . . . 429
454 - Bicycle Patrol Tactic . . . . . 432
458 - Foot Pursuit Policy . . . . . 435
464 - Homeless Persons . . . . . 440
465 - Civil Matters . . . . . 443

**Chapter 5 - Traffic Operations . . . . . 447**

500 - Traffic Function and Responsibility . . . . . 448
501 - Funeral Processions . . . . . 453
502 - Traffic Collision Response and Reporting . . . . . 454
510 - Vehicle Towing and Release Policy . . . . . 458
512 - Vehicle Impound Hearings . . . . . 464
514 - Impaired Driving . . . . . 467
516 - Traffic Citations . . . . . 472
520 - Disabled Vehicles . . . . . 474
524 - Abandoned Vehicle Violations . . . . . 475

**Chapter 6 - Investigation Operations . . . . . 476**

600 - Investigation and Prosecution . . . . . 477
602 - Sex Crime Victims' Rights . . . . . 484
608 - Confidential Informants . . . . . 486
610 - Eyewitness Identification . . . . . 492
612 - Brady Material Disclosure . . . . . 496

**Chapter 7 - Equipment . . . . . 498**

700 - Department-Owned and Personal Property . . . . . 499
702 - Personal Communication Devices and Related Electronics . . . . . 502
704 - Vehicle Maintenance . . . . . 507
706 - Vehicle Use . . . . . 510
710 - Cash Handling, Security and Management . . . . . 515



Adoption Date: 2014/08/15
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**Chapter 8 - Support Services** . . . . . **517**
800 - Crime Analysis and Criminal Intelligence . . . . . 518
802 - Communication Operations . . . . . 524
804 - Property and Evidence . . . . . 526
806 - Records Procedures . . . . . 544
810 - Records Release and Security . . . . . 546
812 - Criminal History Record Information (CHRI) . . . . . 553
814 - Computers and Digital Evidence . . . . . 557
820 - Animal Control . . . . . 561

**Chapter 9 - Custody** . . . . . **565**
900 - Custodial Searches . . . . . 566

**Chapter 10 - Personnel** . . . . . **571**
1000 - Recruitment and Selection . . . . . 572
1002 - Evaluation of Employees . . . . . 581
1004 - Promotional and Transfer Policy . . . . . 585
1006 - Grievances . . . . . 587
1008 - Anti-Retaliation . . . . . 590
1010 - Reporting of Employee Convictions . . . . . 593
1012 - Drug- and Alcohol-Free Workplace . . . . . 595
1014 - Sick Leave Policy . . . . . 599
1016 - Communicable Diseases and Infection Control . . . . . 601
1018 - Smoking and Tobacco Use . . . . . 611
1020 - Personnel Complaints . . . . . 612
1022 - Seat Belts . . . . . 622
1024 - Body Armor . . . . . 624
1026 - Personnel Files . . . . . 626
1030 - Commendations and Awards . . . . . 633
1032 - Fitness for Duty . . . . . 639
1033 - Critical Incident Stress Management Team . . . . . 642
1034 - Meal Periods and Breaks . . . . . 644
1035 - Lactation Breaks . . . . . 645
1036 - Payroll Record Procedures . . . . . 647
1038 - Overtime Compensation Requests . . . . . 648
1039 - Standby Pay policy . . . . . 651
1040 - Outside Employment . . . . . 653
1042 - On-Duty Injuries . . . . . 658
1044 - Personal Appearance Standards . . . . . 663
1046 - Uniform Regulations . . . . . 666
1050 - Nepotism and Conflicting Relationships . . . . . 674
1052 - Department Badges . . . . . 677
1054 - Temporary Modified-Duty Assignments . . . . . 679
1056 - Performance History and Early Warning Reports . . . . . 683
1058 - Employee Speech, Expression and Social Networking . . . . . 686
1060 - Arizona Peace Officer Standards and Training Board (AZPOST)Certification . 690



Adoption Date: 2014/08/15
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**Attachments** . . . . . **692**
New appendix May 2014.pdf . . . . . 692
New appendix May 2014.pdf . . . . . 692



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# Chapter 1 - Law Enforcement Role and Authority



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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

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

## 100.2 PEACE OFFICER POWERS

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

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

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

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

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

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

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

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

## 100.3 INTERSTATE PEACE OFFICER POWERS

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



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interstate compact for jurisdiction on the Colorado River (ARS § 37-620.11, California Penal Code § 853.1 and § 853.2 and Nevada Revised Statutes § 171.079, et seq.).

Peace officer powers may also be extended when an officer enters another state in fresh pursuit of a felony subject (ARS § 13-3831, et seq., California Penal Code § 852, et seq., New Mexico Code § 31-2-1, et seq., Nevada Revised Statutes § 171.154, et seq. and Utah Code § 77-9-1, et seq.).

### 100.4 CONSTITUTIONAL REQUIREMENTS

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



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# Chief Executive Officer

## 102.1 PURPOSE AND SCOPE

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

### 102.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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



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# Oath of Office

## 104.1 PURPOSE AND SCOPE

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

### 104.1.1 OATH OF OFFICE

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

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

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

### 104.1.2 MAINTENANCE OF RECORDS

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



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# Vision Statement of the Flagstaff Police Department

### 105.1 OUR VISION

The Flagstaff Police Department will be a model public safety agency, committed to public service first, through professional, effective and equitable enforcement of federal, state and local laws. To fulfill this vision, the Flagstaff Police Department is dedicated to providing a quality work environment and to the development of its members through effective training and leadership, and to ensure its members are cared for both physically and mentally. Through this mission we achieve our department motto, "Ad Honorem", meaning, "In honorable service of others, without expectation of personal gain".



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# Policy Manual

## 106.1 PURPOSE AND SCOPE

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

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

## 106.2 POLICY

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

### 106.2.1 DISCLAIMER

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

## 106.3 AUTHORITY

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

## 106.4 DEFINITIONS

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

**ADOT** - Arizona Department of Transportation.

**AZPOST** - Arizona Peace Officer Standards and Training Board.



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*Policy Manual*

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

**CFR** - Code of Federal Regulations.

**CID** - The Criminal Investigations Division of the Arizona Department of Public Safety.

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

**Child** - Any person under the age of 18 years.

**City** - The City of Flagstaff.

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

**DPS** - The Arizona Department of Public Safety.

**Department/FPD** - The Flagstaff Police Department.

**Employee/personnel** - Any person employed by the Department.

**Manual** - The Flagstaff Police Department Policy Manual.

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

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

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

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

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

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

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

**Shall or will** - Indicates a mandatory action.

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

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

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



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

**USC** - United States Code.

### 106.5 ISSUING THE POLICY MANUAL

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

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

### 106.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

### 106.7 REVISIONS TO POLICIES

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

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

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

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



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# Chapter 2 - Organization and Administration



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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

## 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Flagstaff Police Department. There are two sections in the Police Department as follows:

- Support Services Section
- Operations Section

### 200.2.1 SUPPORT SERVICES SECTION

The Support Services Section is commanded by the assigned Deputy Chief whose primary responsibility is to provide general management, direction and control for the Support Services Section, including management of the Department budget and the designation of the custodian of records. The Support Services Section consists of Technical Services, Administrative Services and Communications Services.

Annually, the Support Services Section Deputy Chief shall develop and submit to the Chief of Police a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than $5,000 and other items specifically identified for inclusion regardless of value are capital property, equipment and assets.

### 200.2.2 OPERATIONS SECTION

The Operations Section is commanded by the assigned Deputy Chief whose primary responsibility is to provide general management, direction and control for the Operations Section. The Operations Section consists of Criminal Investigations and Uniformed Patrol.

### 200.2.3 CRIMINAL INVESTIGATIONS

Criminal Investigations is commanded by the assigned Lieutenant whose primary responsibility is to provide general management, direction and control for the Criminal Investigations personnel. Criminal Investigations consists of the Detective Unit, Crime Analysis Unit, Pawn Detail and Metro Narcotics Task Force.

### 200.2.4 UNIFORMED PATROL

Uniform Patrol is commanded by the assigned Lieutenant(s) whose primary responsibility is to provide general management, direction and control for Uniform Patrol. Uniform Patrol consists of Uniformed Patrol and Special Operations, which includes Traffic, Police Reserves and Volunteers.

## 200.3 COMMAND PROTOCOL



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### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences, the assigned Deputy Chief shall act with the authority of the Chief of Police. For circumstances in which the Chief of Police is absent, and both Deputy Chief's are unavailable, the Chief of Police will designate a Lieutenant to serve as the Duty Commander of the Police Department.

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

(a) Operations Deputy Chief.

(b) Support Services Deputy Chief.

(c) Lieutenant as assigned.

(d) Shift Sergeant or supervisor as assigned.

### 200.3.2 UNITY OF COMMAND

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

### 200.3.3 ORDERS

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

### 200.3.4 UNLAWFUL AND CONFLICTING ORDERS

No member is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the member who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with an order that is in conflict with a previous order, department policy or other directive, shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or directive that was initially issued.

The person issuing the countermanded order shall be notified in writing by the person issuing the second command of the action taken and the reason therefore.



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# Special Orders

## 204.1 PURPOSE AND SCOPE

Special Orders establish interdepartmental communications that may be used by the Chief of Police to make immediate changes to policy and procedure. Special Orders will immediately modify or change and supersede sections of this manual to which they pertain.

### 204.1.1 SPECIAL ORDER PROTOCOL

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

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

Any Special Orders issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 12-01 signifies the first Special Order for the year 2012.

### 204.1.2 SPECIAL ORDERS PROTOCOL

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

## 204.2 RESPONSIBILITIES

### 204.2.1 CHIEF OF POLICE

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

## 204.3 ACCEPTANCE OF SPECIAL ORDERS

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



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# Emergency Operations Plan

## 206.1 PURPOSE AND SCOPE

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

It is the policy of the Flagstaff Police Department to remain NIMS compliant. This will be accomplished through mandatory training, and by following Incident command System protocols in daily operations. The Incident Command System is universally recognized and understood by public safety providers. It allows for common terminology amongst a variety of public safety providers, and enhances efficiency of operations through the most effective allocation of limited resources. Supervisors will utilize the ICS system for all critical incidents and will make sure officers are familiar and trained in its concept.

### 206.1.1 DEFINITIONS

**Critical Incident** - A critical incident is a demand for service outside the realm of situations addressed by the daily management system of the police department. Such an incident may involve multiple divisions of the Flagstaff Police Department, i.e., a barricaded hostage. A situation may involve multiple entities of the municipality, i.e., an accident involving a hazardous waste spill. Other incidents may require the coordination of several jurisdictions and their resources.

**Incident Command System (ICS)** - A modular system used to organize resources and assignments during critical incidents. The ICS may be as large or as small as the incident dictates. ICS basic concepts include some or all of the following components: identify an incident commander, staging areas, incident objectives, unit tracking, common terminology, integrated communications, a manageable span of control, designated incident facilities, management of the media, and comprehensive resource management to be successful. Basic incident command will identify an operations section, planning section, logistics section and finance/administration section. Smaller incidents may not necessitate formation of all four sections while larger incidents may encompass more sections.

**Incident Commander** - Designated person in charge of the incident, regardless of rank.

**Unified Command** - The establishment of a command structure through representation of key officials for all primary agencies involved in the incident, or representatives of several functional departments of the same organization.

**Command Post** - Physical location where the incident commander conducts their base of operations.

**Staging Area** - Area designated for arriving personnel. Personnel should be logged in and given assignments at this location.



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**National Incident Management System (NIMS)** - Federal program to nationally standardize the incident command system.

**Emergency Operations Center** - Location where ICS concepts are utilized to support the ICS activities in the field and ensure basic community services are provided during the course of a major critical incident.

## 206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

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

### 206.2.1 RECALL OF PERSONNEL

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

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

## 206.3 LOCATION OF MANUALS

Field supervisors confronted with situations that qualify as critical incidents:

(a) Will advise dispatch they will be acting as incident commander.

(b) Will establish a staging area (if necessary) and direct arriving personnel through dispatch to the staging area for assignment and tracking.

(c) Will identify the radio channel incident communications will take place.

(d) Will deploy the personnel currently on duty in an attempt to prevent further injury/property damage as well as to identify possible suspects and initiate required searches.

(e) Will determine what other departmental divisions, city departments, and area law enforcement agencies need to be involved in the initial response and ensure that proper notification has been made.

(f) Will ensure that accurate information regarding potential hazards, suspect and victim descriptions and vehicle information is disseminated in as timely a manner as possible.

(g) Will initially utilize the ICS form 201 (attached) to develop incident objectives and an incident plan, and begin to track and order resources.

(h) Will notify the Duty Commander as soon as possible and will assume the duties of the incident commander until reassigned or relieved.



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### 206.3.1 DUTY COMMANDER RESPONSIBILITIES

(a) The Duty Commander will assume command of the police department's resources and will function as the incident commander unless assigned an alternative role during a multi-agency response.

(b) The Duty Commander will command the department resources either as the Incident Commander or during the police department's assigned role in a multi-agency operation.

(c) The Duty Commander will establish a communications link from the police department dispatch center to the command post.

(d) A command or supervisory officer will be assigned to the dispatch center as a Communications Coordinator between the incident command post and the dispatch personnel.

(e) The Duty Commander and Communications Coordinator will ensure a timely flow of information between the command post and the operational units.

### 206.3.2 INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander is responsible for:

(a) Establishing a command post and staging area, which will be identified with a green rotating beacon when practical.

(b) Establishing Incident Objectives.

(c) Ensuring that adequate resources are assigned and tracked.

(d) The direction and coordination of resources through the unit supervisors.

(e) Ensuring that adequate communications are maintained with the Communications Coordinator.

(f) Ensuring adequate communications are maintained with representatives of each agency involved.

(g) Incident Commanders will remain at the command post during the incident to facilitate contact and communication with all participants.

### 206.3.3 MULTI AGENCY RESPONSE

The overall responsibility for a multi-jurisdictional operation will be assumed by the agency having primary jurisdiction in the incident. A unified command may be established when multiple agencies are involved in the same incident.

(a) The Duty Commander will respond to requests outside of the city limits within the restrictions of pre-established mutual aid agreements and the Emergency Response Teams General Order.

(b) The Duty Commander in these instances will normally be assigned as the department's representative under another agency's Incident Commander at the command post. In this



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capacity, the coordination of the police department's resources with those of the other agencies will be the Duty Commander's primary responsibility.

206.3.4 ACTIVATION OF THE EMERGENCY OPERATIONS CENTER

The Emergency Operations Center will be activated upon direction of the Chief of Police or his designee. The City Manager will be advised of the decision to activate the EOC. A request to activate the EOC will be made when there is a demonstrated need to provide additional support for the ICS operating in the field, or when there is a need to develop a management system to provide continued basic services to the community during the course of a large scale critical incident.

(a) The Coconino County Local Emergency Planning Committee Director will be contacted to activate the EOC.

(b) The primary location for the EOC is the LEAF auditorium. The secondary location is Flagstaff City Hall.

(c) Incident Commanders and participants of the EOC will utilize the City of Flagstaff Emergency Management Plan and the Coconino County Emergency Operations Plan for protocols in the event of large scale critical incidents.

206.3.5 EVACUATIONS

An Incident Commander may order an evacuation when in the best interest of public safety. Implementation of an evacuation may be accomplished by field units, CERT teams, and volunteers.

(a) The primary point of contact for all evacuations is the Red Cross. Incident Commanders will contact the Red Cross as soon as feasible to coordinate all evacuations.

(b) Incident Commanders (with consultation with a Red Cross representative) shall designate a safe location (i.e.: public school, large parking lot etc.) as a rallying point for evacuees where information can be provided on sheltering services, etc.

(c) The Health Department is the primary agency responsible for special needs populations during an evacuation. Incident Commanders will contact the Health Department for information and assistance for citizens with special needs as soon as possible.

(d) Incident Commanders will also coordinate with the Humane Shelter and FPD ACO and Coconino County ACO for assistance with animals during an evacuation.

## 206.4 PLAN REVIEW

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



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### 206.5 PLAN TRAINING

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



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# Training Policy

## 208.1 PURPOSE AND SCOPE

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

## 208.2 PHILOSOPHY

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

## 208.3 OBJECTIVES

The objectives of the training program are to:

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

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

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

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

## 208.4 TRAINING PLAN

It is the responsibility of the Training Officer to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Department required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Officer shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required minimum mandated training of sworn officers or hiring of non-sworn employees.

Training listed may be provided in basic training programs. The Training Officer is responsible for ensuring members of the Department have been trained as required.

### 208.4.1 STATE MANDATED TRAINING

State training requirements include, but are not limited to:



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(a) Basic training:

1. Sworn members of the Department must successfully complete basic training pursuant to AAC § R13-4-110 before being granted certified status and performing the duties of a peace officer.
2. The basic training requirement may be waived when this department utilizes an individual under exigent circumstances, under the direct supervision of a certified peace officer as part of the field training program or the individual has otherwise received an AZPOST waiver.

(b) Certification retention:

1. All sworn members of the Department shall receive continuing training, proficiency training and firearms qualification courses as required by AAC § R13-4-111.
2. An officer who fails to satisfy AZPOST required continuing or proficiency training, shall not engage in enforcement duties, carry or use a firearm on-duty, wear or display a badge, wear a uniform, make arrests, perform patrol functions or operate a marked vehicle (AAC § R13-4-109.01(C)).

208.4.2 IN-SERVICE TRAINING

Training sessions will cover those topics that are determined to be necessary to meet POST Advanced Officer Training requirements.

(a) Other topics may be covered when necessary as special needs arise.

(b) Topics will be taught by those officers certified by POST as instructors.

(c) Training sessions will be a minimum of one hour in duration.

(d) Instructors will submit a class outline for approval through the training coordinator.

(e) Those topics that will be used to meet POST requirements for Advanced Officer Training will follow POST guidelines for approval.

## 208.5 TRAINING NEEDS

The Training Officer will attend daily command staff briefings to help identify any training-needs. The Training Officer may make training recommendations to the Chief of Police.

The Chief of Police may ask for a training-needs assessment be completed by the training officer, The training officer may be directed to assemble a training review board made up of employees or subject matter experts to conduct the assessment and complete a report. The report will be provided to the Chief of Police, command staff, and the Training Officer. Upon review and approval by the Chief of Police, the needs assessment will help form the basis for the training plan for the ensuing fiscal year.



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## 208.6 TRAINING REVIEW BOARD

The Training Advisory Board serves to review the training practices of the Department and to make recommendations to the Chief of Police regarding needed changes in curriculum, training facilities, policy or direction to meet AZPOST standards.

### 208.6.1 TRAINING ADVISORY BOARD GUIDELINES

(a) Composition of the Training Advisory Board:

1. Membership may be comprised of community members, subject matter experts, or Department trainers, who are responsible for conducting training or supervising training programs.
2. The Chief of Police and the Training Officer serve as ex-officio, non-voting members.

(b) Appointment to the Training Advisory Board:

1. The board members will be chosen and appointed by the Chief of Police upon recommendation of the Training Officer.
2. Any board member may be removed from the board at the discretion of the Chief of Police.

(c) Authority and responsibilities of the Training Advisory Board:

1. Assists in developing and evaluating Department training needs.
2. Serves as a focal point for input from personnel and interested members of the community.
3. Advises on the need to study and identify specific training needs.
4. Advises on the determination of the types, frequency and location of courses to be offered.
5. Advises on the establishment of prerequisites, minimum and maximum class size, attendance and retention of students.

(d) Meetings of the Training Advisory Board:

1. The board will meet at least annually (more frequent meetings may be called at the direction of the Chief of Police).
2. The Training Officer is responsible for notifying members of meeting times and locations.

(e) Training Advisory Board meeting records:

1. Minutes of the board meetings are recorded and maintained by the Training Officer.
2. A copy of the minutes will be forwarded to the Chief of Police and to each board member.



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3. Minutes will be maintained on file in the Department for a minimum of five years.

## 208.7 TRAINING RECORDS

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

## 208.8 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Flagstaff Police Department policy manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Officer. Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Officer.

Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should logoff the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

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

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

### 208.8.1 DEPARTMENT TRAINING BULLETINS

The Department will issue training bulletins on an as needed basis. Departmental Training Bulletins will seek to address training needs, legal updates, and any other circumstances deemed appropriate for the employees of this department.



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# Electronic Mail

## 212.1 PURPOSE AND SCOPE

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

## 212.2 E-MAIL RIGHT OF PRIVACY

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

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

## 212.3 PROHIBITED USE OF E-MAIL

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

(a) Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive and harassing or any other inappropriate messages on the email system is prohibited, will constitute just cause for discipline, and will result in discipline, up to and including termination of employment.

(b) Users may not advertise their internet e-mail addresses by posting or registering them on any internet webpage, for example: Facebook, Twitter, Myspace, google, etc.....

(c) E-mail messages addressed to the entire department are only to be used for official business-related items that are of particular interest to all users and must be approved by the Chief of Police or a Section Commander. Personal advertisements or announcements are not permitted.



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(d) It is a violation of this policy to transmit a message under another user's name or e-mail address or to use the password of another to log onto the system.

(e) Users are required to log off the network or lock the workstation when their computer is unattended. This added security measure will minimize the misuse of an individual's email, name and/or password.

### 212.4 MANAGEMENT OF E-MAIL

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

The Department custodian of records shall ensure that e-mail messages are retained pursuant to the Arizona Public Records Law (ARS § 39-101 et seq.) as outlined in the Records Release and Security Policy.



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# Administrative Communications

## 214.1 PURPOSE AND SCOPE

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

## 214.2 PERSONNEL ORDERS

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

## 214.3 CORRESPONDENCE

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

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

### 214.3.1 MAILING ADDRESS

Employees should not use the Department as a mailing address for non-police business. Nor as an address for the purpose of complying with motor vehicle registration or licensing provisions.

### 214.3.2 OFFICIAL BUSINESS

Employees shall treat as confidential the official business of the department. Employees shall not reveal official business of the Department. All information supplied to any other City employee or official or to any civilian person pertaining to or affecting the internal operation of the Police Department shall be submitted to the Chief of Police beforehand. All official correspondence shall include the typed signature of the Chief of Police.

## 214.4 SURVEYS

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

## 214.5 OTHER COMMUNICATIONS

Special Orders and other communications necessary to ensure the effective operation of the Department shall be promulgated by the Chief of Police or a designee or Section Commanders.



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# Supervision Staffing Levels

## 216.1 PURPOSE AND SCOPE

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

## 216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in the deployment of at least one field supervisor for each squad. Staffing levels for each shift will be listed on the shift change special order, which is put out prior to each shift change.

### 216.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Duty Commander, a senior officer may act as the shift supervisor for limited time periods.



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# Retired Officer Carrying Concealed Weapons

## 220.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines associated with the carrying of a concealed weapon by retired officers of this department.

### 220.1.1 DEFINITIONS

Definitions related to this policy include:

**Honorably Retired** - An employee who has left service with the Department and meets the City Department of Human Resources criteria for honorable retirement or is a qualified retired law enforcement officer pursuant to 18 USC § 926C(c).

**Qualified Retiree** - A former officer of this department who:

(a) Retired in good standing from service as a law enforcement officer for a reason other than mental instability.

(b) Was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of a person for any violation of law and had statutory powers of arrest while serving as a law enforcement officer.

(c) Had regular employment as a law enforcement officer for a total of 15 years or more or, if employed as a law enforcement officer for fewer than 15 years, retired after any applicable probationary period of service due to a service-connected disability as determined by this department.

(d) Has a non-forfeitable right to benefits under the retirement plan of this department.

(e) Meets the training and qualification standards of an active-duty law enforcement officer in Arizona.

(f) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(g) Is not prohibited by federal law from possessing a firearm.

## 220.2 CONCEALED CARRY OPTIONS

A retired officer of this department has the following options available for carrying a concealed weapon:

(a) A resident of the State of Arizona may carry a concealed weapon without a permit unless he/she is a prohibited possessor of a firearm, as defined in ARS § 13-3101(A)(7).

(b) A former officer of this department may apply for a concealed weapons permit from the Arizona (DPS) pursuant to ARS § 13-3112(A).

(c) A former officer of this department who departs full-time employment may carry a concealed weapon without a permit if he/she meets federal qualified retiree requirements to carry



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a concealed weapon pursuant to 18 USC § 926C and have in his/her possession photographic identification issued by this department that indicates the retired officer meets this organization's standards for training and qualification to carry the same type of firearm or has an Arizona Certificate of Firearms Proficiency (AAC § R13-9-101).

### 220.3 DEPARTMENT RESPONSIBILITIES

The Department shall issue a photo identification card to any sworn member who has honorably retired, indicating that the officer has honorably retired from the Department (ARS § 13-3112).

The Chief of Police shall determine whether an officer has honorably retired. This determination is not subject to review. The Department is not obligated to revoke, alter or modify the honorable discharge photographic identification based on conduct that the Department becomes aware of or that occurs after the officer has separated from employment.

### 220.4 DENIAL, REVOCATION OR SUSPENSION OF CONCEALED WEAPONS PERMITS

The Arizona DPS may suspend its issued permit, pursuant to ARS § 13-3112(B) and AAC § R13-9-601(A), of a retired officer who is arrested or indicted for an offense that is a disqualification for holding a concealed weapons permit. A retired officer who receives a notice of suspension or revocation shall return the permit to the Arizona DPS and shall not unlawfully carry a concealed weapon unless the permit is reissued (AAC § R13-9-601(F)). A permit will be restored on presentation of documentation from the court if the permittee is found not guilty or the charges are dismissed.

### 220.5 EXPIRED CONCEALED WEAPONS PERMIT

Any concealed weapons permit that has been allowed to expire by the officer is not subject to renewal, and will require a new application process, including the completion and submittal of new forms and the payment of any fees as required with an initial application (AAC § R13-9-404(C)).

### 220.6 CARRYING FIREARMS OUT OF STATE

Retired officers of this department who meet the qualified retiree requirements and who carry the required identification and qualification documents outlined in 18 USC § 926C may be authorized to carry a concealed firearm in other states.



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# Chapter 3 - General Operations



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# Use of Force

## 300.1 PURPOSE AND SCOPE

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

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 300.2 POLICY

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

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

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

### 300.2.1 DUTY TO INTERCEDE

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

## 300.3 USE OF FORCE

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

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



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

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

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

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

### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

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

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

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

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

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

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

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

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

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.



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(f) Proximity of weapons or dangerous improvised devices.

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

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

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

(j) Training and experience of the officer.

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

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

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

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

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

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

(q) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

### 300.3.4 CAROTID CONTROL HOLD

The Carotid Control Technique is a significant physical control technique designed to subdue an individual by reducing the flow of oxygenated blood to the brain by compressing the Carotid Arteries. This technique IS NOT A CHOKE HOLD that restricts airflow through the throat, nor is it a technique designed to gain compliance by causing pain.

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



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(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control technique with an AZPOST, certified Defensive Tactics instructor.

(b) The carotid control technique may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

  (a) The subject is violent or physically resisting.

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

  (c) The officer perceives the subject's actions are likely to result in the death of serious physical injury to the officer, a third party, or themselves. These actions may include the use of a firearm, a blunt force object, an edged weapon or through the use of physical force.

  (d) When the subject is actively assaulting an officer or another person and other control methods have been exhausted or the officer reasonably believes other methods would be ineffective.

  (e) When deadly force would be authorized.

(c) The application of a carotid control technique on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control technique:

  1. Females who are known to be pregnant

  2. Elderly individuals

  3. Obvious juveniles

(d) If during the course of application, an officer reasonably believes that the Carotid Control Technique is being improperly applied, they shall immediately release and re-apply, or seek an alternative option depending on the circumstances of the application.

(e) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel. Employees should also be aware of the following situations:

  1. Violent subjects or subjects who are under the influence of alcohol or drugs should be closely monitored for breathing difficulties or unconsciousness.

  2. Excited Delirium is a combined physiological and psychological state of excitement characterized by exceptional agitation, hyperactivity, overheating, excessive tearing



Adoption Date: 2014/08/15
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of the eyes, hostility, superhuman strength, aggression, acute paranoia and endurance without apparent fatigue brought about by psychosis, drug or alcohol intoxication, or a combination of these factors.

3. Positional asphyxiation is a fatal disorder occurring when the body is placed into a position that interferes with the mechanics of pulmonary ventilation or breathing. Positional asphyxia can occur in a variety of situations, although it is most common in situations where a violent or physically aggressive person is physically or mechanically restrained.

(f) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control technique and whether the subject lost consciousness as a result.

(g) Any officer attempting or applying the carotid control technique shall promptly notify a supervisor of the use or attempted use of such hold. They will further closely monitor the subject to be sure the subject's breathing is unrestricted until medical personnel arrive.

(h) The use or attempted use of the carotid control technique shall be thoroughly documented by the officer in any related reports.

## 300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

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

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

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

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

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

### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

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



Adoption Date: 2014/08/15
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reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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

## 300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate police report depending on the nature of the incident. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department also requires the completion of the use of force form when:

(a) The application has caused a visible injury or death.

(b) Any application of a control device to include: baton, OC spray, chemical agents, kinetic energy projectiles, TASER devices, hobbles.

(c) The individual subjected to the use of force has expressed a complaint of injury or pain.

(d) The individual subjected to the force has been rendered unconscious.

(e) An individual was struck or kicked in any manner.

(f) An animal is humanely dispatched by use of a firearm.

(g) An officer threatens or uses a TASER device or a firearm.

1. If a TASER device is deployed, as soon as possible the officer will have the TASER that was used downloaded to document the firings of that TASER. The download will be conducted by one of the TASER instructors and the form will be attached to the use of force report form.

(h) An individual alleges any of the above has occurred.

### 300.5.1 NOTIFICATION TO SUPERVISORS

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

(a) The application caused a visible injury.

(b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.

(c) The individual subjected to the force complained of injury or continuing pain.

(d) The individual indicates intent to pursue litigation.

(e) Any application of a TASER device or control device.

(f) Any application of a restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.



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### 300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

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

### 300.7 SUPERVISOR RESPONSIBILITY

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

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

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

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

  1. The content of the interview should not be summarized or included in any related criminal charges.

  2. The fact that a recorded interview was conducted should be documented in a property or other report.



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3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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

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

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

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

## 300.8 TRAINING

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



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# Use of Force Review Boards

## 302.1 PURPOSE AND SCOPE

This policy establishes a process for the Flagstaff Police Department to review the use of force by its employees.

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

## 302.2 POLICY

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

## 302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

## 302.4 REVIEW BOARD

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

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

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

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

### 302.4.1 COMPOSITION OF THE BOARD

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

- Representatives of each division
- Commanding officer in the involved member's chain of command



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

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

### 302.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

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

The board shall make one of the following recommended findings:

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

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

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

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional



Adoption Date: 2014/08/15
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actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Division Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

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



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# Handcuffing and Restraints

## 306.1 PURPOSE AND SCOPE

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

## 306.2 POLICY

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

## 306.3 USE OF RESTRAINTS

Only members who have successfully completed department-approved training on the use of restraint devices described in this policy are authorized to use these devices.

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

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

### 306.3.1 RESTRAINT OF DETAINEES

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

### 306.3.2 RESTRAINT OF PREGNANT PERSONS

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

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury (ARS § 31-601).



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

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

## 306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

## 306.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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



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Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed and discarded. Persons who have been sprayed with oleoresin capsicum (OC) spray should be thoroughly decontaminated including hair, head and clothing prior to application of a spit hood.

Those who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

## 306.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

## 306.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

### 306.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.



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

(d) The restrained person should be continually monitored by An officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

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

(f) When transported by ambulance/paramedic unit, the restrained person should be accompanied by An officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

### 306.8 REQUIRED DOCUMENTATION

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

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

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

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

(c) Observations of the suspect's behavior and any signs of physiological problems.

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



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# Control Devices and Techniques

## 308.1 PURPOSE AND SCOPE

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

## 308.2 POLICY

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

## 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

## 308.4 RESPONSIBILITIES

### 308.4.1 SHIFT SERGEANT RESPONSIBILITIES

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

### 308.4.2 RANGEMASTER RESPONSIBILITIES

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

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

### 308.4.3 USER RESPONSIBILITIES

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



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Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Rangemaster for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

## 308.5 BATON GUIDELINES

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

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

## 308.6 TEAR GAS GUIDELINES

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

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

## 308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

### 308.7.1 OC SPRAY

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

### 308.7.2 PEPPER PROJECTILE SYSTEMS

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



Adoption Date: 2014/08/15
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Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Use of Force Policy.

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

308.7.3 TREATMENT FOR OC EXPOSURE

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

## 308.8 POST-APPLICATION NOTICE

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

## 308.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

308.9.1 DEPLOYMENT AND USE

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

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

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

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.



Adoption Date: 2014/08/15
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(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

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

308.9.3 SAFETY PROCEDURES
The SL-6 is the only kinetic energy projectile dispenser authorized by this department.

Officers will inspect the SL-6 prior to deployment, to ensure it is in proper working order and the projectiles are of the approved type and appear to be free from defects.

When it is not deployed, the SL-6 will be properly and securely stored in the vehicle.

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



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

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

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

### 308.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

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



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# Conducted Energy Device (Taser)

## 309.1 PURPOSE AND SCOPE

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

## 309.2 POLICY

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

## 309.3 ISSUANCE AND CARRYING OF TASER DEVICES

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

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

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

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

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

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

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

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

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

## 309.4 VERBAL AND VISUAL WARNINGS

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

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

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



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

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

## 309.5 USE OF THE TASER DEVICE

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

### 309.5.1 APPLICATION OF THE TASER DEVICE

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

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

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

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

### 309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

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

(a) Individuals who are known to be pregnant.

(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.



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

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

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

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

### 309.5.3 TARGETING CONSIDERATIONS

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

### 309.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE

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

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

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

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

### 309.5.5 ACTIONS FOLLOWING DEPLOYMENT

Officers shall notify a supervisor of all TASER device discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence.



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The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

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

309.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry Department TASER devices while off-duty.

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

## 309.6 DOCUMENTATION

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

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

(a) Identification of all personnel firing TASER devices

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject's physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

## 309.7 MEDICAL TREATMENT

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

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

(a) The person is suspected of being under the influence of controlled substances and/or alcohol.

(b) The person may be pregnant.



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(c) The person reasonably appears to be in need of medical attention.

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

(e) The person requests medical treatment.

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

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

## 309.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the TASER device. The device's onboard memory should be downloaded through the data port by the Taser program supervisor. Photographs of probe sites should be taken and witnesses interviewed.

## 309.9 TRAINING

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

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

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

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

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



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

The Training Officer should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the TASER device and transitioning to other force options.

(f) De-escalation techniques.

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



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# Officer-Involved Shooting

## 310.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of a law enforcement shooting. The intent of this policy is to ensure that such incidents be investigated in a fair and impartial manner.

### 310.1.1 DEFINITIONS

**Multi-Agency Officer Involved Shooting Investigation Team -** An investigations team comprised of assets from the Coconino County Sheriff's Office, Flagstaff Police Department and Northern Arizona University Police Department to include personnel and equipment.

**Officer Involved Shooting -** The definition of Officer Involved Shooting for the purpose of the multi-agency officer involved shooting investigation team activation shall be;

(a) Any instance where an officers intended use of deadly force results in the discharge of his or her duty or back-up weapon, on or off duty, regardless of whether injury results.

(b) Any instance where human injury is incurred as a result of an officer intentionally or unintentionally discharging his or her duty or back-up weapon while on or off duty.

(c) Any circumstance in which an officer discharges his or her duty or back-up weapon and the head of the department having jurisdiction, or their designee feels the services of the multi-agency officer involved shooting investigation team are needed.

## 310.2 INVESTIGATION RESPONSIBILITY

This department conforms to the Multi-Agency Officer Involved Shooting Investigation Team for investigating officer-involved shootings.

## 310.3 TYPES OF INVESTIGATIONS

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

(a) A criminal investigation of the incident by the agency having jurisdiction where the incident occurred. This department may, however, relinquish its criminal investigation to an outside agency with the approval of the Chief of Police or a designee.

(b) A criminal investigation of the involved officer conducted by an outside agency.

(c) An administrative investigation conducted by the involved officer's agency to determine if there were any violations of Department policy.

## 310.4 JURISDICTION

Jurisdiction is determined by the location of the shooting and the agency employing the involved officer.



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Once jurisdiction has been determined, the head of the agency with jurisdiction, or their designee, shall have decision making authority for all matters involved in the investigation conducted by the multi-agency shooting team. Personnel assignments, criminal investigative responsibility and the release of information shall be at the discretion of the agency head having jurisdiction.

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

| | **Criminal Investigation of Suspect** | **Criminal Investigation of Officer** | **Administrative Investigation** |
|---|---|---|---|
| **FPD Officer in This Jurisdiction** | FPD Investigators with shoot team | FPD Investigators with shoot team or outside agency | FPD Professional Standards Unit |
| **Outside Agency's Officer in This Jurisdiction** | FPD Investigators with shoot team | FPD Investigators with shoot team | Involved Officer's Agency |
| **FPD Officer in Another Jurisdiction** | Agency where incident occurred | Decision made by agency where incident occurred | FPD Professional Standards Unit |

## 310.5 THE INVESTIGATION PROCESS
The following procedures are guidelines used in the investigation of an officer-involved shooting:

310.5.1 DUTIES OF INITIAL OFFICER ARRIVING ON-SCENE
Upon arrival at the scene of an officer-involved shooting, the first uninvolved officer will be the officer-in-charge and assume the duties of a supervisor until relieved by the responding supervisor, and should:

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

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

(c) Coordinate a perimeter or pursuit of suspects as appropriate.

(d) Request additional resources, units or agencies as appropriate.

(e) Brief the supervisor upon arrival.

310.5.2 DUTIES OF INITIAL ON-SCENE SUPERVISOR
Upon arrival at the scene of an officer-involved shooting, the first uninvolved supervisor should continue and complete the duties as outlined above, plus:



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(a) Attempt to obtain a brief overview of the situation from any non-shooter officers. In the event that there are no non-shooter officers, the supervisor should attempt to obtain a brief voluntary overview from one shooter officer.

(b) If necessary, the supervisor may administratively order any officer from this department to immediately provide the information necessary to secure the scene and pursue suspects. This would include such things as outstanding suspect information, number and direction of shots fired, parameters of the incident scene, identity of known witnesses and similar information.

(c) Absent a voluntary statement from any officer, the initial on-scene supervisor should not attempt to order any officer to provide any information other than public safety information.

(d) Provide all available information to the Shift Sergeant and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(e) Take command of and secure the incident scene with additional personnel until relieved by an investigations supervisor or other assigned personnel.

(f) As soon as practicable, shooter officers should respond or be transported (separately, if feasible) to the station for further direction.

1. Each involved officer should be given an administrative order not to discuss the incident with other involved officers pending further direction from a supervisor.
2. When an officer's weapon is taken or left at the scene (e.g., evidence), the officer will be provided with a comparable replacement weapon or transported to the station by other officers.

### 310.5.3 SHIFT SERGEANT DUTIES

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

### 310.5.4 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police
- Criminal Investigations Section Commander
- Officer-involved shooting rollout team
- Outside agency investigators (if appropriate)
- Professional Standards Unit supervisor
- City Risk Management
- Psychological/peer support personnel
- Medical Examiner (if necessary)



Adoption Date: 2014/08/15
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- Officer representative (if requested)

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

### 310.5.5 MEDIA RELATIONS

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

It is the policy of this department to not release the identities of involved officers absent their consent or as required by law. Moreover, no involved officer shall be subjected to contact from the media and no involved officer shall make any comments to the press unless authorized by the Chief of Police or a designee.

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

### 310.5.6 INVOLVED OFFICERS

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

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

(b) While discussions with licensed attorneys will be considered privileged as attorney-client communications, no involved officers shall be permitted to meet collectively or in a group with an attorney prior to providing a formal interview or report.

(c) Discussions with Department representatives (e.g., employee association) will be privileged only as to the discussion of noncriminal information. However, no involved officers shall be permitted to meet collectively or in a group with a representative or attorney prior to providing a formal interview or report.

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

    1. Interviews with a licensed psychotherapist will be considered privileged and will not be disclosed except to the extent that a report is required to determine whether the officer is fit for return to duty.

    2. If an interview or session with a licensed psychotherapist takes place prior to the involved officer providing a formal interview or report, the involved officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.



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(e) A Peer Support Officer, Clergy or Chaplain. Although the Department will honor the sensitivity of communications with peer counselors, there is no legal privilege to such. Peer counselors are cautioned not to discuss the facts of any incident with an involved or witness officer.

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

(g) Investigators shall make reasonable accommodations to the officer's physical and emotional needs.

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

## 310.6 THE SHOOTING INCIDENT CRIMINAL INVESTIGATION

### 310.6.1 INVESTIGATIVE PERSONNEL

Once notified of officer-involved shooting, it shall be the responsibility of the Criminal Investigations Supervisor to assign appropriate personnel to handle the investigation of related crimes. Investigators may be assigned to work with members of the multi-agency shoot team or others from an outside agency should the investigation be assumed by another agency, and may be assigned to separately handle the investigation of any related crimes that are not being investigated by the outside agency.

All related reports, except reports deemed confidential and/or administrative, will be forwarded to the designated supervisor for approval. Confidential reports shall be maintained exclusively by personnel who are authorized for such access. Administrative reports will be forwarded to the appropriate Section Commander.

### 310.6.2 CRIMINAL INVESTIGATION

Although not normal procedure, this department may utilize an outside agency to conduct an independent criminal investigation into the circumstances of any officer-involved shooting involving injury or death. This decision rests with the Chief of Police or his designee.

If available, investigations personnel from this department may be assigned to partner with investigators from the outside agency to avoid duplicate efforts in related criminal investigations.

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

(a) Supervisors and Professional Standards Unit personnel should not participate directly in any voluntary interview of the officers. This will not prohibit such personnel from monitoring interviews or indirectly providing areas for inquiry.



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

(c) Any voluntary statement provided by the officer will be made available for inclusion in the administrative or other related investigations.

(d) No administratively coerced statement will be provided to any criminal investigators.

310.6.3 REPORTS BY INVOLVED OFFICERSS

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

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

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

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

## 310.7 WITNESS IDENTIFICATION AND INTERVIEWS

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

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

1. When feasible, a recorded statement should be obtained from persons who claim they did not witness the incident but were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.



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

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

(c) Assign available personnel to promptly contact the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to contact with officers.

### 310.8 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this department will conduct an internal administrative investigation, pursuant to the Personnel Complaint and Administrative Investigation Procedure Policy, to determine conformance with Department policy. This investigation will be conducted under the supervision of the Professional Standards Unit and will be considered a confidential peace officer personnel file (ARS 38-1101).

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

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

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

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

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

2. If requested, the officer shall have the opportunity to select one uninvolved representative, which may include legal representation, to be present during the interview. This person will be an observer only and will not answer questions or make statements. In order to maintain the integrity of each individual officer's



Adoption Date: 2014/08/15
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statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview.
4. The officer shall be informed of the nature of the investigation, his/her *Garrity* rights, and assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
5. The administrative interview shall be considered part of the officer's administrative investigation file.
6. The Professional Standards Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. The completed administrative investigation shall be submitted to the Chief of Police or his/her designee, which will restrict its findings as to whether there was compliance with the Use of Force Policy. The Chief may further convene a use of force review board to staff the incident.
8. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
9. The administrative investigation may require a polygraph examination, but only when a statement is made by the involved employee that differs from other information relating to the investigation, and reconciling the differences is necessary to complete the investigation (ARS 38-1101(A)(3)).

### 310.9 RISK MANAGEMENT LIAISON

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

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



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# Firearms and Qualification

## 312.1 PURPOSE AND SCOPE

This policy establishes procedures for the acquisition, use and documentation of training in the use of duty firearms. The Chief of Police or a designee shall approve all duty firearms before they are acquired and utilized by any member of this department.

### 312.1.1 AUTHORIZATION TO CARRY FIREARMS

Only sworn personnel who have met all state standards and have been authorized by the Chief of Police shall have the peace officer privilege to carry a firearm both on and off-duty (ARS 38-1102(A)).

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

(a) The officer is relieved of duty and is under a criminal or administrative investigation (ARS 38-1102(B)(3)).

(b) When, in the judgment of the Chief of Police or a designee, the peace officer exhibits any impairment, including any physical or mental impairment that would cause concern for the well-being of the employee, fellow employees, Department or the public, the affected employee may be prevented from carrying a firearm (ARS 38-1102(B)(9)).

## 312.2 SAFE HANDLING OF FIREARMS

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

### 312.2.1 SAFETY CONSIDERATIONS

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

(b) Officers shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Officers shall not dry fire or practice quick draws except under Rangemaster supervision.

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

(d) Shotguns or rifles removed from vehicles or the equipment storage rooms shall be loaded and unloaded outside buildings and vehicles.

(e) Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location.

(f) Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapons or firearm from the armory, except with approval of a supervisor or when an emergency or exigency reasonably requires immediate use of the weapon.



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(g) Any firearm authorized by the Department to be carried on- or off-duty that is found by the officer to be malfunctioning or needing service shall not be carried. It shall be promptly presented to the Department Rangemaster for inspection and repair. Any firearm determined to be in need of service or repair during an inspection by the Department Rangemaster will be immediately removed from service. If the firearm is the officer's primary duty firearm, a replacement firearm will be issued to the officer until the duty firearm is rendered serviceable.

312.2.2 STORAGE OF FIREARMS AT HOME

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

## 312.3 AUTHORIZED WEAPONS

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

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

312.3.1 DUTY FIREARMS

The authorized Department-issued handgun is the Glock, Model 22, .40 Caliber. Depending on the officer's current duty assignment, they may be approved to carry the Glock model 23, 27 or 35 with the rangemaster or Chief's approval.

312.3.2 AUTHORIZED SECONDARY FIREARMS

Officers desiring to carry a secondary firearm are subject to the following:

(a) The firearm shall be in good working order and on the department's list of approved firearms.

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

(c) The purchase of the firearm and ammunition shall be the responsibility of the officer.

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

(e) It will be the responsibility of the officer to submit the firearm to the Rangemaster for inspection prior to being carried as a secondary firearm. The Rangemaster shall ensure that the officer is proficient in handling and firing the firearm and demonstrates that it will be carried in a safe manner. The firearm shall be subject to periodic inspection by the Rangemaster.



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

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

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

312.3.3 AMMUNITION

Officers shall carry only Department-authorized ammunition in their duty and secondary weapons. Officers shall be issued fresh duty ammunition in the specified quantity for all Department-issued firearms during the officer's first scheduled qualification each year. Officers carrying personally owned authorized firearms of a caliber differing from Department-issued firearms shall be responsible for obtaining fresh duty ammunition in accordance with the above at their own expense.

Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Rangemaster when needed in accordance with established procedure.

312.3.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment (ARS 38-1102).

## 312.4 DUTY FIREARMS PROFICIENCY

Annually, every officer shall demonstrate a minimum level of proficiency and qualify in the use of each duty firearm he/she is authorized to use.

An officer failing to demonstrate a minimum level of proficiency or failing to qualify with any duty firearm he/she is authorized to use may not carry or use the duty firearm until he/she participates and passes the remedial firearm course provided by the Department (AAC § R13-4-111(C)).

At least annually, all personnel carrying a duty firearm will receive training on the Department Use of Force Policy and demonstrate their knowledge and understanding.

312.4.1 QUALIFICATION

All sworn personnel are required to qualify semi-annaully and show firearms proficiency with the duty firearm on an approved range course or as directed by the Training Officer.

In addition to regular qualification schedules, the Rangemaster shall be responsible for providing all sworn personnel with regular practical training designed to simulate field situations, including shoot, no-shoot situations. The practical training session may fulfill the qualification requirement for that quarter.



Adoption Date: 2014/08/15
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312.4.2 NON-QUALIFICATION

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

Members who fail to demonstrate duty firearms proficiency as required by law, or who fail to qualify over a six-month period will be relieved from field assignment and appropriate disciplinary action may follow.

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

(a) Additional range assignments may be required until consistent firearm proficiency is demonstrated.

(b) Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained.

(c) No range credit will be given for the following:

1. Unauthorized range make-up.
2. Failure to qualify after remedial training.

## 312.5 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the officer reasonably believes that they appear necessary, effective and reasonably safe.

## 312.6 DESTRUCTION OF ANIMALS

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

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

312.6.1 INJURED ANIMALS

With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires an end to further suffering and pain, and where other dispositions are impractical. If an animal is able to walk, and not a danger to the community, it should not be euthanized. Injured domestic animals or livestock should be euthanized after a reasonable search to locate the owner has been made.



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## 312.7 REPORT OF FIREARM DISCHARGE

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

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

### 312.7.1 RETIREMENT FIREARMS

Sworn officers who have retired in good standing after twenty or more years of service to the City of Flagstaff, will be allowed to purchase their Department issued service weapon at a cost of $1.00, upon approval of the Chief of police (A.R.S. 38-845.G).

## 312.8 RANGEMASTER DUTIES

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

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

The Rangemaster has the responsibility of making periodic inspection, at least once a year, of all duty firearms carried by officers of this department to verify proper operation. The Rangemaster has the authority to deem any privately owned firearm unfit for service. The officer will be responsible for all repairs to his/her personal firearm; it will not be returned to service until inspected by the Rangemaster.

The Rangemaster has the responsibility to ensure each officer on a yearly basis can demonstrate proficiency in the care and cleaning of the carried duty firearm.

The Rangemaster shall complete and submit to the Training Officer documentation of the courses provided, including the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Department of each officer who completes the training.



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

## 312.9 MAINTENANCE AND REPAIR

Firearms carried on-duty shall be maintained in a clean, serviceable condition. Personal and Department-owned duty firearms shall be inspected annually to determine the safety and functioning of the firearm.

312.9.1 REPAIR OR MODIFICATIONS OF DUTY FIREARMS
The Rangemaster shall be the only person authorized to repair or modify any Department-owned firearm for which the Rangemaster is certified as an armorer.

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

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

## 312.10 FLYING WHILE ARMED

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

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

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

(c) In accordance with TSA procedures, the Department will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel as authorization to travel while armed on the day of travel.

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

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



Adoption Date: 2014/08/15
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(f) It is the officer's responsibility to notify the air carrier in advance. This notification can be accomplished by early check-in at the carrier's check-in counter.

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

(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

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

### 312.11 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see the Retired Officer Concealed Firearm Permit Policy) of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B; 18 USC § 926C):

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

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

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

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

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

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

Visiting active and retired peace officers from other states are subject to all requirements set forth in 18 USC § 926B; 18 USC § 926C.



Adoption Date: 2014/08/15
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# Vehicle Pursuits

## 314.1 PURPOSE AND SCOPE

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

### 314.1.1 PHILOSOPHY

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

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

## 314.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

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



Adoption Date: 2014/08/15
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**Terminate** - Means for all units to discontinue code 3 operations, resume normal driving and cease pursuit of the fleeing vehicle.

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

## 314.3 OFFICER RESPONSIBILITIES

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

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

### 314.3.1 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle that has been given a signal to stop by a peace officer.

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

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

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

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

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

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

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

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

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



Adoption Date: 2014/08/15
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(i) Vehicle speeds.

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

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

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

### 314.3.2 WHEN TO TERMINATE A PURSUIT

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

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

The above factors on when to initiate a pursuit are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists, themselves and the public when electing to continue a pursuit. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

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

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

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

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

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

(e) Extended pursuits of violators for misdemeanors not involving abuse or risk of serious harm are prohibited.

(f) The hazards to uninvolved bystanders or motorists



Adoption Date: 2014/08/15
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(g) When the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers shall discontinue the pursuit and focus on apprehending the offender at a later time.

(h) When the violator is only in violation of the vehicle code, felony flight included, or a property crime, the pursuit should be terminated.

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

#### 314.3.3 SPEED LIMITS

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

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

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

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

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

### 314.4 PURSUIT UNITS

Pursuit units should be limited to two vehicles. However, the number of units involved will vary with the circumstances.

An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

The pursuit supervisor should not be actively involved in the pursuit, but is responsible for management of it. No unmarked vehicles shall initiate or be involved in any pursuit.

#### 314.4.1 MOTORCYCLE OFFICERS

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

#### 314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

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



Adoption Date: 2014/08/15
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### 314.4.3 PRIMARY UNIT RESPONSIBILITIES

The initial pursuing officer will be designated as the primary pursuit unit and will be responsible for the conduct of the pursuit unless it is unable to remain reasonably close enough to the violator's vehicle. The primary responsibility of the officer initiating the pursuit is the apprehension of the suspect without unreasonable danger to him/herself or other persons.

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

(a) The primary unit identifier, the reason for the pursuit, and nature of the violation.

(b) Location and direction of travel.

(c) Speed of the fleeing vehicle.

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

(e) Number of occupants.

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

(g) Weather, road and traffic conditions.

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

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

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

### 314.4.4 SECONDARY UNIT RESPONSIBILITIES

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

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

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

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

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

### 314.4.5 PURSUIT DRIVING TACTICS

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



Adoption Date: 2014/08/15
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(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

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

(c) As a general rule, officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from an available air unit.
2. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway.
3. Requesting other units to observe exits available to the suspect.

(d) Notify the Arizona Highway Patrol or other law enforcement agency if it appears the pursuit may enter their jurisdiction.

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

### 314.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

(a) There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic to protect the public.

(b) Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

(c) Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road.

(d) The primary unit and secondary unit should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

### 314.4.7 PURSUIT TRAILING

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

The term "trail" means to follow the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the



Adoption Date: 2014/08/15
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trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

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

The air unit should coordinate the activities of resources on the ground, report progress of the pursuit and provide officers and supervisors with details of upcoming traffic congestion, road hazards or other pertinent information to evaluate whether to continue the pursuit. If ground units are not within visual contact and the air unit determines that it is unsafe to continue the pursuit, the air unit may recommend terminating the pursuit.

## 314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

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

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

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

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

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

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

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

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

(g) Ensure that the proper radio channel is being used.

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

(i) Control and manage FPD units when a pursuit enters another jurisdiction.

(j) Prepare a post-pursuit critique for the involved squad/officers.



Adoption Date: 2014/08/15
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(k) Ensure the initiating officer completes the pursuit summary form and requests a recording of the associated radio traffic. The Shift Supervisor should complete the forms if the officer is incapacitated.

### 314.5.1 SHIFT SERGEANT RESPONSIBILITIES

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

The Shift Supervisor shall review all pertinent reports for content and forward them through the chain of command to the Section Commander.

## 314.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this department or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

### 314.6.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES

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

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

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

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

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

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

### 314.6.2 LOSS OF PURSUED VEHICLE

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

## 314.7 INTERJURISDICTIONAL CONSIDERATIONS

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



Adoption Date: 2014/08/15
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### 314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Flagstaff Police Department officers will discontinue the pursuit when another agency has assumed the pursuit unless continued assistance of the Flagstaff Police Department is requested by the agency assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation.

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

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

### 314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) Ability to maintain the pursuit.

(b) Circumstances serious enough to continue the pursuit.

(c) Adequate staffing to continue the pursuit.

(d) The public's safety within this jurisdiction.

(e) Safety of the pursuing officers.

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

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

In the event that a pursuit from another agency terminates within this jurisdiction, officers shall provide appropriate assistance to peace officers from the outside agency including, but not limited



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to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

## 314.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through tactical application of technology, tire deflation devices, blocking, boxing, or roadblock procedures.

### 314.8.1 WHEN USE IS AUTHORIZED

Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risks of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With these risks in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

It is imperative that officers act within legal bounds using good judgment and accepted practices.

### 314.8.2 USE OF FIREARMS

The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Officers should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

### 314.8.3 INTERVENTION STANDARDS

Any pursuit intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the officers, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to Department policies guiding such use. Officers shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics and after giving consideration to the following:

    1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers or other members of the public.



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2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

(b) Only those officers trained in the use of the PIT will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer's disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving in willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

(d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

(e) Tire deflation devices should be deployed only when it is reasonably apparent that only the pursued vehicle will be affected by their use. Prior to the deployment of spike strips, the officer shall notify pursuing units and the supervisor of the intent and location. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in



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the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor, and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

#### 314.8.4 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force that reasonably appears necessary under the circumstances to properly perform their lawful duties.

Unless relieved by a supervisor, the primary officer should coordinate efforts to apprehend the suspect following the pursuit. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

### 314.9 REPORTING AND REVIEW REQUIREMENTS

All appropriate reports shall be completed to comply with appropriate local and state regulations.

(a) The primary officer shall complete appropriate crime/arrest reports.

(b) The primary officer or supervisor shall complete the appropriate pursuit summary report to include:

1. Date and time of the pursuit
2. Length of pursuit in distance and time.
3. Involved units and officers.
4. Initial reason and circumstances surrounding the pursuit.
5. Starting and termination points.
6. Copies of all related reports to including: Alleged offense, charges filed or disposition, arrest, citation or other release.
7. Arrestee information should be provided if applicable.
8. Injuries and/or property damage.
9. Medical treatment.
10. The outcome of the pursuit.
11. Name of supervisor handling or at the scene.
12. A recording of the radio traffic shall be attached.

(c) After receiving copies of reports, logs and other pertinent information, the Chief of Police or a designee shall conduct or assign the completion of a post-pursuit review as appropriate to the circumstances.



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(d) Annually, the Chief of Police should direct a documented review and analysis of Department vehicle pursuits to minimally include policy suitability, policy compliance and training needs.

### 314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all licensed non-exempt employees will participate, no less than annually, in regular and periodic Department training addressing this policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (AAC § R13-4-111(B)(2)(b)(iv)).

### 314.9.2 POLICY REVIEW

Sworn members of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments.



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# Officer Response to Calls

## 316.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

## 316.2 RESPONSE TO CALLS

Officers responding to an emergency call shall proceed immediately. Officers responding to an emergency call shall continuously operate emergency lighting equipment and shall sound the siren as reasonably necessary (ARS § 28-624(B)).

Responding with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (ARS § 28-624(B)). The use of any other warning equipment without emergency lights and siren does not provide any exemption from the Arizona motor vehicle laws.

Officers should only respond as an emergency call response when so dispatched or when circumstances reasonably indicate an emergency response is required. Officers not responding as an emergency call response shall observe all traffic laws and proceed without the use of emergency lights and siren.

## 316.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe there is an imminent threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen. Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify the Communications Center.

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

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

### 316.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to an emergency as an emergency call response. The Shift Supervisor should monitor all emergency responses and reduce or enhance the response as warranted.



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### 316.4 INITIATING EMERGENCY CALL RESPONSE

If an officer believes an emergency call response to any call is appropriate, the officer shall immediately notify the Communications Center.

(a) Normally, only one unit should respond to an emergency call Code-3.

(b) In circumstances where it appears a response of multiple Code-3 units will be necessary, two units may respond under the following circumstances;

1. If one unit is dispatched Code-3 and another unit is within 50 feet of the dispatched unit, the second unit may respond Code-3. Dispatch shall be notified of that the units are responding "in tandem".
2. Both units that are responding Code-3 shall follow the same path when responding to the emergency call.
3. Absent this situation, multiple units shall not simultaneously respond Code-3 unless the Watch Commander or the field supervisor authorizes an additional unit(s).

(c) The Shift Supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

### 316.5 RESPONSIBILITIES OF RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. During a response to an emergency call officers may (ARS § 28-624(B)):

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the prima facie speed limits if the driver does not endanger life or property.

(c) Disregard laws or rules governing the direction of movement or turning in specified directions.

(d) Disregard regulations governing parking or standing when using a warning lamp.

Continuing an emergency call response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications Center. An officer shall also discontinue an emergency call response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency call response is appropriate, an officer shall immediately give the location from which he/she is responding.



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### 316.6 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Immediately notify the Shift Supervisor.

(c) Confirm the location from which the unit is responding.

(d) Notify and coordinate outside emergency services (e.g., fire and ambulance).

(e) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Shift Sergeant or field supervisor.

### 316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Shift Supervisor shall verify the following:

(a) The proper response has been initiated.

(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

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

It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency call response, the supervisor should consider the following:

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



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## 316.8 FAILURE OF EMERGENCY EQUIPMENT

If the emergency equipment on the vehicle should fail to operate, the officer must terminate the emergency call response and respond accordingly (ARS § 28-624(C)).

The officer shall notify the Shift Sergeant, field supervisor or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.

## 316.9 NON-EMERGENCY RESPONSE TO CALLS

(a) It will be the responsibility of each officer to respond to all radio calls promptly and to return to service promptly.

(b) When an officer is called on the radio, he/she will respond with his/her call sign and location.

(c) An officer en route to a radio dispatched call who observes a situation requiring immediate attention shall either:

1. Advise Radio to assign another unit to the original call, and take care of the problem, or;
2. If the original call is more important, request that another unit be dispatched to handle the situation.
3. In this case, the officer will advise the persons involved in the situation, if possible, that another unit is en route.

### 316.9.1 BACKUP UNITS

Backup units will normally be dispatched on the following calls:

- Armed Robbery
- Armed Subject
- Homicide
- Mentally challenged person
- Bomb Scare
- Unknown Trouble
- Domestic Violence
- Violent Crime
- Burglary Alarm

A backup unit will be dispatched when a suspect is in the area, when any party to a dispute is threatening or is violent, or when the Dispatcher has knowledge of unusual circumstances which could require a backup.

Any time an officer receives a call where he/she believes a backup is desirable but none has been assigned, he/she shall request that Radio dispatch one.



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When a two-person car is assigned to a call, no backup unit will be dispatched except by the request of the assigned unit or a field supervisor, unless information available to Radio clearly indicates that two officers will not be sufficient.

### 316.10 DISPATCHING CALLS VIA MOBILE DATA COMPUTERS

The following calls may be dispatched via MDC:

- Late found/lost property
- Civil matters (when parties are separated)
- Public Assists
- Barking dog complaints
- Late phone harassment
- Any public assist/follow up by phone
- Late runaway juveniles
- Messages

**Procedure** - The radio procedure for dispatching these calls will be as follows: "A40 late found property MDC". After receiving the call by MDC, the officer will press the acknowledge key on his MDC. On the committed unit screen the ECS will see the officer received the call and was enroute. If for any reason the officer breaks off that call, or is reassigned, he/she will advise the ECS via radio. This will eliminate confusion if an officer is taken off the call they are assigned to. It will be the ECS' responsibility to maintain an accurate committed unit's screen and advise the patrol supervisor of pertinent information.

### 316.11 USE OF 10 CODES

The following ten codes will be used on the radio. The remaining radio traffic will be clear text.

**Code 1** - Non-Emergency Response

**Code 3** - Emergency Response

**Code 4** - Officer is OK, No Further Assistance Needed

**Code 5** - Surveillance

**901 B** - Dead Body

**998** - Officer Involved Shooting

**999** - Officer Need Assistance -- Emergency

**10-78** - Officer Requesting Back-Up

**10-15** - Prisoner

**10-16** - Mentally Challenged Person



Adoption Date: 2014/08/15
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**10-19** - Station

**10-27** - Drivers License Check

**10-28** - Registration Check

**10-29** - Check for Wanted or Stolen

**10-38** - Is Party in Hearing Range

**10-40** - Stolen Vehicle

**10-40M** - Misdemeanor Warrant

**10-40F** - Felony Warrant

**10-42** - Home

**10-45** - Meet _____ at _____

**10-97** - Arrived at Scene or in the Area

**101** - Female in Vehicle

**102** - Female out of Vehicle



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# Domestic Violence

## 320.1 PURPOSE AND SCOPE

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

### 320.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 320.2 POLICY

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

## 320.3 OFFICER SAFETY

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

### 320.3.1 UNUSUAL STATUS CIRCUMSTANCES

Any domestic violence incident that involves an employee from any law enforcement agency will require supervisory oversight. Domestic violence incidents involving a person whose status warrants special consideration should be immediately brought to a supervisor's attention for appropriate review and oversight. Officers and Supervisors should refer to Policy 321 (Officer Involved Domestic Violence), which outlines the policy and procedure for Law Enforcement Officers involved in domestic violence incidents.

## 320.4 INVESTIGATIONS

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

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.



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(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the Detective Section in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) When appropriate, officers should question involved parties and witnesses regarding the presence of firearms. Any firearms discovered in plain view or pursuant to a consent to search should be temporarily seized for safekeeping if the officer reasonably believes that the firearm presents a risk of serious bodily injury or death if left on the premises (ARS § 13-3601).

    1. A firearm that is owned or possessed by the victim shall not be seized unless there is probable cause to believe that both parties have independently committed an act of domestic violence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

    1. Marital status of suspect and victim.

    2. Whether the suspect lives on the premises with the victim.

    3. Claims by the suspect that the victim provoked or perpetuated the violence.



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4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

320.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

**320.5 VICTIM ASSISTANCE**
Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.

(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.



Adoption Date: 2014/08/15
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(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

320.5.1 DOMESTIC VIOLENCE SUPPLEMENTAL REPORT

In all domestic violence investigations the responding officer shall complete the domestic violence supplemental report. A copy of this report is contained in appendix F of this policy. Completion of the form will include the following:

(a) Victim's written statement and/or taped interview.

(b) Documentation of injuries.

(c) Prior history.

(d) Photographs of all injuries and property damage.

(e) Medical release form signed by victim at the scene.

## 320.6 DISPATCH ASSISTANCE

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

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

## 320.7 FOREIGN COURT ORDERS

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

## 320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a



Adoption Date: 2014/08/15
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violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable:

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

## 320.9 LEGAL MANDATES AND RELEVANT LAWS

Arizona law provides for the following:

### 320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) An officer should arrest a person if the officer has probable cause to believe that the person to be arrested has committed an act of domestic violence, whether or not the offense was committed in the presence of the officer (ARS § 13-3601(B)). A decision to not make an arrest requires the review and authorization of a supervisor.

(b) An arrest of a person who is 15 years of age or older shall be made in a domestic violence incident involving the infliction of physical injury or involving the discharge, use or threatened exhibition of a deadly weapon or dangerous instrument unless the officer has reasonable grounds to believe that the circumstances at the time are such that the victim will be protected from further injury (ARS § 13-3601(B)). A decision to not make an arrest in these circumstances requires the review and authorization of a supervisor.

(c) In order to arrest both parties, an officer must have probable cause to believe that both parties independently have committed an act of domestic violence (ARS § 13-3601(B)).

(d) Officers should not arrest a person for domestic violence when there is reason to believe the act in question qualifies as self-defense and is justified under Chapter 4 of Title 13 of the Arizona Revised Code (ARS § 13-3601(B); ARS 13-401 et seq.).

(e) A person arrested for domestic violence shall not be released in the field by citation. A physical arrest and booking is required (ARS § 13-3601(B)).

(f) An officer should arrest a person if there is probable cause to believe the person has disobeyed or resisted an order issued in any jurisdiction in this state pursuant to ARS § 13-3602(N) whether or not such violation occurred in the officer's presence.



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(g) Emergency Orders of Protection issued under ARS § 13-3624 shall be enforced (ARS § 13-3624(H)).

(h) Whenever a defendant arrested for violating a court order is released from the custody of this department, the releasing officer shall make reasonable efforts to contact the victim or others listed in an order of protection who requested notification upon release of the defendant (ARS § 13-3602(O)).

### 320.9.2 REPORTS AND RECORDS

(a) If a firearm is seized, the officer shall give the owner or possessor of the firearm a receipt for each seized firearm, which indicates the identification or serial number or other identifying characteristic of each seized firearm (ARS § 13-3601).

1. The officer should also ensure notification is made to the Property and Evidence Section Supervisor to ensure that any firearm seized for safekeeping is held for at least 72 hours.

(b) An officer investigating a violation of a court order shall ensure any report is forwarded to the appropriate prosecuting agency (ARS § 13-3602(N)).

### 320.9.3 SERVICE OF COURT ORDERS

Family violence is a very traumatic event for everyone involved and it is imperative that personnel of the Flagstaff Police Department make every effort to make it less traumatic for the victims involved in these types of cases. When a victim takes the time and effort to seek out and receive an Order of Protection or injunction it is our responsibility to ensure the Order of Protection/Injunction is served on the defendant in a timely manner and that the victim is notified of the service.

(a) An officer should serve orders for protection issued under ARS § 13-3602 and give it priority over other calls for service that do not involve an immediate threat to a person's safety (ARS § 13-3602(R) and AZ ST RPOP Rule 1).

(b) When an officer has reasonable grounds to believe that a victim is in immediate and present danger of domestic violence, the officer should seek and serve an emergency protective order (ARS § 13-3624).

### 320.9.4 RECORDS RESPONSIBILITIES

(a) Once an Order of Protection/Injunction is granted by City Court they are sent to the Flagstaff Police Department. Records clerks then check the address listed on the Order of Protection/Injunction to insure the defendant has an address within the city limits. If the defendant has an address in the County the Order of Protection/Injunction is given to the Civil Deputy for service. The City orders are then logged into a book in the records division. The orders are then reviewed by records in order to determine the best location for service and a call for service is then entered into ILEADS by records. An officer is then dispatched to pick up the order for service.



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(b) Records clerks will periodically check the orders located in the folder and re-enter a call for service so additional attempts can be made.

(c) The records division will send the served OOP/Injunction to the court it originated from and Include the Service Process Information Form with the case file at the Flagstaff Police Department.

(d) If a defendant makes a report request and that request includes copies of an Order of Protection/Injunction, the records clerks will ensure that personal information is redacted from the Service of Process Information Form, prior to its release.

### 320.9.5 OFFICER RESPONSIBILITIES

(a) A new Service of Process Information Form will be attached to all orders to be served. This Process Information Form will be completed by the Plaintiff prior to the order being received by the records division. The Process Information Form will contain more detailed information pertaining to the defendant, including any violent tendencies of the defendant. The Process Information Form will also contain up to date contact information for the Plaintiff so they can be contacted when service takes place. The Service of Process Information Form is confidential and will not be given to the defendant. Officers will also never divulge any information from the Service Process Information Form to defendants.

(b) Orders that have been served will then be turned in at the end of the officer's shift. The officer will turn in the served Order of Protection/Injunction with the Service Process Information Form attached. The records division will send the served OOP/Injunction to the court it originated from and include the Service Process Information Form with the case file at the Flagstaff Police Department. If an officer is unable to locate the defendant listed on the order they should make an attempt to contact the plaintiff and inquire about more recent or updated information for him/her. Unsuccessful service of orders will also be documented by officers in a DC2 report. If an officer is unable to serve an order he/she will return it to the folder located in records.

(c) Plaintiffs will be contacted when successful service of Orders of Protections/ Injunctions has occurred and the officer will document this in a DC2 report.

### 320.9.6 SUPERVISOR AND DETECTIVE RESPONSIBILITIES

(a) Patrol supervisors will ensure that their officers are diligent in attempting to serve Orders of Protections/Injunctions on a daily basis.

(b) The Family Crimes Detectives and their supervisors will also check the orders located in records on a weekly basis and make attempts to contact the plaintiffs for more current and updated information they may have on defendants.

(c) When all attempts to serve court orders have been exhausted and if and when an order is unable to be served the Family Crimes Detectives will contact the plaintiff and advise them



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of such. The Criminal Investigations Lieutenant will then be notified. These orders will then be kept on file at the Police Department in the event the defendant is later located.



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# Officer Involved Domestic Violence

## 321.1 PURPOSE AND SCOPE

This policy recognizes that the profession of law enforcement is not immune from members committing domestic violence against their intimate partners. The purpose of this policy is to establish procedures for handling acts of domestic violence committed by police officers and for implementing prevention strategies. This policy will provide police executives, officers, and all department employees guidance in addressing incidents where one (or more) parties to a reported domestic violence incident is an employee, whether sworn or civilian, of any rank in the department. This policy offers a comprehensive, pro-active approach to domestic violence by police department employees with an emphasis on victim safety. It expresses a position of zero tolerance by the department. It is imperative to the integrity of the profession of policing and the sense of trust communities have in their local law enforcement agencies that leaders, through the adoption of clear policies, make a definitive statement that domestic violence will not be tolerated.

Annual audits will be conducted to assure all employees do not have a record of qualifying misdemeanor crimes of domestic violence (MCDV), or valid protection orders. If an employee is found to have a MCDV or is the subject of a qualifying protection order, department legal counsel and/or city/county attorney shall be consulted immediately regarding continued employment or duty assignment. Federal law prohibits police officers convicted of qualifying misdemeanor domestic violence crimes from possessing firearms. Officers found guilty of a qualifying domestic violence crime through criminal proceedings will be terminated.

## 321.2 DEFINITIONS

**Officer Involved Domestic violence** - Refers to an act or pattern of violence perpetrated by a police officer upon his or her intimate partner not done in defense of self or others. This could include but is not limited to injury or threat of imminent bodily injury, sexual assault, physical restraint, committing a property crime directed at the victim, stalking, violation of a court order of protection or similar injunction, death threats or death.

**Intimate Partner of a police officer** - Any person who is or was legally married to the police officer, has a child in common with the police officer, has or had a dating relationship with the police officer, is specified as an intimate partner by state law, is cohabitating or has cohabitated romantically with the police officer.

**Protection Order** - Refers to any injunction or other order issued by a court, including criminal or civil orders of protection, regardless of form, content, length, layout, or name (such as stay away, restraining, criminal, and emergency or temporary protection orders or injunctions), issued for the purpose of preventing violent or threatening acts against another person, stalking or harassment of another person, contact or communication with another person, or physical proximity to another person.



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## 321.3 PROCEDURES

While giving priority to the safety of victims, this policy is also designed to address prevention through hiring and training practices, provide direction to supervisors for intervention when warning signs of domestic violence are evident, institutionalize a structured response to reported incidents of domestic violence involving officers, and offer direction for conducting the subsequent administrative and criminal investigations. Components of the policy include:

(a) Prevention and Training

(b) Early Warning and Intervention

(c) Incident Response Protocols

(d) Victim Safety and Protection

(e) Post-Incident Administrative and Criminal Decisions.

### 321.3.1 PREVENTION AND TRAINING

The department will adhere to a zero-tolerance policy towards police officer domestic violence and will not tolerate violations of this policy. The department will provide ongoing training to every officer on domestic violence and the zero-tolerance policy throughout all phases of the police officer's career.

(a) **Prevention through Collaboration -** Through ongoing partnerships with local victim advocacy organizations the department will develop domestic violence curricula and train officers in order to enhance the officers'/agency's response to victims.

(b) **Training Topics -** Upon implementation of this policy, all officers shall receive comprehensive mandatory instruction covering the following topics:

1. Understanding Domestic Violence
2. Departmental Domestic Violence
3. Response Protocol
4. Warning Signs of Domestic Violence by Officers
5. Victim Safety
6. Federal Domestic Violence Laws

(c) **Ongoing Training -** The Flagstaff Police Department will use a variety of training techniques including in-service, roll-call, FTO, ride-alongs, and training bulletins to regularly reinforce standards of effective response protocol.

### 321.3.2 EARLY WARNING AND INTERVENTION

Pre-Hire Screening and Investigation:



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(a) The Flagstaff Police Department shall conduct thorough background investigations of all potential new employees using address history, driver's record, protection order data base and criminal history and law enforcement agency background checks.

(b) All candidates shall be asked if they have engaged in or been investigated for domestic violence and asked about any past arrests, suspended sentences, diversion programs, convictions, and protection orders related to elder abuse, child abuse, sexual assault, stalking, or domestic violence.

(c) Those candidates with a history of perpetrating violence (to include: elder abuse, child abuse, sexual assault, stalking, or domestic violence) will be screened out at this point in the hiring process.

(d) Candidates should be clearly informed of the department's position of zero tolerance concerning domestic violence by officers.

Post Conditional Offer of Employment:

(a) The psychological screening of all viable candidates will include indicators of abusive tendencies in their background.

Post-Hire Intervention:

(a) When new officers are hired, the Flagstaff Police Department should reach out to their intimate partners/family members to introduce this policy and other relevant department policies.

### 321.3.3 DEPARTMENT RESPONSIBILITES

(a) The Flagstaff Police Department shall advise other local law enforcement agencies of their desire to be informed of any employee involved in domestic violence outside the City limits.

(b) The department shall, either in response to observed warning signs or at the request of an officer, intimate partner, or other family member, provide non-punitive avenues of assistance (such as the EAP program) before an act of domestic violence occurs.

(c) The department shall inform officers of the procedure for seeking confidential referrals, either internally or externally, to confidential counseling services.

(d) A disclosure on the part of any officer, intimate partner or family member to any member of the department that an officer has personally engaged in domestic violence will be treated as an admission or report of a crime and shall be investigated both administratively and criminally.

### 321.3.4 SUPERVISOR RESPONSIBILITIES

Supervisors should be cognizant of and document any pattern of abusive behavior potentially indicative of domestic violence including but not limited to the following:

(a) Aggressiveness:



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1. Excessive and/or increased use of force on the job
2. Stalking and inappropriate surveillance activities
3. Unusually high incidences of physical altercations and verbal disputes
4. Citizen and fellow officer complaints of unwarranted aggression and verbal abuse
5. Inappropriate treatment of animals
6. On- or off-duty officer injuries

(b) Domestic violence-related issues:

1. Monitoring and controlling any family member or intimate partner through such means as excessive phone calling
2. Stalking any intimate partner or family member
3. Discrediting and/or disparaging an intimate partner

(c) Deteriorating work performance:

1. Tardiness
2. Excessive absences
3. Alcohol and drug abuse

When the supervisor notes a pattern of problematic behavior (as detailed above), the supervisor shall:

(a) Address the behaviors through a review or other contact with the officer and document all contacts.

(b) Forward written reports capturing the behaviors to the Chief through the chain of command immediately to determine discipline as warranted.

(c) Prepare and submit to the Chief a written request for a psychological exam/ counseling by a psychologist/ psychiatrist who is knowledgeable about domestic violence.

(d) When warranted, request the Chief order an officer to seek assistance from a certified program for batterers, and if such a program is not available, a counselor knowledgeable about domestic violence.

### 321.3.5 POLICE OFFICER RESPONSIBILITIES

(a) Officers are encouraged to take personal responsibility in seeking confidential referrals and assistance from the department to prevent a problem from escalating to the level of criminal conduct against an intimate partner.

(b) Officers who engage in the following actions will be subject to severe discipline up to and including dismissal:



Adoption Date: 2014/08/15
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1. Failure to report knowledge of abuse or violence involving a fellow officer.
2. Failure to cooperate with the investigation of a police officer domestic violence case (except in the case where that officer is the victim).
3. Interference with cases involving themselves or fellow officers.
4. Intimidation/coercion of witnesses or victims (i.e., surveillance, harassment, stalking, threatening, or falsely reporting).

(c) Officers who learn they are the subject of a criminal investigation, regardless of jurisdiction, are required to immediately make a report to their supervisors and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in severe discipline up to and including dismissal.

(d) Officers who learn they are the subject of any protective order proceeding, whether or not the order is issued and regardless of jurisdiction, shall immediately notify their supervisor and provide a copy of the order, if issued. If subject to a qualifying protection order, the officer shall surrender all firearms. Failure to do so may result in severe discipline up to and including dismissal.

## 321.4 INCIDENT RESPONSE PROTOCOLS

### 321.4.1 DEPARTMENT WIDE RESPONSE

(a) The department shall accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information.

(b) All reports of possible criminal activity implicating police officers in domestic violence shall be documented in accordance with the policies governing the handling of reports of domestic violence involving civilians.

(c) The on-scene supervisor shall immediately notify the Duty Commander and should forward a copy of the report alleging domestic violence by the officer to the Chief through the chain of command.

(d) All such incident reports shall be made available by the department to the victim without cost.

### 321.4.2 COMMUNICATIONS RESPONSE

(a) Dispatchers shall be instructed to assign a high priority to all domestic violence calls, including those that involve or appear to involve a police officer of any department.

(b) Dispatchers shall immediately notify the patrol supervisor on duty and the dispatch supervisor of any domestic violence call received that involves, or appears to involve, a police officer, regardless of the involved officer's jurisdiction.

(c) Dispatchers shall prepare and preserve documentation of the facts and circumstances of the call, including the 911 tape, for use in potential administrative or criminal investigations.



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### 321.4.3 PATROL RESPONSE

Upon arrival on the scene of a domestic violence call or incident involving a police officer, the primary patrol unit shall immediately notify dispatch and request a supervisor of higher rank than the involved officer report to the scene, regardless of the involved officer's jurisdiction. The responding officers shall perform the following actions:

(a) Obtain needed medical assistance

(b) Address the immediate safety of all parties involved

(c) Secure the scene and preserve evidence

(d) Note all excited utterances, admissions and/or incriminating statements

(e) Make an arrest if probable cause exists

### 321.4.4 ON SCENE SUPERVISOR RESPONSE

(a) A supervisor of higher rank should report to the scene of all police officer domestic violence incidents including a police officer, regardless of the involved officer's jurisdiction.

(b) The on-scene supervisor shall assume command and ensure that the crime scene is secured and that all evidence is collected. Photographic and/or video documentation of the parties involved and scene shall be recorded where such resources are available.

(c) The supervisor shall inquire as to the safety of all children present at the time of the incident and all children in the household. As appropriate and necessary, the children should be interviewed separately from other parties.

(d) In cases where probable cause exists, the on-scene supervisor shall ensure an arrest is made.

(e) If the alleged offender has left the scene and probable cause exists, the supervisor shall perform the following actions:

    1. Exhaust all reasonable means to locate the alleged offender

    2. Ensure that an arrest warrant is sought, if unable to locate the alleged offender

    3. Document all subsequent actions in a timely manner

(f) In the event that the victim has left the scene, the supervisor should make every effort to follow through on the investigation and attempt to locate the victim.

(g) Arrest of both parties involved in a domestic violence incident should be avoided. The supervisor shall ensure that a thorough investigation is conducted and an arrest of the dominant aggressor is made in accordance with state law.

(h) Whenever an officer is arrested, the supervisor shall relieve the accused officer of all service weapons regardless of whether the officer is a member of the responding department.



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(i) Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer shall be seized for safety reasons.

(j) The supervisor shall inquire whether the victim wants any firearms removed from the home for safekeeping by the department and make arrangements as necessary.

(k) The on-scene supervisor shall ensure the victim is informed of the following:

1. The judicial process and victim rights
2. The department's policy on police officer domestic violence, procedures and cross-jurisdictional responsibilities as they apply
3. The standard of probable cause for arrest
4. Procedures for obtaining protective orders
5. Victim compensation
6. The availability of an on-scene advocate
7. The availability of confidential transportation to a location that can provide improved victim safety
8. Community resources and local domestic violence victim service
9. The option to remove firearms for safekeeping

(l) Whenever a police officer involved domestic violence call does not result in an arrest or a warrant is not sought, the on-scene supervisor shall explain in a written report.

(m) The on-scene supervisor should notify the Duty Commander as soon as possible. In the event that the officer is from another jurisdiction, the supervisor shall ensure that the accused officer's Department/Agency is notified. All notifications, and attempts to notify, should be fully documented.

(n) At the Chiefs direction, incidents involving Flagstaff Police Department personnel will result in the initiation of an administrative investigation. This administrative investigation shall run parallel and separate to the criminal investigation. No information derived from the administrative investigation shall be shared with officers conducting the criminal investigation.

### 321.4.5 ADDITIONAL CRITICAL CONSIDERATIONS

(a) When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, and supervisors shall follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from their own department.

(b) In the event that the reported incident involves the chief of police, the supervisor shall immediately notify the Deputy Chief who will make proper additional notifications.



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(c) In responding to domestic violence incidents where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.

(d) In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence response and investigation procedures should be followed. After probable cause and dominant aggressor are determined, an arrest should be made and all service weapons of the accused officer confiscated. If a protective order is issued against an officer, additional firearm seizure may be required under state law.

321.4.6 DEPARTMENT FOLLOW-UP

(a) In a timely manner, the Chief should ensure that all officers who responded to a police officer domestic violence call are debriefed. The debriefing should include the following:

1. A review of department confidentiality guidelines
2. A direct order prohibiting discussion of the incident outside of the official inquiry
3. A clear delineation of assignments

(b) Follow-up investigators should proactively seek out information on existing protective orders and, if found, shall enforce them and any applicable state and federal firearms laws and determine whether the officer violated department policy by failing to report the protective order.

(c) Arrest warrants charging police officers with domestic violence and protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms shall be seized if allowed by the department and decisions about service weapons will be made.

(d) In the event the protection order expires or the victim asks that it be discontinued, the department shall still conduct a thorough administrative investigation.

(e) Following the reported incident, the department should designate a member of the command staff to perform the following duties:

1. Conduct a danger assessment of the accused officer to determine the potential for further violence and inform the victim of the possibility of danger regardless of the outcome of the assessment
2. Act as a principal point of contact to keep the victim apprised of all developments
3. Ensure that safety planning and danger assessment is made available to the victim
4. Report the findings of the danger assessment to the Chief who will make decisions concerning appropriate sanctions, administrative actions, and referrals for the accused officer.



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### 321.4.7 VICTIM SAFETY AND PROTECTION

(a) Departments shall work with community resources and advocacy agencies to connect victims and their children with appropriate services.

(b) The command staff member designated as principal contact for the victim, should inform the victim of confidentiality policies and their limitations, and ensure that confidentiality is maintained throughout the case.

(c) All officers should be aware of possible victim/witness intimidation or coercion and the increased danger when the victim leaves an abusive partner. The designated principal contact should assist the victim and children in safety planning and caution the victim to be alert to stalking activities.

(d) If an officer suspects intimidation or coercion of the victim/witness is occurring, the officer shall prepare a written report to be delivered immediately to the investigator in charge of the case through the chain of command.

1. In order to determine whether the victim/witness is being intimidated or coerced, the investigator in charge should seek out secondary sources of information.

2. Given the possibility that a victim will recant or choose not to participate in court proceedings, supplemental evidence should be sought out and preserved.

## 321.5 POST INCIDENT ADMINISTRATIVE AND CRIMINAL DECISIONS

Once again, the Flagstaff Police Department shall conduct separate parallel administrative and criminal investigations of alleged incidents of police officer domestic violence in a manner that maintains the integrity of both investigations and promotes zero tolerance. Regardless of the outcome of the criminal case, the department shall uphold all administrative decisions. If the facts of the case indicate that domestic violence has occurred or any department policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practicable. The department will adhere to and observe all necessary protocols to ensure an accused officer's departmental, union, and legal rights are upheld during the administrative and criminal investigations.

### 321.5.1 ADMINISTRATIVE INVESTIGATION AND DECISIONS

The responsibility to complete the administrative investigation of a police officer domestic violence incident shall rest with the Office of Ethical Standards of the department, or the Chief should appoint an experienced investigator. The Chief may ask an outside law enforcement agency to conduct the administrative investigation.

(a) Regardless of whether an arrest was made on scene, the investigating official shall conduct an independent, comprehensive administrative investigation using standard elements of criminal investigations. Victims and witnesses should be re-interviewed and their statements recorded; crime scene evidence, photographs, and medical records accessed; and 911 tapes requested.



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(b) Where sufficient information/evidence exists, the department shall take immediate administrative action against the accused officer that may include removal of badge and service weapons, reassignment, sanctions, suspension, or termination.

(c) When an investigation of an incident uncovers officers who had knowledge of violence on the part of another officer but failed to notify the department or engaged in actions intended to interfere with the investigation, the department shall investigate those officers and take disciplinary action and criminally charge as warranted.

(d) If administrative policies and/or administrative orders of protection are violated or sufficient concern exists regarding a violation, the department shall initiate an independent administrative investigation, seize firearms as allowed under department policy as soon as practicable, and take disciplinary action up to and including dismissal.

(e) In determining the proper course of administrative action, the department should consider factors including the level of danger an officer poses as indicated by the outcome of the danger assessment of the officer, the officer's history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.

(f) If the department determines through an administrative investigation that the officer violated department policy, regardless of whether the officer plead nolo contendere in response to criminal charges, the department may employ the full range of administrative sanctions. Any officer determined through an administrative investigation to have committed domestic violence (with the exception of disorderly conduct alone) shall be terminated from the department.

### 321.5.2 CRIMINAL INVESTIGATIONS AND DECISIONS

The responsibility to complete a criminal investigation of an incident of police officer domestic violence should rest with the domestic violence unit of the department, or Criminal Investigations. The Chief may ask an outside law enforcement agency to conduct the criminal investigation depending upon circumstances.

(a) The investigating official shall conduct criminal investigations as would be the case for any other criminal violation.

(b) In accordance with the officer's and victim's privacy rights, the investigating official or agency shall conduct sufficient interviews (taped) of family members, friends, neighbors, colleagues, and others who may have information regarding criminal charges.

(c) Even though an initial report may already exist concerning a police officer, reports of any subsequent or additional criminal or non-criminal incidents, should be documented in separate incident reports, assigned a case number, cross-referenced with the original case number and investigated thoroughly.

(d) The department shall completely investigate the charges and where warranted seek prosecution even in cases where the victim recants.



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(e) The department will establish a liaison to work with the prosecuting attorney for each case. This officer shall present all the information to the prosecuting attorney for action and ask that decisions about the adjudication of the case be made in a timely manner.

(f) As with any other case for criminal prosecution, the investigating officer shall request filing of court papers/complaints.

(g) Any officer convicted through criminal proceedings of a domestic violence crime (with the exception of disorderly conduct alone) shall be terminated from the department.

321.5.3 TERMINATION PROCEDURES

Upon the decision to terminate an officer, the Chief shall do the following in accordance with department policy and state law:

(a) Notify the officer pursuant to City of Flagstaff policies.

(b) Inform the officer of available support services, to include counseling.

(c) Ensure that the victim is notified in a timely manner and offered available assistance, to include safety planning.

(d) Notify the state licensing body within 30 days and inform them of the reason for termination

Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.



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# Search and Seizure

## 322.1 PURPOSE AND SCOPE

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

## 322.2 POLICY

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

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

## 322.3 SEARCHES

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

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

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

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

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

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



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### 322.4 SEARCH PROTOCOL

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

(a) Members of this department will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) When the person to be searched is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

    1. Another officer or a supervisor should witness the search.

    2. The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably conceal a weapon.

### 322.5 DOCUMENTATION

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

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

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

### 322.6 KNOCK AND TALKS

The use of knock-and-talk has been proven highly successful when applied properly. The Supreme Court has ruled repeatedly that simply approaching a person, identifying oneself as an officer and



Adoption Date: 2014/08/15
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requesting cooperation doesn't create a seizure. Officers need to remember "positive" personal contacts are vital to gaining a voluntary consent to search. If the officer is overly aggressive, it will probably take a search warrant to get inside. It is recommended that the officer build a relationship with a citizen through several minutes of conversation, then audio record the request and get a consent from signed.

The following guidelines need to be followed when conducting knock-and-talk procedures to ensure uniformity and to help strengthen an officer's case once it goes to court:

(a) Officers should, document in a DC1 suspicion report, all information they receive regarding suspected narcotics trafficking. The information can still remain a crime stop should the citizen not wish to divulge his or her name. Report documentation will provide better justification for the officers conducting knock-and-talks.

(b) Once information is obtained, officers will attempt to contact a metro agent to determine if they have any additional or recent intelligence information on the location of suspects. Existing intelligence information on file with metro, coupled with fresh intelligence from patrol may be sufficient for metro to obtain a search warrant, thus eliminating the need for a knock-and-talk. This decision will rest with the metro agent. If metro does not feel there is enough information for a search warrant, the officer should select a reasonable time for a knock-and-talk.

(c) Once a decision has been made to conduct a knock-and-talk, a supervisor will be notified and will be present with the officer when contacting any suspects. If at all possible, to minimize the perception that the permission to search was coerced or forced through intimidation, no more than two officers should be used, so as to maintain a "low key" approach. The department recognizes that in special cases involving officer safety or other circumstances, it may be preferable to use more than two officers. Officers should arrange sufficient security at the time of the knock, to deal with known targets or other potential problems.

(d) For obvious reasons, it is highly recommended to record all conversations with the subjects of a knock-and-talk, thus accurately documenting their permission to search. Recording is always preferable to eliminate any doubt about the voluntariness of the permission. Written permission still leaves room for doubt, if the suspect later states they felt intimidated and gave permission for that reason. Officers must determine who is giving the authority to search and the extent of that persons apparent authority. Officers should explain the reason for the search, the scope of the search and who will be doing the searching.

(e) If the target refuses entry to the location, officers should leave the scene and use other investigative techniques if appropriate. If a target withdraws consent before any contraband has been observed, all activity must cease immediately. The location cannot be secured by officers if an attempt to get a warrant is going to be made, because the officers have created the exigency. If the consent is withdrawn after contraband has been seen, the items should be seized, but the officers cannot continue the search unless a warrant is obtained.



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(f) If the target asks about his right of refusal or what will happen if they refuse, don't be afraid to tell them. They do have a right to refuse. All they can do is say no, and in most cases they will still agree to the search. Being candid, open and honest, will go a long way toward showing your credibility in court and further helps to prove voluntariness should they give permission.

(g) Should illegal substances be observed in plain view, the officers may secure the house for other occupants for their safety, seize any illegal items of contraband found, preserve as a crime scene, and secure the house for a search warrant. Metro will be contacted to assist in obtaining and serving a warrant.

(h) Should permission to search be given and illegal narcotics or substances be found, the search will cease, the occupants will be arrested, items of contraband will be seized, the house will be preserved as a crime scene and a search warrant will be obtained. The officer will then contact metro agents for assistance with obtaining a search warrant to search the remainder of the house and to seize additional items of evidence.



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# Temporary Custody of Juveniles

## 324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Flagstaff Police Department.

## 324.2 POLICY

Definitions related to this policy include:

**Adult** - A person who is 18 years of age or older (ARS § 8-201(3)).

**Child or Juvenile** - A person who is under the age of 18 years (ARS § 8-201(6)). For purposes of this policy, it does not include children under the age of 8.

**Delinquent Juvenile** - A child who is adjudicated to have committed a delinquent act (ARS § 8-201(11))

**Guardian** - A person, other than a parent or a state or local agency, who is legally responsible for the care, custody or support of a child.

**Parent** - A natural parent, adoptive parent or stepparent.

## 324.3 JUVENILES WHO SHOULD NOT BE HELD

Officers are required or permitted to take juveniles into custody under the following circumstances:

### 324.3.1 REQUIRED CUSTODY

An officer shall take into temporary custody:

(a) A juvenile pursuant to an order of the juvenile court (ARS § 8-303(B)(1)).

(b) A juvenile pursuant to a warrant (ARS § 8-303(B)(2)).

(c) A juvenile who has committed a criminal act or a delinquent act, which, if committed by an adult, would be a felony or breach of the peace (ARS § 8-303(D)(1)).

(d) A juvenile who has been apprehended in the commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or who was apprehended in fresh pursuit after the commission of these acts (ARS § 8-303(D)(2)).

### 324.3.2 PERMITTED CUSTODY

An officer may take into temporary custody:

(a) A juvenile who the officer has reasonable grounds to believe has committed a delinquent act or who is incorrigible (ARS § 8-303(C)(1)).

(b) A juvenile who the officer has reasonable grounds to believe has run away from the his/her parents, guardian or other custodian (ARS § 8-303(C)(2)).



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An officer may consider as a mitigating factor in a permitted custody decision the participation of the parent, guardian or custodian in the healthy families program (ARS § 8-303(G)).

## 324.4 CUSTODY OF JUVENILES

No juvenile may be held in temporary custody at the Flagstaff Police Department without authorization of the arresting officer's supervisor or the Shift Sergeant. A juvenile taken into custody shall be processed and a final disposition completed without undue delay and not longer than six hours.

When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the investigator assigned to the case:

(a) Once the detained juvenile has been placed in nonsecure custody, the arresting officer will advise the shift supervisor of the circumstances of the arrest/detention.

(b) Without undue delay, notify the juvenile's parent, guardian or a responsible relative that such juvenile is in custody. Provide the location where the juvenile is being held or transferred, whether the complaint will be sent to the juvenile court and the intended disposition (see generally ARS § 8-307(B).

(c) Submit a completed report to the Shift Sergeant for approval (see generally ARS 8-304).

(d) Status offenders, runaways, abused or neglected children may not be detained in jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with in-custody adults at the station.

(e) Status offenders will generally be taken to Northland Family Help Center if they cannot be released to a parent or guardian.

### 324.4.1 CUSTODY OF JUVENILE STATUS OFFENDERS

All juveniles held into temporary custody shall have the following made available to them:

(a) Reasonable access to toilets and washing facilities.

(b) One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer, or as directed by a supervisor.

(c) Access to drinking water.

(d) Privacy during visits with family, guardian or lawyer.

(e) Immediately after being taken to a place of temporary confinement, and except where physically impossible no later than one hour after being taken into custody, the detaining officer shall advise and provide the juvenile an opportunity to make at least three telephone calls. The telephone calls must be made to a parent, guardian, responsible relative, employer or lawyer.



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324.4.2 CUSTODY OF JUVENILE OFFENDERS

Juveniles and adults shall be kept in physically separate sections of the facility and there shall be no contact between juveniles held in temporary custody and adult prisoners except as provided in ARS § 8-305 (ARS § 8-303(A)).

Contact between juveniles in temporary custody and adult prisoners shall be restricted as follows:

(a) There will be no communication and no sight or sound contact between the juvenile and adult prisoners (ARS § 8-305(B)).

(b) At no time will adult prisoners be present in the same room or area with a juvenile.

(c) Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to the movement of persons in custody within the Flagstaff Police Department.

**324.5 ADVISEMENTS**

The following provisions apply to types of custody and detentions of juveniles brought to the Flagstaff Police Department. Any juvenile who by his/her conduct endangers or could endanger other detained juveniles shall be kept separate and shall not be allowed to intermingle in the facility (ARS § 8-305(E)).

324.5.1 NONSECURE CUSTODY

All juveniles alleged to be delinquent or incorrigible, those not meeting the criteria to be booked into juvenile detention, or any juvenile under the age of 14 years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility for up to six hours to await transportation. However, the custody must be non-secure (ARS § 8-305(D)).

Nonsecure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed but not to a stationary or secure object. Juveniles shall receive constant in-person visual supervision by law enforcement personnel. Monitoring the juvenile using audio, video or other electronic devices does not replace constant in-person visual supervision.

Any juvenile in temporary custody who is less than 14 years of age or who does not, in the reasonable belief of the officer, present a security risk of harm to self or others, shall be kept in non-secure custody in the facility.

324.5.2 SECURE CUSTODY

A juvenile who is accused of a criminal offense or who is alleged to be delinquent may be held in custody to await transportation provided:

(a) The juvenile is 14 years of age or older.

(b) The juvenile is taken into custody on the basis of having committed a criminal law violation.

(c) The juvenile's detention at this facility does not exceed six hours from the time of arrival at the police station when both secure and nonsecure time is combined.



Adoption Date: 2014/08/15
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(d) Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents or arrange transfer to a juvenile detention facility or juvenile court.

(e) The officer apprehending the juvenile has reasonable belief that the juvenile presents a serious security risk of harm to self or others. Factors to consider include:

1. Age, maturity and delinquent history of juvenile.
2. Severity of the offense for which the juvenile was taken into custody.
3. The juvenile's behavior, including the degree to which the juvenile appears to be cooperative.
4. Availability of the staff to provide adequate supervision or protection of the juvenile.
5. The age, type and number of other individuals detained at the facility.

All other conditions for the secure detention of juveniles must also be met.

### 324.5.3 CUSTODY OF JUVENILES

While in custody, minors may be secured to a cuffing rail or otherwise reasonably restrained as necessary to prevent escape and to protect the juvenile and others from harm. Minors held in custody shall not be secured to a stationary object for more than 30 minutes. If a juvenile is secured, the following conditions must be met:

An employee of the Department must be present at all times to ensure the juvenile's safety while the juvenile is secured to a stationary object.

Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Shift Sergeant or the designated supervisor, and the reason for continued custody shall be documented.

### 324.5.4 SAFEKEEPING JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into custody must make a thorough search of the juvenile's property. This will ensure all items likely to cause injury to the juvenile or the facility are confiscated. Any property not accepted by juvenile detention should be processed into either safekeeping or evidence as directed by policy.

### 324.5.5 MONITORING OF JUVENILES

Any juvenile in custody shall constantly be monitored by an officer.

### 324.5.6 REQUIRED JUVENILE PROVISIONS

While a juvenile is being detained in temporary or investigative custody, he/she shall be provided with the following provisions:

(a) Reasonable access to toilets and washing facilities.



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(b) Food, if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile. All food given to a juvenile in custody shall be provided from the jail food supply.

(c) Reasonable access to drinking water.

(d) Privacy during family, guardian or lawyer visits.

(e) Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the jail if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

### 324.5.7 FORMAL BOOKING

Juveniles may be booked and fingerprinted or photographed, giving due consideration to the following:

(a) The gravity of the offense.

(b) The past record of the offender.

(c) The age of the offender.

### 324.5.8 DISPOSITIONS

Juveniles taken into temporary custody pursuant to ARS § 8-303(D) may only be released to the juvenile court, juvenile detention facility, parent, guardian or custodian (ARS § 8-303(E)).

Other appropriate juvenile dispositions, as required or allowed by law, may include:

(a) If the juvenile is going to be transported to the juvenile court or designated juvenile detention facility, it must be done without delay. The following forms shall accompany the juvenile:

1. A copy of the Police Report, Juvenile referral, and completed affidavit. In certain cases the detention facility may accept custody of the juvenile based on the charges and the agreement that facsimile copies will be forwarded as soon as completed.
2. Any personal property taken from the juvenile at the time of detention.

(b) Any juvenile not transferred to a juvenile detention facility or released as above, shall be released to one of the following:

1. Parent or legal guardian.
2. An adult member of his/her immediate family.
3. A responsible adult person specified by the parent/guardian.
4. Any responsible adult person willing to sign a written agreement and accept responsibility when the juvenile's parents are unavailable, as approved by the Shift Sergeant.

(c) After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions, if allowed by law, are authorized:



Adoption Date: 2014/08/15
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1. The arresting officer may counsel or admonish the juvenile and recommend no further action be taken. The juvenile will then be released to a responsible person as described above.
2. If the arresting officer or the Shift Sergeant believes that further action is needed, the juvenile will be released to a responsible person as listed above, and such juvenile will be advised that followup action will be taken by a detective. The detective assigned to the case will then determine the best course of action, such as diversion or referral to court. The detective will contact the parents and advise them of the course of action.

### 324.6 JUVENILE CUSTODY LOGS

Absent exigent circumstances, officers should make every reasonable effort to notify responsible school officials prior to contacting a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low-profile law enforcement presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officers should:

1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.
2. If efforts to contact a parent, guardian or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official or lawyer may be present during the interview in lieu of a parent.
3. If contacted, the selected parent, other responsible adult or school official may be permitted to be present during any interview.
   (a) An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult who, in the opinion of the officer, appears to be under the influence of alcohol or drugs or is otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
   (b) If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.



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(c) Any juvenile student who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support; the staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

Absent exigent circumstances or authority of a court order, officers should not involuntarily detain a juvenile who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian. In all such cases officers should adhere to guidelines and requirements set forth in the Child Abuse Reporting Policy.

## 324.7 NO-CONTACT REQUIREMENTS

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department shall not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

### 324.7.1 RELEASE OF INFORMATION TO OTHER AGENCIES

Arizona law authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Manager and the appropriate detective supervisor to ensure that personnel of those bureaus act within legal guidelines.

## 324.8 TEMPORARY CUSTODY REQUIREMENTS

### 324.8.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is in custody, the paramedics will be called. The Shift Supervisor shall be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons shall be notified as soon as reasonably possible:

(a) The juvenile court.

(b) The parent, guardian or person standing *in loco parentis* of the juvenile.

### 324.8.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill him/herself or any unusual behavior that may indicate the juvenile may harm him/herself while in custody in either secure or nonsecure detention.



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The detaining or transporting officer is responsible to notify the receiving person or agency of any suicidal indications of the juvenile.

### 324.8.3 USE OF RESTRAINT DEVICES

The Restraint Device Policy refers to the only authorized restraint device. It is the policy of this department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and is only a temporary measure pending transportation to another facility or until other custodial arrangements can be made. The use of restraints shall only be used when the juvenile:

(a) Displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.

(b) Is a serious and immediate danger to him/herself or others.

Restraint devices include those that immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints shall only be used after less restrictive measures have failed and with the approval of the Shift Sergeant.

Restraints shall only be used as long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Direct visual observation shall be conducted at least twice every 30 minutes to ensure that the restraints are properly employed and to ensure the safety and well-being of the juvenile. The Shift Sergeant shall arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant in-person visual supervision shall be maintained to ensure that restraints are properly employed and to ensure the safety and well-being of the juvenile. Such supervision shall be documented in the report.

Juveniles who have been placed in restraint devices shall be isolated to protect them from abuse. Restraints shall not be used as a punishment or as a substitute for treatment.

### 324.8.4 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering discipline to any juvenile.

### 324.8.5 DEATH OF A JUVENILE WHILE DETAINED

The County Attorney and the Medical Examiner's Office will conduct the investigation of the circumstances surrounding the death of any juvenile being detained at this department. The Operations Section Commander or a designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at the Flagstaff Police Department, the following shall apply:

(a) The Chief of Police or a designee shall provide and prepare all reports required by the state.



Adoption Date: 2014/08/15
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(b) Upon receipt of a report of death of a juvenile from the Chief of Police or a designee, the state may inspect and evaluate the juvenile facility, jail, lockup or court holding facility.

(c) A medical and operational review of every in custody death of a juvenile shall be conducted.

324.8.6 CURFEW VIOLATIONS
Juveniles detained for curfew violations may be released in the field or brought to the station but shall only be released to their parent, legal guardian or responsible adult.

## 324.9 USE OF RESTRAINT DEVICES

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance shall be obtained prior to Booking the juvenile into Juvenile Detention, when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- There is a known history of ingestion or sequestration of drugs in a body cavity.
- The minor is known or suspected to have ingested any substance that could result in a medical emergency.
- The juvenile is intoxicated or under the influence of drugs to the level of being unable to care for him/herself.
- An intoxicated or under-the-influence juvenile whose symptoms are not showing signs of improvement.

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

A medical clearance is required before the juvenile is transported to a juvenile detention facility if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

324.9.1 MONITORING INTOXICATED JUVENILES
A juvenile detained and brought to the Flagstaff Police Department who displays symptoms of intoxication as a result of alcohol or drugs shall be constantly visually monitored for the following:

(a) Observation of the juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.

(b) Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.



Adoption Date: 2014/08/15
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(c) An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.

(d) Whenever a juvenile displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, convulsions) shall be considered an emergency. Paramedics should be called and the juvenile taken to a medical facility.

(e) Juveniles undergoing acute withdrawal reactions shall immediately be transported to a medical facility for examination by a physician.



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# Vulnerable Adult Abuse

## 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of vulnerable adult abuse. It is the policy of the Flagstaff Police Department to treat reports of violence against vulnerable adults as a high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

## 326.2 DEFINITIONS

Definitions related to this policy include:

**Abuse** - Includes (ARS § 13-3623(F)(1), ARS § 46-451(A)(1)):

- Intentional infliction of physical harm
- Injury caused by negligent acts or omissions
- Injury caused by criminally negligent acts or omissions
- Unreasonable confinement
- Unlawful imprisonment as described in ARS § 13-1303
- Sexual abuse or sexual assault

**Exploitation** - The illegal or improper use of a vulnerable adult or his/her resources for another's profit or advantage (ARS § 46-451(A)(4)).

**Neglect** - A pattern of conduct without the person's informed consent resulting in deprivation of food, water, medication, medical services, shelter, heating, cooling or other services necessary to maintain minimum physical or mental health (ARS § 46-451(A)(6)).

**Vulnerable Adult** - An individual who is 18 years of age or older and who is unable to protect him/herself from abuse, neglect or exploitation by others because of a mental or physical impairment (ARS § 13-3623(F)(6)).

## 326.3 MANDATORY REPORTING REQUIREMENTS

The Flagstaff Police Department is considered a mandated reporter. If during the course of an investigation an officer has reasonable cause to believe that a vulnerable person has been abused, neglected, isolated or exploited by another person in a manner that constitutes a criminal offense under any law, the officer shall take a report and make an investigation as soon as reasonably practicable (ARS § 46-454(A)).

### 326.3.1 RECORDS SECTION RESPONSIBILITIES

Records is responsible for the following:



Adoption Date: 2014/08/15
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(a) Providing a copy of the vulnerable adult abuse report to Adult Protective Services as required by state law.

(b) Retaining the original vulnerable adult abuse report with the initial case file.

## 326.4 OFFICER'S RESPONSE

All incidents involving actual or suspected vulnerable adult abuse shall be responded to immediately, fully investigated and appropriately documented.

### 326.4.1 INITIAL RESPONSE

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

### 326.4.2 STABILIZE THE SITUATION

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

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of a vulnerable person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by law enforcement intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the older or vulnerable victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

### 326.4.3 NOTIFICATION

If a report is taken, the officer shall notify Adult Protective Services as soon as possible and make information regarding the investigation available (ARS § 46-454(F)).

### 326.4.4 SUPPORT PERSONNEL

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

- Patrol supervisor



Adoption Date: 2014/08/15
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- Investigative personnel
- Victim Assistance personnel
- Protective Services Agency personnel
- Ombudsman shall be called if the abuse is in a long-term care facility

326.4.5 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS
In any situation where an officer reasonably believes that a vulnerable adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer shall contact Adult Protective Services and request that they obtain an emergency protective court order against the person alleged to have committed or threatened such abuse.

If Adult Protective Services is unwilling or unable to obtain an emergency court order, the handling officer shall attempt to obtain the court order on the victim's behalf. Action taken by the officer shall be documented in any related report.

## 326.5 VULNERABLE ADULT ABUSE REPORTING

Every allegation of vulnerable person abuse shall be documented. When documenting vulnerable abuse cases the following information should minimally be included in the report (ARS § 46-454(C)):

(a) The name and address of the adult and any persons having control or custody of the adult, if known.

(b) The name and address of the person responsible for his/her care, if there is one.

(c) The name and address, if available, of the person who is alleged to have abused, neglected or exploited the adult.

(d) The adult's age and the nature and extent of the adult's vulnerability.

(e) The nature and extent of the abuse, injuries, neglect or exploitation of the adult.

(f) Any evidence of previous injuries.

(g) Any information relating to the reporter's belief that might be helpful in establishing the cause of the adult's injuries or physical neglect or exploitation.

Investigations of adult abuse are confidential and will only be released per the Security and Release of Records Policy.

## 326.6 VULNERABLE ADULT ABUSE IN A CARE FACILITY

Officers shall investigate all allegations relating to the abuse, neglect or exploitation of a vulnerable adult in a care facility or under the care of a facility. Officers shall immediately notify the Division of Aging and Adult Services.



Adoption Date: 2014/08/15
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### 326.7 OBTAINING ARREST WARRANT

Officers shall promptly seek a warrant for the arrest of any person for whom probable cause exists to believe the person is criminally responsible for the abuse, neglect or exploitation of a vulnerable adult.

### 326.8 STATE INFORMATION

To report the neglect, abuse or exploitation of a vulnerable adult, employees or the public may call the APS hotline at 877-SOS-ADULT (877-767-2385). The public may also use the Arizona online reporting form from:

Arizona Department of Economic Security Division of Aging and Adult Services Adult Protective Services (APS), 1789 West Jefferson Street (950A), Phoenix, AZ, 85007; phone: 877-767-2385, fax: 602-542-6575.



Adoption Date: 2014/08/15
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# Discriminatory and Sexual Harassment

## 328.1 PURPOSE AND SCOPE

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

## 328.2 POLICY

The Flagstaff Police Department is committed to creating and maintaining a work environment that is free of all forms of discrimination and intimidation, including sexual harassment. The Department will take preventive, corrective and disciplinary action for any behavior that violates this policy or the rights and privileges it is designed to protect.

This policy outlines the behaviors that will not be tolerated, the obligations of City Departments and employees, and the complaint procedure. Harassment based on race, color, creed, religion, national origin, age, physical or mental disability, or any other factors which cannot be lawfully used as the basis for employment decisions, will not be tolerated by the City of Flagstaff. Additionally, harassment and or intimidation directed at an employee for any reason will not be tolerated. This harassment policy applies to, but is not limited to, full and part-time tenured and tenured-eligible employees, temporary employees, ATP employees, and employees under contract for the City.

The Flagstaff Police Department strictly prohibits sexual harassment. This policy will further set forth the definition of sexual harassment, outline departments' and employees' obligations, and establish a complaint procedure. This policy will also ensure that all City employees and applicants for City positions have the opportunity to bring alleged acts of sexual harassment to the attention of City Management for investigation and possible resolution.

## 328.3 DISCRIMINATION PROHIBITED

Definitions related to this policy include:

### 328.3.1 DISCRIMINATION

Discrimination is any act or omission of an act which would create a hostile work environment or exclude any person from employment or promotional opportunities because of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status or denial of family care or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters and actions that result in an employee being offended or insulted because of a protected classification status enumerated above.

### 328.3.2 SEXUAL HARASSMENT

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



Adoption Date: 2014/08/15
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(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment.

(b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee.

(c) Conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Gestures, invitations, propositions, or other behavior of a sexual nature may also be regarded as sexual harassment. The above definition of sexual harassment applies to conduct of men toward women, women toward men, men toward men, women toward women, employees toward citizens, and citizens toward employees.

### 328.3.3 ADDITIONAL CONSIDERATIONS

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC).

(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communications between supervisor and employee.

### 328.3.4 HARASSMENT AND INTIMIDATION

According to the Equal Employment Opportunity Commission (EEOC) Issue Codes, Harassment can be defined as:

(a) The same as "Intimidation", except that in this case harassment would be used to describe antagonism directed at any individual based on his/her race, color, creed, religion, national origin, age, physical or mental disability in a non-employment situation or setting.

(b) To coincide with this definition of harassment the EEOC defines Intimidation as: "Bothering, tormenting, troubling, ridiculing, or coercing a person because of race, color, creed, religion, national origin, age, or physical or mental disability." For example:

1. Making, allowing or condoning the use of jokes, epithets or graffiti;
2. Application of different or harsher standards of performance or constant or excessive supervision;
3. Assignment to more difficult, unpleasant, menial or hazardous jobs;
4. Threats or verbal abuse;
5. Application of stricter disciplinary reprimands, impositions of fines or temporary suspensions.



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(c) The City of Flagstaff also includes in its definition of harassment, any of the above described actions directed at a city employee, for any reasons other than sex, sexual identity, race, color, creed, religion, national origin, age, or physical or mental disability, in an employment related situation.

(d) The City of Flagstaff and Flagstaff Police Department will follow these definitions as a basis for harassment claims.

## 328.4 RESPONSIBILITIES

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

All employees shall promptly report any observed or known violations of this policy to a supervisor. Employees are also obligated to offer full cooperation in all investigations into harassment charges. This cooperation may include, but is not limited to:

(a) Coming forward with evidence, whether it is favorable or unfavorable to the individual accused of the harassment; and

(b) Being completely truthful in any written reports or in any verbal responses to the investigator(s) questions.

Disciplinary action may be taken against employees at all levels who fail or refuse to cooperate in the investigation of a complaint of harassment, or who file a complaint in bad faith. Witnesses to any instances of harassment are encouraged to come forward with any information about the instance they see occurring within the workplace or any area that may have an effect on the work environment. This information may be in relation to instances that have been reported or instances that have not yet been reported. Witnesses are encouraged to provide this information in order to help the City enforce this policy and to help stop situations that can create a hostile working environment.

Employees not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to a higher ranking officer. Complaints may also be filed with the City's Affirmative Action Officer.

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

### 328.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.



Adoption Date: 2014/08/15
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(c) Ensure that their subordinates understand their responsibilities under this policy.

(d) Ensure that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police or Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

328.4.2 SUPERVISOR'S ROLE

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

(a) Behavior of supervisors and managers should represent the values of the department and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent members.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

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

## 328.5 INVESTIGATION OF COMPLAINTS

An employee who feels he or she has been the victim of discriminatory or sexual harassment should contact one of the following persons immediately. The employee can submit a written or oral complaint to the person(s) he or she feels most comfortable going to in this type of situation. The person(s) may be:

- anyone in the supervisory chain of command up to the Department Head;
- the Personnel Staff for the City; or
- the Affirmative Action Officer.

Complainants may simultaneously file discriminatory or sexual harassment complaints with outside state and federal agencies without first discussing the problem with City staff. The complainant, however, is urged to attempt to resolve the problem through the City administration prior to filing complaints with outside agencies. When filing a complaint the employee should be able to furnish the following information:



Adoption Date: 2014/08/15
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- his or her name, the department, and position title;
- the name of the individual(s) accused of discriminatory or sexual harassment and position title(s)
- the nature of the alleged discriminatory or sexual harassment, the length of time the alleged harassment has occurred, specific dates the alleged harassment occurred, the location of the alleged harassment, and any actions or threats against the employee resulting from the alleged harassment;
- any witnesses to the alleged harassment;
- whether the employee has reported the harassment allegations previously and, if so, to whom, when, and what actions, if any, were taken as a result of the report.

Various methods of complaint resolution exist. During the pendency of any such investigation, the supervisor of the involved employees should take reasonable steps to mitigate or eliminate any continuing hostile work environment.

### 328.5.1 SUPERVISORY RESOLUTION

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

### 328.5.2 FORMAL INVESTIGATION

Upon being notified of any complaint that cannot be satisfactorily resolved through the supervisory means cited above, the Personnel Director, Affirmative Action Officer, Chief of Police or a designee shall initiate a formal investigation.

The employee assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. The investigative authority includes accessibility to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and (except as herein provided) no employee or other person will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in an investigation.

Upon receiving a complaint by an employee, the person to whom the complaint was made shall immediately prepare a preliminary report to be given to the assigned investigator(s) and supply a copy to the Affirmative Action Officer. The report should include the information provided by the complainant as illustrated in the preceding section. The investigator(s) will be required to keep a written record of the investigation. This written record can include:

(a) verbal responses by the person filing the complaint of sexual harassment;

(b) interviews of witnesses;



Adoption Date: 2014/08/15
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(c) verbal responses by the person accused of the sexual harassment; and

(d) any other persons contacted in connection with the investigation.

Upon completion of the investigation, the investigator shall present the report to the City Manager, who shall, within a reasonable amount of time, make a decision as to whether the accused's conduct constitutes sexual harassment. In making this decision the City Manager shall at the least take the following into consideration:

- the investigator(s) conclusion;
- the circumstances of the situation; and
- the nature of the conduct of all parties involved and the context within which it took place.

As an optional resolution, employees who believe they have been discriminated against or harassed because of their protected status as described within this policy are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, Director of Human Services or the Assistant City Manager. All decisions by the City Manager will be made on a case-by-case basis.

### 328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

Only one of the following four dispositions will be used to classify the disposition of an allegation of harassment:

**Sustained Complaints** - If the complaint is substantiated, this policy and procedure prohibiting discrimination/harassment will be reviewed with the offender. Appropriate disciplinary action and/or training will be taken pursuant to the department disciplinary procedures.

**Not Sustained Complaints** - If there is insufficient evidence to either prove or disprove the allegations, both parties to the complaint will be informed of the reasons for this disposition.

**Unfounded Complaint** - If it is determined that an act reported pursuant to this policy/procedure did not in fact occur, a finding of unfounded shall be made.

**Exonerated Complaints** - If it is determined that an act reported pursuant to this policy/procedure did in fact occur but was lawful and proper within the guidelines established herein, a finding of exonerated shall be made.

Should it be determined that the reporting employee filed the complaint in good faith and/or through a mistake of fact, that employee shall be counseled/trained pursuant to this policy.

Should it be determined that the reporting employee maliciously filed the complaint, knowing that it was false or frivolous at the time of the complaint, that employee shall be subject to the disciplinary process up to and including termination.



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## 328.6 NOTIFICATION OF DISPOSITION

If the City Manager concludes that the complaint of discriminatory or sexual harassment is valid, immediate and appropriate disciplinary action shall be taken, in accordance with the City's policies and procedures. The type of disciplinary action will be determined on a case-by-case basis.

In all cases, individuals accused of discriminatory or sexual harassment shall be warned not to retaliate in any way against the complainant, the witnesses, or any other person that may be connected to the investigation into the complaint.

All complaints of discriminatory or sexual harassment will be handled with the utmost confidentiality. Any information pertaining to the investigation shall not be shared with anyone other than those persons involved in the investigation. All employees and officials will be expected to maintain confidentiality so as to protect all parties involved.

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

## 328.7 DOCUMENTATION OF COMPLAINTS

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

- Approved by the Chief of Police, the Assistant City Manager or the Director of Human Services if more appropriate.
- Maintained for the period established in the department's records retention schedule.

## 328.8 TRAINING

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

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

### 328.8.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Employees with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Chief of Police, Director of Human Services or the Assistant City Manager.



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# Child Abuse

## 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Flagstaff Police Department members are required to notify Child Protective Services (CPS) of the Arizona Department of Economic Security of suspected child abuse.

### 330.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service or law enforcement agency (ARS § 13-3620(A)).

## 330.2 POLICY

The Flagstaff Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

## 330.3 MANDATORY NOTIFICATION

Members of the Flagstaff Police Department shall notify CPS when they reasonably believe that a child is or has been the victim of abuse or neglect by a person with care, custody or control of the child (ARS § 13-3620(A) and (H)):

For purposes of notification, abuse or neglect includes physical abuse, sexual abuse, sexual exploitation and other criminal sexual offenses, criminal child abuse under ARS 13-3623, denial of necessary care or nourishment, as provided in ARS § 13-3620; ARS § 8-201.

A notification to CPS is not required under this section for sexual abuse (ARS § 13-1404) and sexual conduct with a child (ARS § 13-1405) if the conduct only involves those who are 14, 15, 16 or 17 years of age and there is nothing to indicate that the conduct is other than consensual.

### 330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ARS § 13-3620(D):.

(a) Notification shall be made immediately to CPS.

(b) Notification shall contain at a minimum:

1. The names and addresses of the child and the child's parents or the person or persons having custody.



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2. The child's age and the nature and extent of the child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
3. Any other information that the person believes might be helpful in establishing the cause of the child abuse, physical injury or neglect.

(c) A written report shall be forwarded to CPS within 72 hours.

### 330.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

### 330.5 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.

(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.



Adoption Date: 2014/08/15
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(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

### 330.6 PROTECTIVE CUSTODY

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

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

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

Children may only be removed from a parent or guardian in the following situations (ARS § 8-821 (B)):

(a) With a court order authorizing the removal of a child

(b) Without a court order if temporary custody is clearly necessary to protect the child because probable cause exists to believe:

1. The child is a victim or will imminently become a victim of abuse or neglect.

2. The child is suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.

(a) If a child is taken pursuant to this provision, the officer shall immediately have the child examined by a medical doctor or psychologist.



Adoption Date: 2014/08/15
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(b) After the examination the officer shall release the child to the parent or guardian unless the examination reveals abuse or neglect ARS § 8-821(D).

3. The child is physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured.

4. CPS has reported the child missing and at risk of serious harm.

330.6.1 SAFE HAVEN LAW PROVISIONS

A person is not guilty of abuse of a child pursuant to ARS § 13-3623(B) solely for leaving an unharmed newborn infant with a safe haven provider, such as hospital staff and firefighters (ARS § 13-3623.01). The law requires the safe haven provider to notify CPS.

## 330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

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

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.

2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

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

## 330.8 MEDICAL EXAMINATIONS

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



Adoption Date: 2014/08/15
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In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

## 330.9 DRUG-ENDANGERED CHILDREN

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

### 330.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Section Supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Detective Section Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

### 330.9.2 OFFICER RESPONSIBILITIES

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

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

(b) Notify the Detective Section Supervisor so an interagency response can begin.

## 330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Arizona law permits the following:

### 330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy.



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330.10.2 LOCAL PROTOCOL
The Detective Section Supervisor should ensure that any local protocol regarding child abuse investigations is available to department members.

330.10.3 CHILD FATALITY REVIEW
This department will cooperate with any interagency child fatality review team investigation. Records in a pending criminal investigation may be withheld from the team with prosecution approval (ARS § 36-3503).

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.



Adoption Date: 2014/08/15
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# Missing Children

## 331.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and responsibilities regarding this agency's response to reports of missing children.

### 331.1.1 POLICY STATEMENT

(a) It shall be the policy of this agency to thoroughly investigate all reports of missing children. Additionally every child reported missing to this agency will be considered at risk until significant information to the contrary is confirmed.

(b) Jurisdictional conflicts are to be avoided when a child is reported missing. If a missing child either resides in , or was last seen in this jurisdiction, this agency will immediately initiate the required reporting process. If a child resides in this jurisdiction and was last seen in another jurisdiction, but the law-enforcement agency covering that jurisdiction chooses not to take a missing child report, this agency will assume reporting and investigative responsibility.

(c) Questions concerning parental custody occasionally arise in relation to missing child reports. It shall be the policy of this agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of missing child(ren) is paramount, members of this agency will open a case when it can be shown the child has been removed, without explanation, from his or her usual place of residence. If custody has not been established by the Court, then the law-enforcement responsibility is to ensure the child is safe only.

### 331.1.2 DEFINITIONS

(a) The term missing child refers to a person who is

1. Younger than 18 years of age and
2. Whose whereabouts are unknown to his or her custodial parents, guardian, or responsible party.

(b) A missing child will be considered at risk when one or more of the risk factors noted in paragraph C are present.

(c) Risk factors refer to a missing child who is

1. 13 years of age or younger. This age was designated because children of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation on the streets or
2. Believed or determined to be experiencing one or more of the circumstances noted below.



Adoption Date: 2014/08/15
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(a) Is out of the zone of safety for his or her age and developmental stage. The zone of safety will vary depending on the age of the child and his or her development stage. In the case of an infant, for example, the zone of safety will include the immediate presence of an adult, custodian or the crib, stroller, or carriage in which the infant was placed. For a school-aged child the zone of safety might be the immediate neighborhood or route taken between home and school.

(b) Has mental or behavioral disabilities. If the child is developmentally disabled or emotionally/behaviorally challenged, he or she may have difficulty communicating with others about needs, identity, or address. The disability places the child in danger of exploitation or other harm.

(c) Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening. Any drug dependency puts the missing child at risk. The diabetic or epileptic child requires regular medication or his or her condition may become critical. The abuser of illegal drugs, on the other hand, may resort to crime or become the victim of exploitation.

(d) Has been absent from home for more than 24 hours before being reported to law enforcement as missing. While some parents may incorrectly assume 24 hours must pass before law enforcement will accept a missing-person case, a delay in reporting might also indicate the existence of neglect, abuse, or exploitation within the family.

(e) Is in a life-threatening situation. The environment in which the child is missing may be particularly hazardous. Examples of a dangerous environment could be a busy highway for a toddler, and all0night truck stop for a teenager, or an outdoor environment in inclement weather for a child of any age.

(f) Is in the company of others who could endanger his or her welfare. A missing child in such circumstances is in danger not only of sexual explointation, but also of involvement in criminal activity such as burglary, shoplifting and robbery or other violent crimes.

(g) Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained. Most children have an established and reasonably predictable routing. Significant, unexplained deviations from that routine increase the probability of risk to the child.

(h) Is involved in a situation causing a reasonable person to conclude the child should be considered at risk. Significant risk to the child can be assumed if investigation indicates a possible abduction, violence at the scene of an abduction, or signs of sexual exploitation.



Adoption Date: 2014/08/15
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(d) Actions upon determination of risk factors.

(a) If it is determined risk factors are involved in the report of a missing child, the child will be considered at risk, and an expanded investigation, including the use of all appropriate resources, will immediately commence. While all missing-child incidents should be thoroughly investigated, those involving risk factors indicate a heightened likelihood of danger to the child and, therefore, require an intensive response.

(b) If appropriate, existing interagency response protocols --- including the AMBER Alert system and/or other immediate community notification methods, if available --- should be considered. While AMBER Alerts are typically for abducted children, there are other tools available such as the Endangered Missing Advisory. Preplanned strategies for responding to missing-child reports are essential for successful case resolution. By identifying all the services and resources a region has available to search for missing children, multiagency agreements can be reached beforehand and promptly activated when the need arises. See Paragraph 7 of Section IV(A) regarding the role of the telecommunicator and Paragraph 3 of Section IV(C) regarding the role of the supervisor for additional AMBER Alert commentary.

### 331.2 COMMUNICATIONS RESPONSIBILITES

Communications personnel receiving the report of a missing child shall:

(a) Determine if circumstances of the report meet the definition of a missing child as set forth in Section III. By questioning the caller about the circumstance of the report, the telecommunicator can make a preliminary assessment about the level of risk to the missing child. This assessment shall also prepare the telecommunicator to promptly activate additional response protocols if needed. The Standard for Public Safety Telecommunicators when Responding to Calls of missing, Abducted, and Sexually Exploited Children provides good guidance about formulating such questions. Each telecommunicator should be familiar with this guide.

(b) Dispatch, in a prompt manner, an officer to the scene of the report. The officer who routinely patrols the vicinity of the report is best suited to handle the first response since he or she should be familiar with the area and is likely to have knowledge of unusual activities, suspicious people, known offenders, and other neighborhood dynamics. The handling of certain missing-child reports, such as suspected runaways, over the phone is discouraged since accurate assessments of the risk to the child cannot be made. Note: (1) The National Child Search Assistance Act (NCSAA, 42 U.S.C 5779 and 5780) mandates law enforcement's immediate response to reports of missing children, no establishment or observance of a waiting period before accepting a case, immediate entry of descriptive information about eh missing child into the Federal Bureau of Investigation's (FBI) National Crime Information Center (NCIC) Missing Person File, and close liaison with NCMEC in missing-child cases. (2) The Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (PROTECT Act, Pub. L. No. 108-21) amended the National



Adoption Date: 2014/08/15
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Child Search Assistance Act to extend the same NCIC reporting responsibility and other benefits to missing young adults 18, 19, and 20 years of age. (3) The Adam Walsh Child Protection and Safety Act (Adam Walsh Act, Pub. L. No. 109-248) mandates NCIC entry must be made by law enforcement within two hours of receipt of a report of a missing or abducted child. This replaces the term "immediately" in the National child Search Assistance Act. Current Criminal Justice Information services guidance regarding this time limit is two hours form the moment the minimum amount of information for NCIC entry has been obtained.

(c) Notify a supervisor. Because of the complexity of some missing-child cases, especially those requiring the immediate mobilization of investigative resources, telecommunicators should verify a supervisor has been notified whenever officers respond to such an assignment.

(d) Transmit the appropriate radio alerts and other notifications. A critical responsibility of the telecommunicator is to obtain sufficient information from the reporting party to broadcast a radio message alerting other officers, and other agencies if necessary, about the circumstances of the missing episode. Information should include the child's height, weight, hair and eye color, clothing, and the locations where the child was last seen as well as any dangers or special considerations unique to this missing child. Most importantly the radio alert should contain any information known about a possible abductor with special emphasis on the description of the suspect and vehicle used as well as direction of travel. Consideration should also be given to the use of highway surveillance or "road-block plans," including those involving surrounding agencies, to apprehend a fleeing abductor.

(e) Such agency records for related information, specifically any records such as those pertaining to the family, the place where the child was last seen, and the child's residence. It is essential for responding officers to know if the child or family has been the subject of previous reports that might have a bearing on this incident. Records should also be reviewed to learn if any incidents have been reported in the area that might have investigative value in this case. Complaints of or reports about incidents such as attempted abductions, prowlers, public lewdness, loitering, and suspicious people will be of particular interest. Access should also be made to Sex Offender registries to determine if individuals designated as sex offenders reside, work, or might otherwise be associated with the area. All available background information is critical to responding officers and investigative personnel to help evaluate the incident and interview witnesses or possible suspects.

(f) Safeguard all pertinent records. The telecommunicator should also ensure records of all communication related to this incident, such as phone conversations with the reporting party and witnesses, including written notes regarding the discussion, radio broadcasts, and all subsequent notifications, are safeguarded for future investigative reference.

(g) Active established protocols for working with the media ,# including activation of the AMBER Alert system and/or other immediate community-notification methods when appropriate. In agencies without a public-information officer, the telecommunicator, under direction of a law-enforcement supervisor, may be best situated to provide information to the media



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designed to elicit public assistance in the search for a missing child. In preparation for such situations, telecommunicators should have available the phone numbers of media contacts. Additionally the telecommunicator should also be prepared to immediately activate the appropriate immediate, community notification method if so directed by appropriate law-enforcement personnel.

### 331.3 RESPONDING OFFICER RESPONSIBILITIES

The initial officer or first responder assigned to the report of a missing child shall:

(a) Respond promptly to the scene of the report activating patrol-vehicle mounted video camera if circumstances warrant. Even if the assigned officer has been provided with initial information such as the missing child's description and other facts about the incident, it would be inappropriate to delay response to conduct a random search by doing things such as circling through parks, checking playgrounds, or stopping suspicious individuals. Unless in immediate response to the missing child's safety, these activities can be handled by other patrol units.

(b) Interview the parent(s) or person who made the initial report. The purpose of this interview is to gain an insight into the circumstances surrounding the missing episode and other information needed to conduct an initial assessment of the case. Note: Using a specifically designed missing person report form to gather information will enable the first responder to more promptly reach an accurate risk assessment. One such form can be found in NCIC's Missing Person File Information Kit, available through your agency Terminal Control Operator. All details should be thoroughly documents for more in-depth review later by investigative personnel who can compare statements made with investigative facts.

(c) Obtain a detailed description of the missing child including photo(s) and videos. The collection of information about the missing child, including race, height, weight, hair and eye color, clothing, and other noteworthy features, should be done promptly and relayed to other officer who may be assisting in the investigation. Several recent photos and/or a video, if available should be secure. Again, the use of a missing-person report form will expedite the collection of descriptive information. Photos should be the most accurate representation available of the missing child. If no photos are immediately believed to be available, several areas commonly forgotten would include cell phones with cameras as well as photos included on social- networking sites.

(d) Confirm the child is in fact missing. First responders should never assume searches conducted by distraught parent or other have been performed in a thorough manner. Another check of the scene should be made and include places where children could be trapped, asleep, or hiding. Special attention should be paid to enclosures such as refrigerators, freezers, and the interior of parked vehicles where limited breathing air may place the child at even greater risk. In the case of older children, first responders should ask if parents have checked with the child's friends or perhaps overlooked or forgotten something the child may



Adoption Date: 2014/08/15
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have said that would explain the absence. Note: A search of the home should be conducted even if the missing child was last seen elsewhere.

(e) Verify the child's custody status. First responders should ascertain whether a dispute over the child's custody might have played a role in the missing episode or might constitute a risk factor. Questions regarding whether the reporting party has legal custody, if the noncustodial parent has been contesting custody, or if the missing child expressed a desire to live with the other parent may help an officer gain important insight into the case.

(f) Identify the circumstances of the missing episode. First responders need to ascertain whether the circumstances are such that a heightened level of response is warranted. If risk factors exist, as defined in Paragraph C of Section III, then the decision to employ additional response methods is clear. In other situations where the circumstances are not clear, officers should keep the missing child's safety in mind and act accordingly.

(g) Determine when, where, and by whom the missing child was last seen. This information is needed to determine factors such as abduction time frame, windows of opportunity, and verification of previously received information. Interview family members, friends/associates of the child, and friends of the family to determine when each last saw the child, what they think happened to the child, and if the child had complained about being approached by anyone. Comparison of information gathered from the reporting party, witness, and other sources may prove vital to case direction.

(h) Interview the individual(s) who last had contact with the missing child. Effective questioning of those individuals who last saw or spoke with a missing child is crucial in the case-assessment process. While seeking information about the child's appearance, demeanor, and actions, officers should also be alert to any contradictions made or evasiveness demonstrated by the witness, especially if these statements cannot be readily corroborated. Thorough documentation will allow investigative personnel to later compare those statements with the facts of the case as they are uncovered.

(i) Identify the missing child's zone of safety for his or her age and developmental stage. Responding officers should attempt to determine how far a missing child could travel from the location where last seen before he or she would most likely be at risk of injury or exploitation. This perimeter should, under many circumstances, define the first search zone.

(j) Make an initial assessment of the type of incident. By employing all available assessment tools (i.e., completion of standardized forms; interviews with parents, other family members, and friends; statements of witnesses; and search of scene) an officer should be able to reach a preliminary determination regarding the type of case and the need for additional resources. Note: Officers must be cautious in "labeling" or classifying a missing-child case, since the classification process will impact the way in which initial information or evidence is gathered. Even if first indications suggest a "less urgent" incident, officers should consider all possibilities until the case category is clearly determined.



Adoption Date: 2014/08/15
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(k) Obtain a description of the suspected abductor(s) and other pertinent information. Officers need to immediately record witness information, not only for general investigative use but also before witnesses forget or speak to others who may confuse or make suggestions about what was actually observed. If the abduction scene involves a business or other public place, officers may be able to supplement witness information with video from security cameras that might provide crucial information about the suspect, vehicles, and circumstances. In the case of a suspected family abduction, the reporting party may have photos of the abductor or other valuable information.

(l) Determine the correct NCIC Missing Person File category and ensure notification is promptly transmitted. There are 5 categories within the Missing Person File applying to children. They are disability, endangered, involuntary, juvenile, and catastrophe. Simply because the child is younger than 18 does not require the juvenile category be used. The circumstances should govern category selection.

(m) Provide detailed descriptive information to communications unit for broadcast updates. As information becomes available regarding the missing child's physical appearance, circumstances of the case, or description of the potential abductor, the initial officer should ensure other officers and agencies are provided with up-to-date facts.

(n) Identify and separately interview everyone at the scene. The name, address, home and work phone numbers of everyone present at the scene, along with his or her relationship to the missing child, should be recorded. If possible, include them in photos and/or videos of the ncident scene. By interviewing each person privately, officers may be able to uncover information instrumental in resolution of the case.

(o) Conduct an immediate, thorough search of the scene. With the assistance of additional personnel, a systematic, thorough search of the incident scene should be conducted. If appropriate, officers should obtain written permission to search houses, apartments, outbuildings, vehicles, and other property that might hold information about the child's location. Officers are again reminded to conduct a thorough, immediate search of the child's home and property ,# even if the child was last seen at another location. Evaluate the contents and appearance of the child's room/residence. When possible officers should also search a missing child's school locker.

(p) Seal/protect scene, area of child's home, and areas of interest as potential crime scenes. First responders must take control of the immediate area where the incident occurred and establish an appropriate perimeter to avoid destruction of vital evidence. Extend search to surrounding areas and vehicles including those that are abandoned and other places of concealment such as abandoned appliances, pools, wells, sheds, or other areas considered "attractive nuisances." In addition to external crime scenes, the missing child's home, and particularly his or her bedroom, should be secured and protected until evidence and identification material such as hair, fingerprints, and bite marks are collected.



Adoption Date: 2014/08/15
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(q) Inquire if the child has access to the Internet, cell phone, and/or other communications device. Before making an initial decision the child has run away, an officer should determine if the child may have left to meet someone he or she encountered while online. Since some offenders are known to use the Internet to identify vulnerable children, what appears at first to be a runaway case, may, in fact, be a child abducted or enticed to leave by someone the child first met online. Even if a child willingly decides to leave home to join someone first met online, the child should be considered at risk. Additionally, since many children have their own cell phones/other electronic communications devices and may have them while missing, an officer should note these devices during the information-gathering process.

(r) Prepare necessary reports and complete appropriate forms. Information gathered by the first responding officer(s) may be instrumental in the eventual case resolution. To record this important information, officers should prepare a chronological account of their involvement and actions in the case from time of assignment to the point of dismissal. Reports should include everything, not just events seeming to have a direct bearing on the case.

### 331.4 SUPERVISORY RESPONSIBILITIES

The supervisor assigned to the report of a missing child shall:

(a) Obtain a briefing and written reports from the first responder(s) and other agency personnel at the scene. This briefing allows the supervisor to determine the scope and complexity of the case and develop an appropriate response. The briefing should be conducted away from family, friends, or any other individuals who may be present. Doing so will allow officers to speak freely about case circumstances and pass along initial impressions and opinions that might be misconstrued by others.

(b) Determine if additional personnel and resources are needed to assist in the investigation. Depending on the situation, a supervisor may determine additional personnel, including specialized units, should be called to the scene or otherwise assist in the investigation. Certain cases may also require the supervisor to activate existing interagency response protocols as established by mutual-aid agreements or memorandums of understanding. Confirm all required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability. Be available to make any decisions or determinations as circumstances develop. Contact NCMEC to enlist their resources.

(c) Consider activation of the AMBER Alert system and/or other immediate community notification methods. If circumstances indicate the chances for the child's safe recovery would be increased by immediate public awareness, a supervisor should promptly activate such efforts.

(d) Establish a command post. A command post is a field headquarters/office for scene management. It is used as a center for organizing personnel, launching and monitoring search and rescue operations, and directing investigative efforts as well as a focal point



Adoption Date: 2014/08/15
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for deciding the division of investigative labor on-site, administering on-site change of command, responding to investigative inquires, and gathering intelligence. As a general rule the command post should be close enough to the center of activity to facilitate control and coordination, but sufficiently isolated to allow a free exchange of ideas among responders. Establish a command post away from the child's residence.

(e) Organize and coordinate search efforts. Systematic searches are common features of missing-child investigations. A supervisor should appoint a search operation coordinator who can oversee the search effort while the supervisor remains available to manage the entire investigation.

(f) Ensure all required notifications have been made. Because dissemination of information is an integral part of the search for a missing child, the supervisor should ensure all officers, other departments and agencies, and all investigative networks are supplied with accurate details. Prepare a flier/bulletin with the child/abductor's photo and description. Distribute in appropriate geographic regions. Note: NCMEC is able to assist with this step.

(g) Establish a liaison with the victim family. Families of a missing child will experience extreme stress. Supervisors should establish a liaison with the victim family who can explain what investigative actions are being employed and what they can do to assist in the search. In addition the liaison can help the family work with the media.

(h) Confirm all agency policies and procedures are observed. In addition to providing the innovative direction required during a missing-child investigation, a supervisor must also ensure adherence to the rules and regulations of their professional law- enforcement organization. Established policies and procedures, especially those related to missing children, should be regularly reviewed to ensure compliance.

(i) Manage media relations. Many missing-child investigations, especially those involving large-scale search efforts, are likely to draw media attention. Supervisors should manage media presence in a way to complement rather than conflict with the investigation.

### 331.5 INVESTIGATOR RESPONSIBILITIES

The investigator assigned to the report of a missing child shall:

(a) Obtain a briefing from agency personnel at the scene. This briefing should be conducted prior to interviews with family members of the missing child or witnesses who may have been identified during the initial stage of the case. Its objective is to assist the investigator in formulating an effective interview strategy.

(b) Verify the accuracy of all descriptive information. The verification process should include all details developed during the preliminary investigation. During the interview process the investigator should be alert to facts or statements in conflict with those gathered by the first responder.



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(c) Initiate a neighborhood investigation. A thorough canvass of the neighborhood should be conducted without delay. The objective is to identify and interview all people within the abduction zone who may be able to provide information related to the incident. According to a key child-homicide study, unknowing witnesses are those who see some aspect of a crime but at the time do not realize they are witnessing part of a crime or potential abduction. It was found there were unknowing witnesses in 32.9% of those cases studied. This indicates a neighborhood or area canvass would be of great importance in generating investigative leads.1 Investigators should use a standardized set of questions during the canvass to ensure completeness and uniformity of information and facilitate establishment of a database to track leads. A record should also be made of all vehicles parked within the neighborhood and any other conditions that may have future investigative value. Access should also be made to Sex Offender Registries to determine if individuals designated as sex offenders reside, work, or are otherwise associated with the area.

(d) Obtain a brief history of recent family dynamics. Information about family dynamics, obtained from family members, neighbors, teachers, classmates, employers, coworkers, friends, and witnesses, can offer valuable insights into what may have happened to the missing child and where he or she may be found. Records of family contact maintained by law-enforcement agencies, social-service departments, schools, and other organizations should also be obtained and evaluated.

(e) Explore the basis for any conflicting information. When preliminary investigative steps have been taken, investigators should "compare notes" with the first responder, fellow investigators, and other agency personnel to identify and work through conflicting information. This collaborative evaluation will provide the investigative staff with a solid foundation upon which to structure future case directions. Correct and investigate the reasons for any conflicting information.

(f) Complete all remaining key investigative and coordination steps. Key investigative steps include, when applicable, collecting articles of the child's clothing for scent-tracking purposes; reviewing and evaluating all available information and evidence collected; securing the child's last medical and dental records; contacting landfill management and requesting delay or segregation of garbage and dumping containers from key investigative areas; developing and executing an investigative plan; conducting a criminal-history background check on all principal suspects, witnesses, and participants in the investigation; establishing a phone hotline for receipt of tips and leads; and considering establishment of an e-mail address or other methods of electronically receiving leads. Key coordination steps include ensuring details of the case have been reported to NCMEC and preparing and updating bulletins for local law-enforcement agencies, the missing-children clearinghouse, FBI, and other appropriate agencies.

(g) Implement effective case management. An information- management system is an essential part of the overall investigative process. Depending on the resources available, it is best to utilize a computerized system to record, index, cross-reference, and retrieve the facts



Adoption Date: 2014/08/15
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amassed during an investigation. Note: NCMEC can provide software designed for effective case management.

(h) Evaluate the need for additional resources and specialized services. The complexity of many missing-child incidents may necessitate the use of resources and services both from within the agency and other organizations as well. Investigators should be aware of the input obtainable from resources such as the FBI; NCIC; missing-children clearinghouses; and NCMEC ,# in particular Team Adam, which is a rapid- response team of experienced, retired law-enforcement investigators.

(i) Update descriptive information. If it appears the case will not be promptly resolved, investigators should ensure the descriptive record, especially the information entered into the NCIC Missing Person File, is updated to include dental characteristics, scars, marks, tattoos, and fingerprints along with additional articles of clothing, jewelry, or unique possessions.

(j) Monitor media relations. While information gained through effective media relations is often of significant value in a missing-child case, investigators should review all notices prior to release to ensure investigative objectives are not unintentionally compromised.

## 331.6 RESPONSE TO AN UNIDENTIFIED CHILD (LIVING OR DECEASED)

An officer assigned to the report of an **unidentified person**, whether living or deceased, who appears to be a child, shall:

(a) Obtain a complete description. Officers who are assigned to this task should use standardized information-gathering forms such as the NCIC Unidentified Person File Worksheet and data-collection guide. This information should be gathered in cooperation with the medical examiner or coroner. In cases involving skeletal remains, consideration should be given to consulting with a Forensic Anthropologist and Forensic Odontologist to ensure all pertinent and accurate information has been gathered. NCMEC's Forensic Services Unit can provide assistance in this area.

(b) Enter the unidentified child's description into the NCIC Unidentified Person File. This file is compared daily with the contents of the NCIC Missing Person File. Entries with common characteristics are flagged and both agencies are informed. Agencies should expect to receive this information/response overnight.

(c) Use all available resources to aid in identification of the child. NCMEC's Forensic Services Unit; NamUs (National Missing and Unidentified Persons System); missing-children clearinghouses; and other professionals, such as medical examiners, may be of assistance in the identification.

(d) Cancel all notifications after identification is confirmed.

### 331.6.1 RESPONSE TO THE RECOVERY OR RETURN OF A MISSING CHILD

An officer assigned to the recovery or return of a missing child shall:



Adoption Date: 2014/08/15
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(a) Verify the located child is, in fact, the reported missing child. An officer should personally verify all returns. The benefits of this practice include assessing the child's safety, gaining intelligence about possible offenders, and helping to prevent future episodes.

(b) Secure intervention services, if appropriate. During the verification process, officers should be alert for indications additional services may be needed before the child can be safely reunited with his or her family. These services may include mental and/or physical health examinations and arrangements for family counseling.

(c) Arrange the return of the child to his or her legal guardian or an appropriate children's shelter in the case of a runaway or missing child from within department jurisdiction who has b een located and who is not wanted on a warrant or other law violation.

(d) Place the child in custody and transport him or her to the appropriate facility for admission in the case of a runaway from another jurisdiction or from out-of-state who has been located and for whom a warrant exists or for whom an NCIC missing-person "hit" is verified.

(e) Complete the appropriate supplemental reports and cancel all outstanding notifications. Along with cancellation of the NCIC Missing Person File entry and other notifications regarding the case, a supplemental report should be completed describing the child's activities while missing and circumstances of the recovery/return.



Adoption Date: 2014/08/15
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# Missing Persons

## 332.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 332.1.1 DEFINITIONS

Definitions related to this policy include:

**At-risk** - Includes persons who are:

(a) 13 years of age or younger.

(b) Regardless of age, believed or determined to be experiencing one or more of the following circumstances:

1. Is out of the zone of safety for his/her chronological age and developmental stage.
2. Has a mental or behavioral disability.
3. Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Has been absent from home for more than 24 hours before being reported to law enforcement as missing.
5. Is in a life-threatening situation.
6. Is in the company of others who could endanger his/her welfare.
7. Is absent in a way that is inconsistent with established patterns of behavior and that cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Is involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Missing person** - Any person who is reported missing to law enforcement when that person's location is unknown. This includes a person under the age of 18 whose location has not been determined and who has been reported missing, abducted, lost or is a runaway (ARS § 15-829; ARS § 36-339).

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), and the Arizona Crime Information Center (ACIC).

## 332.2 POLICY

The Flagstaff Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Flagstaff Police Department gives missing person cases priority over property-



Adoption Date: 2014/08/15
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related cases and does not require a specific amount of time to have passed before beginning a missing person investigation.

### 332.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Detective Section supervisor shall ensure the following forms and kits are developed and available:

- Missing Person Report Form
- Missing Person Investigation Checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation
- Missing Person School Notification Form
- Medical Records Release Form
- Biological sample collection kits

### 332.4 ACCEPTANCE OF REPORTS

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

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

### 332.5 INITIAL INVESTIGATION

Officers or other employees conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at-risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at-risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a #Be on the Look-Out# (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at-risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at-risk.

(e) Ensure that entries are made into the appropriate missing person networks, as follows:

    1. Immediately when the missing person is at-risk.



Adoption Date: 2014/08/15
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2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

## 332.6 REPORT PROCEDURES AND ROUTING

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

### 332.6.1 SUPERVISOR RESPONSIBILITIES

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

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

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

### 332.6.2 RECORDS SECTION RESPONSIBILITIES

The receiving employee shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction.



Adoption Date: 2014/08/15
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(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known.

(d) Forward a copy of the report to the Detective Section.

### 332.7 DETECTIVE SECTION FOLLOW-UP

The investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified as soon as practicable if the missing person is a juvenile (ARS § 15-829).

1. The notice shall be in writing and should also include a photograph.
2. The investigator should meet with school officials as appropriate to stress the importance of including the notice in the child's student file, along with the investigator's contact information if the school receives a call requesting the transfer of the missing child's files to another school.

(b) Shall notify the state registrar in the state of the child's birth. This notification shall include the child's name, date of birth and county of birth (ARS § 36-339).

(c) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available.

(d) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(e) Shall verify and update ACIC, the NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).

(f) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

(g) Shall maintain a close liaison with the NCMEC if the missing person is under the age of 21 (42 USC § 5780).

(h) Should make appropriate inquiry with the coroner or medical examiner.

(i) Should obtain and forward medical records, photos, X-rays and biological samples, as applicable.

(j) Should attempt to obtain the most recent photograph for persons under 18 years of age if it has not been obtained previously and forward the photograph to the Department of Public Safety (DPS).



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(k) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

## 332.8 WHEN A MISSING PERSON IS FOUND

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

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

(a) Notification is made to NCIC, ACIC and DPS.

(b) A missing child's school is notified.

(c) The state registrar in the state of the child's birth is notified (ARS § 36-339).

(d) Entries are made in the applicable missing person networks.

(e) When a person is at-risk the fact that the person has been found shall be reported within 24 hours to NCIC, ACIC and DPS.

(f) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation.

### 332.8.1 UNIDENTIFIED PERSONS

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

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

## 332.9 CASE CLOSURE

The Detective Section supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence matches an unidentified person or body.

(b) If the missing person is a resident of Flagstaff or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this department is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.



Adoption Date: 2014/08/15
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(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal of civil warrant.

**332.10 TRAINING**

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

(a) The initial investigation:

1. Assessments and interviews
2. Use of current resources, such as Mobile Audio Video (MAV)
3. Confirming missing status and custody status of minors
4. Evaluating the need for a heightened response
5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.



Adoption Date: 2014/08/15
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# Stalking investigations

## 333.1 PURPOSE AND SCOPE

This policy seeks to address to establish responsibility, and set guidelines and procedures for the uniform investigation of stalking crimes.

## 333.2 PATROL RESPONSIBILITY

(a) Initial officers will respond and investigate stalking issues in compliance with the recognized standards of officer safety and be cognizant of potential dangers to themselves and the public.

(b) While responding to calls for service, the officer should consider that a wide variety of calls could involve stalking.

(c) The officer will obtain pertinent victim and suspect information.

(d) The officer will identify evidence at the scene and process according to evidence collecting procedures.

(e) The officer will assess the potential for lethality to the victim.

(f) The officer will initiate safety planning with the victim.

(g) Officers will route stalking cases to detectives for follow up.

## 333.3 DETECTIVE RESPONSIBILITIES

(a) The Investigating detective should establish a case file to include as much as possible of the following:

1. Research the victim's background to determine if there is a history of false reports or mental illness, perform a check for prior reports, criminal history, then run a check of victim's address, car, etc.
2. Research the suspect's background and criminal history, run wants, warrants, criminal history, parole, probation checks, and perform a computer check of suspect's address, car, property holdings, etc.
3. Collect all relevant reports and review prior to interviews.
4. Interview victim and document the interview with video or audio if possible

(b) It is important to determine the victim's state of mind. This means articulating how the incident affected the victim's sense of safety, fear of physical injury to self or family members. The assigned investigator should be alert in the interview and explore if the victim has done any of the following:



Adoption Date: 2014/08/15
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1. Has the victim moved to a new location, obtained a new phone number, or put a trap on the phone?
2. Has the victim told friends, co-workers, family of the harassment, told building security about the problem, given photos of the suspect to security, asked to be escorted to the parking lot and or work site, changed work schedule or route to work?
3. Has the victim stopped visiting places previously frequented, taken self defense courses, or bought pepper spray, purchased a gun, or put in an alarm system?

The investigator should work with the victim to create a safety plan to include providing information on obtaining an order of protection.



Adoption Date: 2014/08/15
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# Public Alerts

## 334.1 PURPOSE AND SCOPE

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

## 334.2 POLICY

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

## 334.3 RESPONSIBILITIES

### 334.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Flagstaff Police Department should notify their supervisor, Shift Sergeant or Detective Section Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

### 334.3.2 SUPERVISOR RESPONSIBILITIES

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

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

(a) Update alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Public Alert Reporting Officer

### 334.3.3 PUBLIC ALERT REPORTING OFFICER RESPONSIBILITIES

The Chief of Police shall designate a Public Alert Reporting Officer who is responsible for:

(a) Remaining familiar with the protocols for activating, maintaining and cancelling all applicable public alerts.

(b) Activating, maintaining and cancelling all public alerts.

(c) Being the point of contact with the Arizona AMBER Alert Oversight Committee.



Adoption Date: 2014/08/15
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(d) Ensuring the Department has AMBER Alert plan representatives who have completed appropriate training. Training may be provided by the Arizona Department of Public Safety (DPS) or suggested by the Arizona AMBER Alert Oversight Committee.

(e) Presenting a briefing to the Arizona AMBER Alert Oversight Committee at the next scheduled meeting following the activation of an Arizona AMBER Alert.

## 334.4 AMBER ALERTS

The Arizona AMBER Alert is a voluntary partnership between law enforcement agencies and local broadcasters to rapidly disseminate an emergency alert to the public when a child is abducted or missing under emergency circumstances and the child may be in danger of serious bodily harm or death.

### 334.4.1 CRITERIA

Certain criteria must exist before an AMBER Alert™ will be issued:

(a) An abduction of a child (under 18) has occurred.

(b) The abduction poses a credible threat of immediate danger of serious bodily injury or death to the child.

(c) The child is not a runaway and has not been abducted as a result of a child custody dispute, unless the dispute poses a credible or specific threat of serious bodily injury or death to the child.

(d) There is sufficient descriptive information about the child, abductor and the circumstances surrounding the abduction to indicate that an AMBER Alert will locate the child and/or suspect.

(e) There is information available to disseminate to the general public, which could assist in the safe recovery of the child and/or the apprehension of the suspect.

### 334.4.2 PROCEDURE

An employee who receives a report of an abduction of a child should advise the Public Alert Reporting Officer or the authorized designee without delay. The Public Alert Reporting Officer will review the information to ensure that alert criteria are met and will be responsible for:

(a) Calling the AMBER Alert Hotline at the Arizona DPS Duty Office.

(b) Calling the appropriate AMBER Alert broadcast station and provide the necessary information to activate the EAS.

(c) Entering the appropriate information into the AMBER Alert system.

    1. The information entered into the system may be updated by DPS or the Public Alert Reporting Officer.

(d) Promptly entering the missing child and crucial information surrounding the AMBER Alert and an AMBER Alert flag into the National Crime Information Center (NCIC) system.



Adoption Date: 2014/08/15
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(e) Promptly forwarding the alert information to all Arizona law enforcement agencies through the Arizona Law Enforcement Telecommunications System (ALETS) or other appropriate database.

(f) Ensuring that the appropriate telephone numbers for contact and follow-up are entered, including:

1. A telephone number for the public to provide tips and information on the missing child.
2. A confidential number restricted to other law enforcement agencies and the media to contact the Public Information Officer for follow-up and updates as an alternative to the 9-1-1 system.
3. A confidential number restricted to other law enforcement agencies to quickly provide information that could be crucial to the investigation or the safety of the victim.

(g) Obtaining a photograph of the missing person and/or suspect as soon as practicable and disseminating it to the appropriate entities.

The Public Information Officer should be constantly updated in order to utilize the media as much as possible and obtain the maximum exposure for the case.

Involved personnel will continually provide the Public Alert Reporting Officer or the authorized designee and the Public Information Officer with any updated information.

## 334.5 ENDANGERED PERSON ALERTS

The Endangered Person Alert is a voluntary partnership between law enforcement and local broadcasters designed to rapidly disseminate information about missing and endangered persons to law enforcement agencies, broadcasters and the public.

### 334.5.1 CRITERIA

Certain criteria must exist before an Endangered Person Alert will be issued:

(a) The missing person is 18 years old or older.

(b) The person is missing under unexplained, involuntary or suspicious circumstances.

(c) The person is believed to be in danger of death or serious bodily injury because of his/her health, a medically diagnosed mental or physical disability, the environment or weather conditions, because he/she is in the company of a potentially dangerous person, or some other factor that may put the person in danger.

(d) There is information that could help the public to assist in the recovery of the missing person.

### 334.5.2 PROCEDURE

An employee who receives a report of a missing and endangered person should advise the Public Alert Reporting Officer or the authorized designee without delay. The Public Alert Reporting Officer will review the information to ensure the alert criteria are met and will be responsible for:



Adoption Date: 2014/08/15
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(a) Preparing or assigning preparation of the Endangered Person Alert using the Attempt to Locate (ATL) code on the Arizona Criminal Justice Information System (ACJIS). The words #Endangered Person Alert# should be included in the title of the entry.

(b) Entering the information into NCIC using the proper message key: Missing (MNP), Endangered (EME), Involuntary (EMI).

(c) Obtaining a photograph of the missing person and/or suspect as soon as practicable and disseminating it to the appropriate entities.

The Public Information Officer should be constantly updated in order to utilize the media as much as possible and obtain the maximum exposure for the case.

Involved personnel should continually provide the Public Alert Reporting Officer or the authorized designee and the Public Information Officer with any updated information.



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# Address Confidentiality Program

## 335.1 PURPOSE AND SCOPE

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). Legislation mandates that a victim of domestic violence, a sexual offense, or stalking who fears for their safety may apply to the Secretary of the State of Arizona to participate in the ACP. The ACP program will assist registered victims in using a substitute address as their legal address of record when creating a new public record with the intent of maintaining their actual address confidential. The participant will be issued an ACP authorization card by the Secretary Of State.

The ACP is the legal agent for a participant's first class, certified, and registered mail. Any service of process on the participant can be done on the Director of ACP or her designee. This will have the same effect as if the participant was served directly. Law enforcement agencies are required to accept the substitute address as the participant's work, home or school address when presented with the ACP authorization card by the participant. This card is not a form of identification, but rather provides assurance only authorized individuals are afforded the protection of the 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.

## 335.2 EMPLOYEE RESPONSIBILITIES

When an employee is presented with or advised of a person's participation in the Address Confidentiality Program, that employee will verify the participation by contacting the Secretary of State at 602-542-1892 (This number is available in dispatch and is answered 24/7). Upon confirmation, Flagstaff Police personal shall subsequently use the substitute address for all forms and records.

## 335.3 REDACTION OF ACP PARTICIPANT'S CONFIDENTIAL ADDRESS

An ACP participant may request that the department redact their 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 use the Participant's substitute address. In this instance an officer will document the request in a DC-1 report, provide a copy of the ACP participant's Authorization card (if possible) and forward the report to the ACP Administrator. Redaction of an ACP participant's confidential address will be completed by the ACP administrator as follows:

(a) Any public record created within ninety days (90) days prior to the date a program participant applied to be certified in the program shall have the actual home, work and/or school address modified from the actual address to the substitute address of 1901 W. Madison St. Apt # ???? Phoenix, AZ 85009 which is provided by the Secretary of State.



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(b) Redaction or modification of such information shall be done by the, Records Manager or Records Supervisor who serve as the Address Confidentiality Program Administrators.

(c) ACP participants are to be flagged in the Records Management System with an alert code of "Address Confidentiality Program" and shall be done by the Support Services Supervisor or the Records Supervisor, who will serve as the Address Confidentiality Program Administrators.

(d) A log of changes made to such records will include the participants name along with a list of the Flagstaff Police Department's report number(s) and will be saved to a Compact Disc (CD) in an EXCEL format and stored in a locked cabinet in the ACP Administrators secured office within the Flagstaff Police Department.

(e) When the ACP participant is no longer in the program, the Address Confidentiality Program Administrators will change the substitute address back to the actual address within each effected report, returning it to its original format as created by the editor of the report.

### 335.4 REQUEST FOR EMERGENCY DISCLOSURE OF THE ADDRESS BY THE SECRETARY

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 a physical characteristics warrant which is valid for a limited time. All Emergency Disclosure of Address applications will be handled by the ACP administrator. The process for requesting disclosure is as follows:

(a) Verify the persons' participation in the program (call 602.542.1892 to confirm participation);

(b) 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;

(c) Contact the ACP administrator to obtain the Flagstaff Police Department's "Emergency Request of Disclosure of Authorized use" Form and the Secretary of State's "Emergency Disclosure of Participant Information" form. Complete both, have them signed by your supervisor and return them to the ACP administrator.

(d) The ACP administrator will FAX (602.542.3251) or scan and email (acpinfo@azsos.gove) the following documents to the Secretary of State's ACP office: ,§ A copy of this policy ,§ The completed request (see attached letterhead example) ,§ A copy of the completed "Emergency Disclosure of Participant Information Form (attached)

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) When a confidential address is obtained from an emergency request of disclosure the address will be secured on a Compact Disc (CD) in an EXCEL format and stored in a locked cabinet in the ACP



Adoption Date: 2014/08/15
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Administrators secured office within the Flagstaff Police Department. The employee requesting the confidential address will secure the information in the following manner:

(a) The paper copy of the confidential address will be secured by the requesting Officer or Detective in a separate folder and protected in a locked cabinet.

(b) The address will remain confidential and will NOT appear in reports or case files, and will not be shared in any manner with internal or external customers outside of the intended request.

(c) The confidential address will not be maintained any longer than Permitted by the Secretary of State and shall be redacted from all records and files including electronic records.

### 335.5 SERVICE OF PROCESS ON AN ACP PARTICIPANT

An employee who is asked to serve process on an ACP participant (a subpoena or an order of protection, for example) may do so by serving the Secretary of State's Office. The person's participation should be confirmed at 602.542.1892. Once the person's participation is confirmed, the employee should arrange a time of arrival at the office. This will ensure that staff is available to accept service. The office is located at 1700 W. Washington, 7th Floor, Phoenix, Arizona. The document(s) to be served shall be enclosed in an envelope which is addressed to the participant by writing the person's name and substitute address/ACP apartment number on the envelope.

Service of process should be accomplished during normal business hours.

### 335.6 ACP ADMINISTRATOR DUTIES

Redact address on all reports etc for 90 days prior to the application of the ACP card. Any public record created within ninety days (90) days prior to the date a program participant applied to be certified in the program shall have the actual home, work and/or school address modified from the actual address to the substitute address of 1901 W. Madison St. Apt# ???? Phoenix, AZ 85009, including his/her ACP apartment number, which is provided by the Secretary of State. Redaction or modification of such information shall be done by the Address Confidentiality Program Administrator. Handle all requests for emergency disclosure of address by Secretary of State. Completion of the "Emergency Disclosure of Participant Information Form" and the "Emergency Request of Disclosure of Authorized Use Letter of Statement" will be completed by the investigating Officer or Detective. Completed request forms will be faxed to the Secretary of State by the ACP Administrator. The faxed request form will become part of the case file. Notify crime analysis unit of actual address if it is the scene of the crime and ACP address is used for the victim. When a substitute address is entered into a report or record and the actual address is the scene of the incident, the actual address shall be provided to the Crime Analysts by e-mail or phone call. The ACP participants substitute address will appear on all police records. Maintain records of actual redacted addresses (to return information when ACP is no longer valid) When the ACP participant is no longer in the program, the Address Confidentiality Program Administrator will change the substitute address back to the actual address within each effected report, returning it to its original format as created by the editor of the report.



Adoption Date: 2014/08/15
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(a) Maintain records of actual addresses obtained by emergency disclosure. The paper copy of the confidential address will be secured by the requesting Officer or Detective in a separate folder and protected in a locked cabinet. The address will remain confidential and will NOT appear in reports or case files, and will not be shared in any manner with internal or external customers outside of the intended request. The confidential address will not be maintained any longer than permitted by the Secretary of State and shall be redacted from all records and files including electronic records.

(b) Train employees on ACP program procedures. The ACP Administrator will provide the Records Section with policies and procedures that will be adhered to concerning the ACP program.

(c) Flag the ACP participants name in I-leads ACP participants are to be flagged in the Records Management System with an alert code of "Address Confidentiality Program" and shall be done by the Address Confidentiality Program Administrators.



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# Crime Victim Compensation and Rights

## 336.1 PURPOSE AND SCOPE

It is recognized that many innocent individuals suffer personal injury or death as a result of criminal acts. Crime victims and persons who intervene to prevent criminal acts often suffer disabilities, incur financial burdens or become dependent on public assistance. There is a need for the compensation of victims of crime and those who suffer personal injury or death in the prevention of crime or the apprehension of criminals.

Compensation may be provided to public and private agencies for the purpose of establishing, maintaining and supporting programs that compensate and assist victims of crime, or to persons who suffered personal injury or death that resulted from an attempt to aid a public safety officer in the prevention of a crime or the apprehension of a criminal (ARS § 41-2407(B) and ARS § 41-2407(C)).

The Department shall designate one person to serve as the agency's crime victim liaison. The Department liaison shall consult with the appropriate victim assistance coordinator in the local, county or state office to determine the most effective manner in which the crime victim liaison can perform his/her duties.

It is the Flagstaff Police Department's intent to ensure that qualified crime victims are granted rights afforded to them pursuant to the Arizona Constitution and state law (Arizona Constitution Article 2 § 2.1, ARS § 13-4401 et seq., ARS § 8-381 et seq.).

## 336.2 POLICY

Definitions related to this policy include:

**Criminal offense** - Conduct that gives an officer or prosecutor probable cause to believe that a felony, misdemeanor or any other offense punishable by imprisonment or fine has occurred.

**Immediate family** - A victim's spouse, parent, child, sibling, grandparent or lawful guardian (ARS § 13-4401(11) and ARS § 8-382 (12)).

**Lawful representative** - A person who is designated by the victim or appointed by the court and who acts in the best interests of the victim (ARS § 13-4401(12) and ARS § 8-382 (14)).

**Victim** - A person against whom a criminal offense has been committed or any individual related to the person, unless the individual is in custody for an offense or is the accused (Arizona Constitution, Article 2 § 2.1(C), ARS § 13-4401(19) and ARS § 8-382 (20)).

## 336.3 CRIME VICTIM LIAISON

Every employee reporting or investigating a crime where a victim has suffered injury as a direct or proximate cause of that crime shall provide the victim with the multi-copy Victim Rights Form as soon as possible after the detection of the offense, unless it would interfere with an investigation or arrest, as required by ARS § 13-4405 and ARS § 8-386. If a victim is physically or emotionally



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unable at the time of initial contact to request or waive his/her rights, the employee shall record this information on the multi-copy form. The victim is presumed to have invoked those rights unless later waived (ARS § 13-4405(B) and ARS § 8-386(B)).

The Victim Rights Form shall at a minimum:

(a) Allow the victim to request or waive applicable rights.

(b) Provide the victim a method to designate a lawful representative.

(c) Provide notice to the victim of the following information:

1. The victim's rights under the Arizona Constitution (Article 2 § 2.1).
2. The availability of crisis intervention, emergency and medical services as allowed in ARS § 13-1414.
3. Resources available for the protection of domestic violence victims pursuant to ARS § 13-360.
4. The names and telephone numbers of public and private victim assistance programs, including the county victim compensation program, which provide counseling, treatment and other support services.
5. The crime report number, if available, and other identifying case information including a statement that the victim may call this department within 30 days if he/she is not notified of an arrest in the case.
6. A statement that the victim will be notified by this department at the earliest opportunity after the arrest of a suspect, regardless whether the suspect is an adult or a juvenile.
7. If an adult suspect has been arrested, that the victim has the right, on request, to be informed of the suspect's release and of the next regularly scheduled time, place and date for initial appearances in the jurisdiction; that the victim has the right to be heard at the initial appearance and that to exercise these rights, the victim shall contact the custodial agency regarding the suspect's release and contact the court regarding any changes to the initial appearance schedule.
8. If the suspect is a juvenile and the officer requests that the accused be detained, that the victim has the right, on written request, to be informed if the juvenile will be released or detained pending the detention hearing, and that the victim has the right to be present and heard at the detention hearing. To exercise these rights the victim should be advised to contact the detention screening section of the juvenile probation department.
9. If the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.



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10. That the victim or the immediate family member of the victim who has been killed or incapacitated has the right to receive one copy of the crime report, including any supplements to the report, from the investigating law enforcement agency at no charge pursuant to ARS § 39-127.

Employees should advise victims that they may obtain an application from the Crime Victim Compensation Program by calling the County Attorney's Office. Additional information can be found at http://www.azag.gov/victims_rights/victimcomp.html.

Any modifications regarding the statutory requirements for providing information to crime victims shall be done in accordance with ARS § 13-4405(E) and ARS § 8-386(E).

### 336.3.1 REPORTING OFFICER RESPONSIBILITIES

It shall be the primary responsibility of the reporting officer to make the required advisement as set forth in this policy. The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

At the time the suspect is taken into custody, the arresting officer shall ensure that a copy of the victim's request or waiver is submitted to the custodial agency and a copy to the prosecutor. If there is no arrest, the form copies shall be submitted to the prosecutor at the time the case is otherwise presented to the prosecutor for review (ARS § 13-4405(C) and ARS § 8-386(C)). If the suspect is cited and released, the arresting officer shall inform the victim of the court date and how to obtain additional information about the subsequent criminal proceedings (ARS § 13-4405(D) ARS § 8-386(D)).

### 336.3.2 VICTIM CONFIDENTIALITY

A victim's contact and identifying information that is obtained, compiled or reported by this department shall be redacted for publicly accessible records pertaining to the criminal case with the following exceptions (ARS § 13-4434(B) and ARS § 13-4434(C)):

(a) The victim's name.

(b) Any records that are transmitted between law enforcement and prosecution agencies or a court.

(c) Any records if the victim has consented to the release of the information.

(d) The address or location at which the reported crime occurred.

Communications, except those involving compensation or restitution, between a victim and a crime victim advocate are confidential pursuant to ARS § 13-4430 and ARS § 8-409.

### 336.3.3 INVESTIGATOR RESPONSIBILITIES

In the event the victim cannot be identified or, due to the nature of the injury, cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make



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the necessary advisement. The investigating officer shall use discretion and tact in making such advisement.

If the suspect was not arrested at the time of contact with the victim but is arrested at a later time, the investigating officer shall notify the victim of the arrest of a suspect at the earliest opportunity after the arrest, and of the time, place and date for the initial appearance (ARS § 13-4405(F)).

336.3.4 SUPERVISOR RESPONSIBILITIES

It is the responsibility of any supervisor approving a written report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished. A Detective Supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

336.3.5 VICTIM INFORMATION AND NOTIFICATION

When appropriate, officers should advise the victim of the availability of the Victim Information and Notification Everyday (VINE) program. VINE is a free, computer-based telephone service that allows victims to check on an offender's custody status and register to receive automatic notification when an inmate is released from jail. The contact phone number for VINE is printed on the Flagstaff Police Department Victim Information card.

## 336.4 CRIME VICTIMS

Records shall be the liaison to the local Victim Witness Assistance Program office. It shall be his/her responsibility to forward copies of crime reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases.

The Records Manager shall establish and maintain a system for the receipt of victim requests for notice (ARS §13-4417 and ARS §8-398). Notices provided to victims shall be on forms developed by the Attorney General's Office.

The Records Manager or a designee shall:

(a) Upon request from a victim, provide notice of subsequent proceedings using the telephone number and address supplied by the victim (ARS § 13-4417(A) and ARS §8-398 (A)).

(b) Upon request from a victim, notify the victim of the release of an accused held in custody by this Department (ARS § 13-4412(A) and ARS § 8-393(A)).

(c) If in the custody of this Department, give notice by any reasonable means to the victim and the prosecutor's office of an escape by an incarcerated person accused or convicted of committing a criminal offense against the victim (ARS § 13-4412(B) and ARS § 8-393(B)).

(d) If in the custody of this Department, give notice by any reasonable means to the victim and the prosecutor's office upon the subsequent rearrest of an incarcerated person who is



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accused or convicted of committing a criminal offense against the victim (ARS § 13-4412(B) and ARS § 8-393(B)).

336.4.1 POST CONVICTION NOTICE

Victims who have made a request for post-conviction notice are required to be mailed a notice of release by the custodial agency or sheriff's office having custody of the prisoner. This notice is required at least 15 days before the prisoner's release or within 15 days after the prisoner's death (ARS § 13-4413 and ARS § 8-394).

336.4.2 OFFICER VICTIM RIGHTS

Officers may qualify as victims under the Arizona Constitution. Officers should contact the prosecuting attorney to protect their rights and should inform a supervisor that they will be exercising their rights as a victim under the Victim's Bill of Rights (Arizona Constitution, Article 2 § 2.1). An officer may complete the Victim's Rights Form the same as any other victim.

## 336.5 VICTIM INFORMATION

Officers may qualify as victims under the Arizona Constitution. Officers should contact the prosecuting attorney to protect their rights and should inform a supervisor that they will be exercising their rights as a victim under the Victim's Bill of Rights (Arizona Constitution, Article 2 § 2.1). An officer may complete the Victim's Rights Form the same as any other victim.



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# Victim Assistance Workers

## 337.1 PURPOSE AND SCOPE

It will be the responsibility of the officer in charge of the crime or incident to ascertain if Victim Witness Services (V/WS) Advocates/Volunteers are required.

In all cases whether V/WS Advocates/Volunteers respond or not, the responding officers will give the victims the Victim Request Form, or Waiver of, Pre-Conviction and/or Pre-Adjudication Rights and accompanying Information from the Arizona's Victims of Crime handbook.

## 337.2 CALL OUT PROCEDURE

Regarding call-out of the Victims Witness Services Advocates, Dispatch will automatically call Victim Witness Services for all of the following types of calls:

- Aggravated Assault
- Armed Robbery
- Child physical assault
- Child sexual assault
- Death notifications
- Domestic Violence
- DUI involving serious injury or fatality
- Homicide
- Sexual Assault Completed
- Suicide
- Other crimes against persons where victims are present
- Investigations where witnesses are present to major crimes

Officer's and Detective's in charge of an investigation listed above will ensure victim witness notification has been made. Notification of Victim Witness Services will no longer need supervisor approval. Officers and investigators will notify Victim Witness Services themselves on those investigations where through the course of the investigation, victims are identified and the benefits of victim witness services are apparent.

Dispatch will page out the V/WS Advocates/Volunteers. In the event that more than one victim assistance team is required, the V/WS Advocates/Volunteers will be responsible for contacting the additional required advocates. The dispatcher will provide the V/WS Advocates/Volunteers with:

- The address of the incident
- The name of the officer in charge



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- The type of crime or incident
- The dispatcher may request an estimated time of arrival of the V/WS Advocates/Volunteers, and/or coordinate information for the location the advocate is requested to respond to.

The officer in charge will secure the scene and provide for the safety of the V/WS Advocates/ Volunteers. The officer will not leave the scene until the situation has been neutralized and he/she is reasonably sure that the V/WS Advocates/Volunteers are not in immediate danger. The officer will obtain the names of the involved V/WS Advocates/Volunteers and will include this information in his report. The officer will provide the V/WS Advocates/Volunteers with report number and title.

Regarding utilization of Victim Witness Service Advocates, the following applies:

(a) **Death Notifications to Next of Kin -** There will be an officer present to make the initial notification. Victim Witness Advocates may remain after the officer has left to comfort and assist the victims.

(b) **Crimes of Violence Resulting in Substantial Injury, Major Traffic Accidents, and Disasters -** The Victim Witness Advocate may be sent to the Hospital or to a previously established command post at the discretion of the scene supervisor.

(c) **Child Related Crisis -** Officers will utilize V/WS Advocates/ Volunteers as indicated in the Multidisciplinary Protocol for Investigation of Child Abuse in Coconino County.

(d) **Major Felonies -** Victim Witness Advocates will be contacted on all felony domestic violence investigations, once it has been determined to be safe for their response. Likewise, they will be contacted for any of the above listed incidents and for any crime involving immediate follow-up by Criminal Investigations. If a victim chooses not to utilize victim witness services, this can be conveyed to the victim witness advocate upon their arrival.



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# Hate or Prejudice Crimes

## 338.1 PURPOSE AND SCOPE

The Flagstaff Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this State. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

### 338.1.1 FEDERAL JURISDICTION

The federal government has the power to investigate and prosecute bias-motivated violence by providing the U.S. Department of Justice (DOJ) with jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC § 245).

## 338.2 DEFINITIONS

Definitions related to this policy include:

**Hate or Prejudice Crime -** Willfully committing a crime against another because the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator.

## 338.3 PREVENTING AND PREPARING FOR LIKELY HATE OR PREJUDICE CRIMES

While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate or prejudice crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes to form and cooperate with prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups relating to hate crime laws.

## 338.4 PROCEDURE FOR INVESTIGATING HATE OR PREJUDICE CRIMES

Whenever any member of this department receives a report of a suspected hate or prejudice crime or other activity that reasonably appears to involve a potential hate or prejudice crime, the following should occur:

(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.



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(b) A supervisor should be notified of the circumstances as soon as practicable, and the Duty Commander as well if the crime is of a serious nature.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a hate or prejudice crime was involved.

(d) The assigned officers will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate or prejudice crime.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a hate or prejudice crime in the relevant reports. All related reports will be clearly marked as "Hate Crime" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers should also make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or County Attorney or City Attorney.

## 338.5 DETECTIVE SECTION RESPONSIBILITIES

If a case is assigned to Detectives, the assigned investigator will be responsible for following up on the reported hate or prejudice crime as follows:

(a) Coordinating further investigation with the County Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals as needed.

(c) Assure the report is accurately titled as a hate crime and that records maintains statistical data and tracking of suspected hate or prejudice crimes as indicated or required by state law.

### 338.5.1 STATE HATE CRIME REPORTING

This department shall submit hate crime information and offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Arizona Department of Public Safety (DPS). This shall be conducted by the Records Manager or assigned to the Detective Section (AAC § R13-1-301(A)).



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338.5.2 FEDERAL HATE CRIME REPORTING

The Records Manager should include hate crime data reporting within the National Incident-Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records procedures and in compliance with (28 USC § 534 (a)).

## 338.6 TRAINING

All members of this department will receive training on hate and prejudice crime recognition and investigation, and will attend periodic training that incorporates a hate and prejudice crime training component.



Adoption Date: 2014/08/15
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# Conduct

## 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

### 340.1.1 TYPES OF DISCIPLINE

**Positive Discipline -** Positive discipline will be in the form of a verbal reprimand or counseling shall be informal and not considered as a previous offense when considering a subsequent violation. A counseling memo will be used to record all positive disciplinary actions. A Written Commendation will be used to record above standard conduct.

**Negative Discipline -** Negative discipline will be in the form of a written reprimand, suspension, demotion and/or dismissal. Negative discipline is a formal form of discipline and shall be considered as previous offenses when considering subsequent violations of the provisions contained herein. A record of all negative discipline received by an employee shall be maintained in the employee's personnel file. In the event of dismissal or resignation, the employees badge and identification card shall immediately be turned in to the Chief of Police. All negative discipline will be approved by the Chief of Police.

### 340.1.2 AUTHORIZED FORMS OF DISCIPLINE

**Verbal Reprimand -** When an employee is made aware of a violation verbally by a supervisor and is informed that they are in violation of a specific section contained herein, and is instructed to comply in the future.

**Personal Performance Record -** A monthly log of the each employee kept by their immediate supervisor. This log will include the employee's goals and objectives and any accomplishments in the review period toward those goals. A review of strengths and weaknesses, productivity, completed projects, problem solving and significant milestones should also be included. The log will be signed by the employee and the supervisor during the monthly review.

**Counseling -** Counseling is when an employee is made aware of his/her violation verbally by his/her supervisor and action is taken by the supervisor to work with the employee in an attempt to correct the problem rather than take other disciplinary measures against the employee.

**Counseling Memorandum -** A memorandum completed by the supervisor to record substandard behavior, which will be forwarded through the chain of command. They are subject to removal from the personnel file twelve months from the date of issue.



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**Written Commendation -** A Written Commendation will be used by supervisors to record above standard performance.

**Written Reprimand -** A written reprimand is a formal intra-departmental memorandum by a supervisor and approved by the Chief of Police, finding a subordinate in violation of a specific section(s) of policy or law, stating that the violator has been formally or officially reprimanded. In any disciplinary action resulting in a written reprimand, the Chief need not require the employee to appear before him, although the employee may request and receive the reprimand from the Chief of Police personally.

**Removal from promotional Lists -** Upon authorization by the Chief of Police, any employee who is holding a position on a promotional list may be removed from that list as a form of negative discipline. This is not a demotion, in that the disciplined employee would not achieve the promotion for which they were waiting and therefore this action would not involve a reduction in salary.

**Suspension -** Suspension is the removal of an employee from his/her position and the seizing of his/her badge and identification card if applicable. The Chief of Police shall advise the City Manager and the employee suspended in writing of such action and the offenses committed in compliance with Section 1-40-090 of the City Employee Handbook of Regulations.

**Demotion -** Demotion is the reduction of an employee from a position in one class to a position in another class having a lower maximum salary range. The Chief of Police shall advise the City Manager and Human Resources Manager in writing of his intention to demote an employee prior to taking such action. In demoting the employee, the Chief of Police shall make an order in writing stating specifically the cause for demotion. The Chief of Police shall give a copy of said order for demotion to the employee and forward a copy to the City Manager in compliance with Section 1-40-110 of the City Employee Handbook of Regulations.

**Dismissal -** Dismissal is the involuntary separation of an employee from City service. The Chief of Police shall advise the City Manager in writing of his intention to dismiss an employee prior to taking such action unless there are reasonable circumstances which prohibit such notification. In dismissing an employee, the Chief of Police shall make an order in writing, stating specifically:

(a) A statement citing the reason for dismissal;

(b) The effective date of the dismissal;

(c) A statement as to the status of fringe and retirement benefits after dismissal; and

(d) A statement as to the content of the employee's employment record relating to the dismissal.

The Chief of Police may allow the employee to resign in lieu of dismissal if he believes a resignation may be in the best interests of the City or Police department and/or the employee. All actions of the Chief of Police and City Manager shall be in compliance with Section 1-40-120 and 1-40-121 of the City Employee Handbook of Regulations.



Adoption Date: 2014/08/15
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## 340.2 DISCIPLINE POLICY

The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

A certified officer shall only be subject to discipline for just cause unless a Collective Bargaining Agreement (CBA) exists to the contrary. Just cause is established when (ARS § 38-1104):

(a) The officer was informed of the possible disciplinary action resulting from his/her conduct through agency manuals, employee handbooks, the Flagstaff Police Department rules and regulations, other communications to the officer or the conduct was such that he/she should have reasonably known disciplinary action could occur.

(b) The disciplinary action is reasonably related to the standards of conduct for a professional law enforcement officer, the mission of the Department, the orderly, efficient or safe operation of the Department or the officer's fitness for duty.

(c) The discipline is supported by a preponderance of evidence that the conduct occurred.

(d) The discipline is not excessive and is reasonably related to the seriousness of the offense and the officer's service record.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties, that it may be indicative of unfitness for his/her position or that brings discredit or harm to the professional image or reputation of the Department, its members, the City or the law enforcement profession.

### 340.2.1 LAWFUL ORDERS

Employees shall comply with lawful directives and orders from any supervisor or person in a position of authority absent a reasonable and bona fide excuse. Orders from superior to subordinate shall be in clear and understandable language and issued pursuant to Departmental policy and/or business. No supervisor shall issue an unlawful order which is known to be in violation of a law or ordinance. An employee who believes any written or verbal order to be in conflict with another order or unlawful shall:

(a) Immediately inform the supervisor issuing the order, the employee's immediate supervisor or the Shift Sergeant of the conflict or error of the order.

(b) Provide details explaining the grounds for the belief of the conflict or error of the order.

(c) Request clarification, guidance and direction regarding following the order.

(d) Request the order in writing should the conflict or error be unresolved.

(e) Respectfully inform the supervisor if he/she intends to disobey what he/she reasonably believes to be an unlawful order.

An employee's election to disobey an order he/she believes to be unlawful is not a bar to discipline should the order be determined as lawful.



Adoption Date: 2014/08/15
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### 340.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

The following causes for disciplinary action constitute a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service.

Employees shall conduct themselves, whether on- or off-duty, in accordance with the Constitution of the United States, the Arizona Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority. Members and employees are required to give their name and badge number (name and job title, if no badge number is assigned) upon the request or demand by any person.

Although this is not an all inclusive list, any of the following actions may be deemed sufficient cause for the discipline, discharge, suspension, demotion or removal of any employee:

(a) Failure to abide by the standards of ethical conduct for employees, including fraud in securing appointment or hire.

(b) Failure to comply with all applicable city ordinances as well as any applicable state and federal laws.

(c) Activity that is incompatible with an employee's conditions of employment as established by law or that violates a provision of any agreement or contract.

(d) Violation of any rule, order, requirement or the failure to follow instructions contained in Department or City manuals.

(e) Willful disobedience to any legal order properly issued by any superior officer of the Department.

(f) Willful neglect of duty.

(g) Making public any active investigation information or other data classified as not public to any unauthorized person.

(h) Accessing information stored within the Records Management System (I-Leads) or Arizona Criminal Justice Information system (ACJIS) for unofficial reasons.

(i) Unreasonable and unwarranted violence to a person encountered or person under arrest. An employee shall not willfully mistreat a prisoner or any other person. Employees shall only use the amount of force necessary to affect an arrest or maintain control of a situation.

(j) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(k) Improper political activity including unauthorized attendance while on-duty at official legislative or political sessions.

(l) Willful and inexcusable destruction or loss of Department property. Employees will properly search, identify, preserve, and collect evidence. It will be logged into evidence per policy



Adoption Date: 2014/08/15
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and not be converted to personal or unofficial use. Violations of federal, state, local or administrative laws that are willful or inexcusable or involve moral turpitude.

(m) Acceptance of fees, gifts or money contrary to the rules of the Department and/or laws of the state.

(n) Any act on- or off-duty which brings discredit to the Department.

(o) Use of tobacco while engaged in official police functions.

(p) Racial profiling.

340.3.1 ATTENDANCE

(a) Leaving the job, beat, or area to which assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Tardiness on scheduled work day.

(c) Failure to report to work or to a place of assignment at the time specified and fully prepared to perform duties without a reasonable excuse. Failure to attend meetings, court cases, trainings or other assignments by schedule, order or subpoena.

(d) Failure to notify the Department within 24 hours of any change in residence address, home phone number or emergency contact information.

(e) Unauthorized absence from duty or abuse of leave privileges, including feigning illness or injury and reporting off sick.

(f) Employees on duty, or in uniform, shall not enter taverns, theaters or other public places except to perform a police task. Loitering and unnecessary conversation at such locations is prohibited. Employees, on or off duty, shall not loiter in Department areas, other than those areas designated for recreational use.

340.3.2 CONDUCT

(a) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

(c) Using Department resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of or damage to Department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.



Adoption Date: 2014/08/15
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(f) Failure of any employee to promptly and fully report activities on his/her part or the part of any other employee where such activities may result in criminal prosecution or discipline.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Department business or activity. Employees shall not recommend any product or service that deals directly or indirectly with the Police Department.

(i) The use of any information, photograph or video obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or designee may result in criminal prosecution and/or discipline under this policy. Employees shall not obtain or attempt to obtain any information from the Department files, or reports, other than that to which they are entitled in accordance with their official interests.

(j) Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(l) The purchase or bidding, directly or indirectly, of any City auction item by any Flagstaff Police Department employee is expressly forbidden. Police Department employees, except those directly having auction duties, are forbidden entry to auction areas or any participation in auction activities.

(m) All members and employees are required to wear the proper uniform or civilian dress while on duty, as prescribed in the General Orders. In addition, employees are required to appear neat and clean at all times in public while on duty.

(n) Unless authorized by the Chief of Police and in the furtherance of justice, an employee shall not recommend that criminal or traffic offenses be reduced or dismissed.

(o) Employees shall not divulge the criminal record of any other person unless necessary to conduct legitimate police business or under Due Process of law.

(p) Employees shall treat as confidential the official business of the Department. Employees shall not reveal official business of the Department. All information supplied to any other City employee or official or to any civilian person pertaining to or affecting the internal operation of the Police Department shall be submitted to the Chief of Police beforehand. All official correspondence shall include the typed signature of the Chief of Police. Employees will not disclose an address or phone number of any employee to non-department personnel.

(q) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.



Adoption Date: 2014/08/15
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(r) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(s) Subjecting another to sexual harassment or illegal or protected category harassment.

340.3.3 DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM

(a) Discrimination, oppression or favoritism of any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, with the knowledge that the conduct is unlawful.

340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants, where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants.

(b) Employees shall not consume intoxicants while off-duty to the extent that evidence of such consumption is apparent when reporting for duty, or to the extent that their ability to perform duty is impaired. No employee shall report to duty within four (4) hours after consuming alcohol. Plainclothes officers may consume alcoholic beverages on duty only with prior approval of a supervisor and in conjunction with official police business.

(c) No employee required to take a post-accident alcohol test shall consume alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

(d) No employee shall use medicine containing alcohol or controlled substances while on duty operating a vehicle or equipment unless the medicine is prescribed and taken pursuant to the instructions of a licensed health care provider and either: (i) the employee has been advised by such licensed health care provider that the medicine will not adversely affect the employee's ability for safe operation, or (ii) the employee has no reason to know (including label warnings, etc.) that such medicine may adversely affect his/her ability for safe operation.

(e) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance. An employee in uniform, or wearing any identifiable part of the uniform, or on duty, shall not drink or purchase alcoholic beverages.

(f) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise), where such use may impair the employee's ability to perform assigned duties, without prior notification of a supervisor.



Adoption Date: 2014/08/15
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(g) Unauthorized possession, use of or attempting to bring a controlled substance or other illegal drug to any work site. No employee shall abuse any prescription drug.

340.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments without permission or failure to keep in proper communication with dispatch.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance, including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse. Allowing prisoner to escape through carelessness or neglect.

(d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department, or that would tend to discredit any member thereof.

(h) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Department record, public record, book, paper document.

(j) Wrongfully loaning, selling, allowing unauthorized use, giving away or appropriating any Department badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.

(k) Carrying, while on the premises of the work place, any firearm or other deadly weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.

(l) The unauthorized use of any badge, uniform, firearm, identification card or other Department equipment or property for personal gain or any other improper purpose.

(m) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits



Adoption Date: 2014/08/15
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excepted). Any unauthorized reward, gratuity, gift, fee, or other things of value falling into any of these categories, coming into the possession of any employee, shall be immediately forwarded to the Office of the Chief of Police, together with a written report explaining the circumstances connected wherewith.

(n) Any knowing or negligent violation of the provisions of the Department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(o) Attempted or actual theft of Department property, misappropriation or misuse of public funds, property, personnel or services or the property of others, or the unauthorized removal or possession of Department property or the property of another person.

(p) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/ employer relationship, whether on or offduty.

(q) Failure to disclose or misrepresenting material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work related investigation.

(r) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.

(s) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(t) Offer or acceptance of a bribe or gratuity.

(u) Misappropriation or misuse of public funds, property, personnel or services.

(v) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(w) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on Department premises; at any work site; while on-duty or while in uniform; or while using any Department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(x) Substantiated, active, continuing association on a personal rather than official basis with persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.

(y) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on Department property or while in any way representing



Adoption Date: 2014/08/15
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him/herself as a member of this department, except as expressly authorized by the City policy, the collective bargaining agreement or the Chief of Police.

(z) Engaging in political activities during assigned working hours except as expressly authorized by the City policy or the Chief of Police.

(aa) Violating a law related to employment or any misdemeanor or felony statute.

(ab) Any other on- or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale or which tends to reflect unfavorably upon the Department or its members.

(ac) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.

(ad) Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid). Additionally, employees shall maintain a working telephone. Any changes in address or phone number shall be reported to the Department within 24 hours.

(ae) Failing to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any Department related business.

(af) Establishing an inappropriate social relationship, as a result of an investigation, with a known victim, witness, suspect or defendant of a Department case while such case is being investigated or prosecuted.

(ag) Employees shall not willfully communicate or give out any information which may aid a person to escape arrest or delay the apprehension of a criminal or secure the removal of stolen or embezzled goods or other valuables. Employees cannot represent the Police Department or act as a spokesperson for the department unless part of their official duties without the prior approval of the Chief of Police.

340.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Department facilities or to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating Department safety standards or safe working practices.



Adoption Date: 2014/08/15
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340.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential, private, non-public or protected non-public data.

340.3.8 SUPERVISOR RESPONSIBILITIES

Whenever a supervisor discovers a violation by a subordinate may have been committed or has been committed, he/she shall investigate the matter thoroughly and take immediate action. This may including initiating a personnel complaint or requesting a formal administrative investigation, in accordance with the department personnel complaint policy. If it appears the violation may rise to suspension or dismissal, the duty commander will be notified. If an employee's conduct is a cause of action for discipline, the supervisor shall inform the employee promptly and specifically of the improper conduct.

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to take appropriate action to ensure that employees adhere to the policies and procedures of this department and that the actions of all personnel comply with all laws.

(b) Failure of a supervisor to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose. Supervisors shall not discipline, correct, discriminate against or otherwise treat any subordinate in any manner that humiliates or degrades that subordinate.

## 340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated pursuant to state or local law and in accordance with Personnel Complaint Procedure Policy (see ARS § 38-1101(A) through ARS § 38-1101(O)). The investigation should be completed within six months of the discovery of the allegation or within a reasonable time thereafter based upon the complexity or conditions of the investigation.

340.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Section Commander within 30 days of receipt of the written reprimand. The Section Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor who issued the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The assigned, uninvolved supervisor may make a recommendation to the Chief of Police to sustain, modify or dismiss the written reprimand. The decision of the Chief of Police shall be considered final.



Adoption Date: 2014/08/15
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Written reprimands may only be placed in an employee's personnel file in compliance with ARS § 38-1101(K).

340.4.2 RELEVANT FACTORS WHEN DETERMINING THE SEVERITY OF EMPLOYEE DISCIPLINE

Every incidence of employee misconduct is unique. The below listed factors provide valuable assistance in making a disciplinary determination. Not all of the factors may be relevant, some factors may be mitigating and weigh in the employees favor, and some may be constitute aggravating circumstances that support a harsher discipline. In an effort to impose discipline that is both fair and effective, the following factors should be considered when determining the severity of the discipline:

(a) The nature and seriousness of the offense and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional, accidental or inadvertent or was committed maliciously or for monetary gain or was frequently repeated;

(b) The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;

(c) The employee's past disciplinary record;

(d) The employee's past work record, including length of service, performance on the job, ability to get along with co-workers, and dependability;

(e) The effect of the offense on the employee's ability to perform at a satisfactory level and its effect on supervisors' confidence in the employee's work ability to perform assigned duties.

(f) Consistency of the penalty with those imposed upon other employees for the same or similar offenses;

(g) The notoriety of the offense or its impact on the reputation of the agency;

(h) The clarity with which the employee was on notice of any rules or policies that were violated in committing the offense, or had been warned about the conduct in question;

(i) The potential for the employee's rehabilitation;

(j) Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, or harassment or bad faith, malice or provocation on the part of others involved in the matter; and

(k) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

## 340.5 POST INVESTIGATION PROCEDURES

340.5.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Section Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any



Adoption Date: 2014/08/15
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other relevant materials. The Section Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Section Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.

(b) When forwarding any written recommendation to the Chief of Police, the Section Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference.

340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendations and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by the staff, the Chief of Police shall determine the amount of discipline, if any, to be imposed.

In the event disciplinary action is recommended, the Chief of Police shall, within 120 business days, provide the employee with written notice of the following information, including (ARS § 38-1105):

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(d) If a basic summary or file copies of similar disciplinary cases has been requested by the employee, a statement that says no final action will be taken or hearing scheduled until the basic summary or file copies have been provided to the employee (ARS § 38-1101).

(e) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.

    1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.

    2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.



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### 340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to the imposition of any recommended discipline. The employee shall consider the following:

(a) This response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative and/or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of the subsequent investigation prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

(f) Once the employee has completed his/her response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall thereafter render a timely written decision to the employee imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reasons for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

### 340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

### 340.8 POST-DISCIPLINE APPEAL PROCEDURE

Unless otherwise specified in a collective bargaining agreement or applicable law, an employee wishing to formally appeal the imposition of a suspension, punitive transfer, demotion or termination of a non-probationary employee, the employee shall have the right to an appeal of the Chief of Police's imposition of discipline, pursuant to ARS § 38-1101(E) through ARS § 38-1101(O):



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(a) All members of the Department who receive formal disciplinary action amounting to a suspension, demotion, termination or transfer where the individual received lesser compensation, may appeal the disciplinary decision.

(b) Individuals wishing to appeal disciplinary actions shall do so in writing within five days of receiving notice of discipline.

(c) The Department and the disciplined employee shall exchange copies of all relevant documents and a list of all witnesses pursuant to the time periods and requirements specified in ARS § 38-1101(E).

(d) Either the Department or the employee may seek review of evidence, pursuant to ARS § 38-1101(H).

(e) The Department shall have the burden of proof in an appeal of a disciplinary action by an employee (ARS § 38-1101(J)).

(f) Except where a statute or ordinance makes the administrative evidentiary hearing the final administrative determination, the Chief of Police may amend, modify, reject or reverse a decision made by a hearing officer, administrative law judge or appeals board, pursuant to ARS § 38-1101(K).

(g) The Department shall not include any information about an investigation in an officer's personnel file that is accessible to the public until the investigation is complete or the investigation has been discontinued (ARS § 38-1101(L)).

(h) In any appeal, either the Department of the employee may request a change of hearing officer or administrative law judge, pursuant to ARS § 38-1101(I).

(i) An employee may seek judicial relief after exhausting Department grievance procedures and other administrative remedies through application to the proper court as allowed by law or agreement.

## 340.9 NOTIFICATION TO AZPOST

### 340.9.1 DISCIPLINE REPORTING

The Department shall report to AZPOST any disciplinary action involving a certified officer that could result in the suspension or revocation of his/her certified status (ARS § 41-1828.01(A)). Conduct that results in discipline shall be reported for any of the following:

(a) Failure to meet the minimum qualifications for certification.

(b) Providing false information related to certification as a peace officer.

(c) A medical, physical, or mental disability that substantially limits the person's ability to perform the duties of a peace officer effectively.

(d) Violation of a restriction or requirement for certified status.

(e) The illegal use of a controlled substance.



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(f) Unauthorized use of or being under the influence of spirituous liquor on duty.

(g) The commission of any offense that would be a felony if committed in Arizona or any offense involving dishonesty, unlawful sexual conduct, or physical violence.

(h) Malfeasance, misfeasance, or nonfeasance in performing the duties of a peace officer.

(i) A conduct or pattern of conduct that tends to disrupt, diminish, or otherwise jeopardize public trust.

340.9.2 TERMINATION REPORTING

The Department shall inform AZPOST of the termination of any certified officer pursuant to AAC § R13-4-108 and ARS § 41-1828.01(A). The report shall be submitted within 15 days of the termination and include:

(a) The effective date and nature of the termination.

(b) A detailed description of any termination for cause.

(c) A detailed description of the cause for the suspension or revocation of certified status including supporting documentation for the decision.

## 340.10 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal and the following shall be considered:

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file.

(b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the appeal procedure above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline.

(c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in applicable Department policies.

(d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment.

(e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence.



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(f) In the event that a probationary employee meets his/her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.

(g) In the event that a probationary employee fails to meet his/her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police (ARS § 38-1104(B)).



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# Department Technology Use

## 342.1 PURPOSE AND SCOPE

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

### 342.1.1 PRIVACY POLICY

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

## 342.2 DEFINITIONS

Definitions related to this policy include:

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

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

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

**Temporary File or Permanent File or File -** Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

## 342.3 SYSTEM INSPECTION OR REVIEW

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

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

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



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

### 342.4 AGENCY PROPERTY

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

Computer equipment, software, or documentation may not be removed from the premises of the Department without approval of the Leaf Information Systems Team. This does not apply to laptop computers, software and manuals issued to individual personnel.

Upon termination of employment, all computer hardware, software, data and manuals must be surrendered to the Department.

### 342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

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

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

### 342.6 INTERNET USE

Access to Department technology resources including Internet access provided by, or through, the Department should be strictly limited to Department-related business activities.

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

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



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

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

### 342.7 INTRODUCTION OF SOFTWARE

Introduction of software by users should only occur as a part of the automated maintenance or update process of Department or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Thumb drives used by officers must be scanned for viruses prior to use in departmental computers.

Any other introduction of software requires prior authorization by the IT Department.

### 342.8 PROTECTION OF DEPARTMENT SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage, and are responsible for the correct use, operation, care and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.



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# Report Preparation

## 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized and on-the-job training.

### 344.1.1 REPORT PREPARATION

Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty, unless permission to delay submission of the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads or arrest reports where the suspect remains in custody should not be delayed.

(a) Handwritten reports must be prepared legibly. If the report is not prepared legibly, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report.

(b) Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist.

(c) Employees who generate reports on computers are subject to all requirements of this policy.

(d) All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense and any actions taken.

(e) Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

(f) Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 344.2 REQUIRED REPORTING

Reports are required in all of the following situations on the appropriate Department-approved form unless otherwise approved by a supervisor. For the purposes of this policy the following are the types of reports commonly used by this department:

(a) **DR Report** - Commonly referred to as a DC I, shall refer to any report completed using the electronic format, or handwritten reports or traffic accident reports. DR numbers will be assigned through dispatch or via the Mobil Data Terminals.

(b) **Short Form Report** - Commonly referred to as a DC II, can only be used for non-crime incidents, but still requires a DR number (refer to subsection 344.3.3).



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(c) **Event Number Report -** Shall refer to any incident not requiring documentation by the officer as in a DR Report. Event numbers will be listed on civil traffic citations and field interview cards (refer to subsection 344.3.4).

344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, a crime has been reported or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the employee is required to document the activity. The fact that a victim does not desire prosecution is not an exception to documentation. The following are examples of required documentation:

(a) In every instance where a crime has been reported or observed, the documentation shall take the form of a written report.

(b) In every instance where a misdemeanor crime has been reported and the victim desires a report, the documentation shall take the form of a written crime report.

(c) In every case where any force is used against any person by police personnel.

(d) All incidents involving family violence or the threat of violence.

(e) All arrests.

344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any time an officer points a firearm at any person

(b) Any use of force against any person by a member of this department (see the Use of Force Policy)

(c) Any firearm discharge (see the Firearms and Qualification Policy)

(d) Anytime a person is reported missing (regardless of jurisdiction) (see the Missing Person Reporting Policy)

(e) Any found property or found evidence

(f) Any traffic collisions above the minimum reporting level (see the Traffic Collision Response and Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor



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344.2.3 DEATH REPORTS
Reports shall be completed by the handling employee. All deaths shall be handled in compliance with the Death Investigations Policy.

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

344.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of a drug overdose.

(b) There is an attempted suicide.

(c) The injury is major or serious, whereas death could result.

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

**344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING**
In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

344.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for Department consistency.

344.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

344.3.3 SHORT F0RM (DC II) REPORTS
Officers are hereby authorized to document non-crime incidents on a handwritten department short form report. In order to differentiate it from a field interview card, this report form shall be slightly larger than the field interview card and blue in color. Officers are advised that the nature of the incident itself will dictate whether or not a short form report is sufficient and appropriate. As in other aspects of police work, officers should carefully evaluate each incident and determine



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the proper course of action. This determination is based upon department policy as well as the officer's experience and training.

Officers will be held accountable for the completeness and legibility of their short form reports. Officers will advise dispatch when taking a short from, so it can be entered as such in the call notes. The following is a list of the only incidents for which a short form report will be accepted:

- Lost property
- Found property
- Unfounded alarm calls - Route to Alarms
- Civil standby
- Service of court orders
- Motorist Assists
- Public assists
- Block watch reports
- Unsecured buildings (those that are not burglaries or trespasses)
- Public intoxicant transports to the ITU
- Fire scene details
- Welfare checks (those that are code 4)

In no case will the handwritten report be used where there is a crime, suspect, or other lead which would constitute a pending criminal investigation. Patrol supervisors will kick back any short form report that is illegible.

### 344.3.4 EVENT NUMBER REPORTS

Event Number Reports: These will be used on incidents where a written report is not required by the officer. Generally they will be used for civil traffic citations, parking citations, warnings and field interviews. The event number will be assigned by the Computer Aided Dispatch (CAD) system. The event number will be placed on any documentation related to the incident. Event number reports can be used in the following instances:

(a) **AREA CHECKED - GONE ON ARRIVAL** - When responding to a call where some activity is taking place and no longer is going on when the officer arrives and there is no evidence a crime was committed.

(b) **CASE UNFOUNDED** - When the reported incident has not taken place and no such complaint exists.

(c) **UNABLE TO LOCATE INCIDENT** - When an address or location for the alleged incident can not be found and/or the address given is found to be incorrect. Request further check on another location. Dispatch will respond with new address or tell officer to go 10-8.



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(d) **FI CARD COMPLETED (SUSPICION) -** Any contact where a subject is not definitely involved as a suspect, such as hitchhikers.

(e) **TRAFFIC -** Any situation where an officer is sent to check the activity and a parking ticket, civil traffic citation or warning is given or when a field interview is completed.

(f) **TURNED OVER TO OTHER AGENCY -** Other police agency jurisdiction or civilian agency. (City department, DPS, NAU, CCSD, etc.)

(g) **MESSAGE DELIVERED -** Message was delivered as received or its contents left in the form of a note on the door or with a neighbor.

Any decision as to what disposition or report type is to be used is subject to review and approval by the supervisor. Generally speaking, a long form report is preferred in most cases. Officers will be held accountable for failure to adequately document calls for service.

344.3.5 DISPATCH RESPONSIBILITES

On event number reports, dispatchers will place appropriate comments, such as GOA, Message Delivered, etc., in the description area on the CAD screen. On short form reports, dispatchers will list the report in the CAD notes as being a short form.

## 344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should reject the report, sending it back to the authoring officer, stating the reasons for rejection. The supervisor of the officer should be copied on the report rejection as well. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

## 344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Section for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Section may be corrected or modified by the authoring employee only with the knowledge and authorization of the reviewing supervisor.

## 344.6 ELECTRONIC SIGNATURES

The Flagstaff Police Department has established an electronic signature procedure for use by all employees of the Flagstaff Police Department. The Information Technology Department shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

(a) Employees may only use their electronic signature for official reports or other official communications.

(b) Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.



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344.6.1 REPORT DISPOSITION CODES

Supervisors will ensure the appropriate disposition code is listed on each report. The following report disposition codes will be used on all long form and short form reports.

(a) Pending (status code 15)-The investigation is not complete and additional contact or investigation is required.

(b) Cleared by Arrest (status code 22) - The suspect has been physically arrested as a result of probable cause, an arrest warrant, a summons or by juvenile referral.

(c) Cleared Exceptional (status code 21) - Before a case may be classified as cleared exceptional, the following criteria must be met:

1. It has been determined that a crime has been committed and the elements of the specific crime have been established.
2. The investigation has definitely established the identity of the offender(s).
3. Probable cause establishes a factual basis to support an arrest, the issuance of a formal criminal complaint, and subsequent criminal prosecution.
4. The exact location of the offender(s) must be known and the suspect could be taken into custody immediately.
5. There is some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offenders.
6. Some justifications for clearing a case exceptional are:
   (a) The victim or victims do not wish to cooperate with or pursue criminal prosecution, and the state cannot be the victim.
   (b) None of the involved parties wish to pursue further investigation.

(d) Case Unfounded (status code 23) - A case may be unfounded as a criminal matter when the investigation and subsequent report prove that the incident in question does not fit the elements of any criminal offense.

(e) Information (status code 24) - This code may be affixed to incidents that do not fit into the parameters of a criminal offense. Examples are as follows:

   (a) Sudden deaths involving no foul play.
   (b) Suspicious Activity Reports that do not involve a criminal act.
   (c) A missing person or runaway juvenile who has been located and no further action is required.

(f) Early Case Closure (status code 20) - This code should be used when no viable leads exist and there is no additional work to be done on the case. The case investigation can then be suspended. Early case closures can be reactivated any time new information or leads are developed.



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# News Media Relations

## 346.1 PURPOSE AND SCOPE

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

## 346.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. However, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Section Commanders, Shift Sergeants and designated Public Information Officer may prepare and release information to the media in accordance with this policy and the applicable law.

### 346.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated Department media representative.

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department.

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

(d) Only factual information will be released to the media. Employees will not speculate of give opinions.

### 346.2.2 DUTIES OF THE PUBLIC INFORMATION OFFICER

(a) It is the responsibility of the Public Information Officer (PIO) to establish and maintain a positive liaison between the Flagstaff Police Department and members of the news media.

(b) The Public Information Officer will be available to prepare news releases on major incidents or routine matters, and to assist any member of the department in preparing news releases.

(c) The Public Information Officer will keep the Chief of Police and immediate supervisor informed on all matters relating to the media.

(d) The Public Information Officer will provide in-service training concerning the philosophy and mechanics of releasing information to the media.



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(e) The Public Information Officer will be available on a 24 hour basis to any on-the-scene commander or supervisor who requires assistance in responding to media inquiries, whether or not the media is present at the scene. The decision to respond to the scene will be made by the Duty Commander. If the PIO is not available, responsibility for management of the media lies with the on-scene commander or his/her designee.

(f) When responding to a scene, the Public Information Officer will provide a point of contact at the scene for media representatives and supply them with information that is authorized for release. The point of contact will be established in a safe and neutral location where, if possible, members of the media are able to observe the incident. The PIO will also keep the media informed of new developments as they occur during the incident.

(g) The types of incidents that the Public Information Officer will respond to include, but are not limited to the following:

1. Incidents where department personnel are involved in heroic or life saving actions.
2. Officer-involved shootings.
3. Homicides of such a nature that generate media interest.
4. Large fires, fatal fires or situations that constitute a public health or safety problem, such as a chemical spill that might require evacuation of citizens.
5. Confirmed hostage, barricaded suspects and sniper incidents.
6. Major civil disturbances and riots.
7. Multiple fatality accidents or those of potential media interest.
8. Aircraft accidents.
9. Any arrest or investigation that generates media interest, such as internal investigations, arrests of prominent persons, or large scale joint investigations with other agencies.
10. Major robberies, burglaries or thefts that have potential media interest.
11. Any bomb or explosive related incident where an actual device has been located or detonated.
12. Any other situation where the on-the-scene commander or supervisor deems the presence of the Public Information Officer necessary or desirable.

### 346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions:



Adoption Date: 2014/08/15
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(a) All supervisors and on-the-scene commanders are responsible for the management of the news media at the scene of an incident, pending the arrival of the Public Information Officer. They are also responsible for cooperating with the news media and the PIO.

(b) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Although media representatives displaying proper credentials should not be excluded from the general vicinity of an incident scene, entrance to any area where evidence could be destroyed or compromised will be denied. These restricted areas should be clearly defined, both verbally and with yellow fire or crime scene tape.

(c) Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the Department Public Information Officer or other designated spokesperson.

(d) Media photographers displaying proper credentials should not be restricted from taking pictures at the scene of incidents. If, however, any photographer or media representatives are on private property and the owner or custodian of the property desires that they leave the property, an officer will ask the media personnel to move to public property. There are no restrictions that apply to the taking of photographs once on public property.

(e) If media presence at the scene appears to endanger or inflame the situation, the media representatives will be asked to move to a neutral location.

(f) Department employees should refer all media inquires to the Command Post, if one has been established, or to the Public Information Officer or on-the-scene commander.

(g) No member of this department shall be required to submit to media visits or interviews without the consent of the involved employee.

(h) Media interviews with individuals who are in custody shall be referred to the custodial agency.

(i) Department Members shall not release any information which would jeopardize a criminal investigation or tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

### 346.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Shift Sergeant. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR § 91.137). All requests for TFR should be routed through the Shift Sergeant.



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346.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

**346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE**

The Department will maintain a daily bulletin of significant law enforcement activities that shall be made available, upon request, to media representatives through the Records section. This bulletin will consist of data classified as public and should generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

Upon review of the daily bulletin, media representatives may identify which reports they wish to view further. They can then request those reports be uploaded to the media computer for viewing. Public release conditions are as follows:

The Records Section will redact personal information from reports prior to public release unless a subpoena is received requesting an unredacted copy.

If the release of information/report would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, It will not be released.

Identifying information pertaining to a juvenile arrestee or witness shall be publicly released unless a court of competent jurisdiction finds a clear public interest in confidentiality (Ariz. Const. Art. 4, Pt 2, § 22(3)).

At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim (Ariz. Const. Art. 4, Pt 2, § 22(3)).



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Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or the notification is otherwise cleared through the Medical Examiner.

Any requests for copies of related reports or additional information not contained in the reviewing files shall be referred to the designated media representative, the custodian of records, or if unavailable, to the Shift Supervisor. Such requests will generally be processed in accordance with the provisions of the Arizona Public Records Law (ARS § 39-101, et seq.).

### 346.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department (See the Security and Release of Records and Information Policy and the Peace Officer Personnel Files Policy). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) The identities of involved officers only when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer and as otherwise required by law.

(b) Photographs of an officer without his/her permission except as provided in ARS § 39-123(C).

(c) Copies of traffic collision reports except to those authorized pursuant to ARS § 28-667.

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation (ARS § 36-3503(B)).

(e) Information pertaining to pending litigation involving this department.

(f) Information obtained in confidence.

(g) Any information that is otherwise privileged or restricted under state or federal law.

### 346.4.2 INTERNAL INVESTIGATION INFORMATION

All inquiries concerning Department Internal Investigations will be referred directly to the office of the Chief of Police. He/she alone will be responsible for the release of information or respond to legitimate media inquiries concerning internal disciplinary actions.

### 346.4.3 PUBLIC STATEMENTS

Department employees shall not address public gatherings, appear on radio or television, prepare articles for publications, act as a correspondent to a newspaper or a periodical, release or divulge investigative information or any other matters of the Department while holding themselves out as representing the Department in such matters without prior authority from the Chief of Police.

Department employees shall not publicly ridicule or defame the Department, its policies or other department employees, whether in writing or orally. Furthermore, employees shall not publicly make a statement or allow the publication of a writing which is obscene, unlawful, undermines the effectiveness of the Department, interferes with the maintenance of discipline, or is made with reckless disregard for truth.



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Employees will contact their supervisor for approval before releasing information not covered by this policy.



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# Court Appearance and Subpoenas

## 348.1 PURPOSE AND SCOPE

This procedure has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

### 348.1.1 DEFINITIONS

Definitions related to this policy include:

**On Call** - When an employee has appeared in court or is on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by telephone or pager.

**Standby** - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

**Trailing Status** - When an employee remains on standby status for additional court sessions until notified otherwise.

**Mandatory Appearance** - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

## 348.2 COURT SUBPOENAS

Employees who receive subpoenas or court notices related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

Sworn employees of this department shall serve any subpoena delivered to him/her for service in this county, either on behalf of the State of Arizona or a defendant (ARS § 13-4072(F)).

### 348.2.1 SERVICE OF SUBPOENA OR DELIVERY OF COURT NOTICES

Service of a subpoena or court notice requiring the appearance of any employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by:

(a) Delivering a copy of the subpoena to the employee.

(b) Delivering a copy to the usual place of residency.

(c) Reading the subpoena in the hearing or case where the officer is present.

(d) Electronically transmitting a copy of the subpoena to the officer requiring an acknowledgment of receipt.



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(e) Mail delivery requiring an acknowledgement of receipt.

(f) Oral delivery, including telephonic communications, with proper proof of service and acknowledgment of receipt.

(g) Delivering a copy of the court notice or subpoena from a prosecutor or other government attorney to the employee's work station or mail box. Employees shall check for delivery of such documents during each shift worked.

### 348.2.2 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served.

### 348.2.3 ACCEPTANCE OF SUBPOENA

(a) Unless served at the employee's residence, only the employee named in a subpoena may accept service. Such service may be performed by any person who is 18 years of age or older (ARS § 13-4072(A)). A subpoena may be served by delivering a copy to the witness, by certified mail or first class mail. Any employee accepting a subpoena shall immediately provide it to records, so that it may be stamped in.

(b) Proof of service is by filing either:

1. The witness's signed written memorandum attached to the subpoena showing that the witness accepted the subpoena.
2. A statement by the person who made the service stating the date, time, manner of service and the name of the person served.

### 348.2.4 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, notify the party that issued the subpoena and their immediate supervisor.

In cases in which a government entity is not a party, if a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance, the supervisor or other authorized individual should tell the process server to serve directly to the named witness. If the named witness is not on-duty, the supervisor must inform the process server of the next available duty dates for the witness.

### 348.2.5 COURT STANDBY

To facilitate court standby agreements, employees are required to provide and maintain current information on their address and telephone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home telephone number, and to provide an accurate and reasonably reliable means or method for contact.



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If an employee on standby changes location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case, the prosecutor handling the case is the only person authorized to excuse an employee from standby status.

348.2.6 OFF-DUTY RELATED SUBPOENAS
Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Flagstaff Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through the immediate supervisor.

348.2.7 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

## 348.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed. In such situations, the Department will also reimburse any employee for reasonable and necessary travel expenses.

Except when acting as a witness for a government party, the Department will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Department.

348.3.1 PROCEDURE
To ensure that the employee is able to appear when required, that the employee is compensated for such appearance, and to protect the Department's right to reimbursement, employees shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the employee or the Department is not a party without properly posted fees pursuant to applicable law.

348.3.3 PARTY MUST DEPOSIT FUNDS
A private party in a civil action who seeks to subpoena an employee must deposit the statutory fee, if any, for each day's appearance before such subpoena will be accepted. Parties seeking to have the employee make multiple appearances must make an additional deposit in advance to include mileage reimbursement and per diem allowed by law.



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## 348.4 OVERTIME APPEARANCES

(a) Officers having court cases scheduled on off-duty time will call the court clerk's office one hour before the time set for trial to ascertain if the case is actually going to trial. This includes municipal as well as superior and justice courts.

(b) Any officer who fails to call as prescribed will not be paid overtime if his appearance was unnecessary.

(c) Officers having court cases scheduled on off-duty time will receive a minimum of two hours overtime for their off-duty court appearance, provided they comply with the other requirements of this policy. This initial two hour overtime will cover any and all work performed up to two hours.

(d) If officers have more than one court case scheduled within a two hour period, only two hours will be compensated. If the court appearance or appearances last longer than two hours, officers will be compensated for the total time worked.

## 348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

### 348.5.1 PREPARATION FOR TESTIMONY

Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

### 348.5.2 COURTROOM ATTIRE

Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse and skirt or slacks.

## 348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

## 348.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any member or employee who is subpoenaed to testify, who has agreed to testify or who anticipates testifying or providing information on behalf of or at the request of any party other than the State of Arizona, any county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify his/her immediate supervisor without delay. The supervisor will then notify the Chief of Police and County Attorney's Office as may be indicated by the case.

This includes, but is not limited to, the following situations:



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(a) Providing testimony or information for the defense in any criminal trial or proceeding.

(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

(c) Providing testimony or information on behalf of or at the request of any party other than any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

348.7.1 COURT ORDERS

Employees will notify their supervisor immediately if they are served with any court order or have another party served with a court order (i.e., Order of Protection, Injunction Against Harassment, etc.). Employees will provide their supervisor a copy of the order and a memorandum providing information surrounding the service of the order including the date, time, location and method of service.

Employees who have been served with a court order must abide by the provisions of the order until the order is quashed, modified or expired. Depending on the severity of the situation, an investigation may be initiated by the Office of Professional Standards or the employee's supervisor. Decisions regarding the department's actions concerning the court order will be made on a case-by-case basis.



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# Court Security and Inmate transports

## 349.1 PURPOSE AND SCOPE

The following policy is designed to ensure the safety and security of the inmates, officers and general public. This policy defines the procedures for transporting inmates from the Coconino County Jail, within the Flagstaff Municipal Court and back to the jail.

## 349.2 TRANSPORT PROCEDURE

(a) All officers transporting inmates and assigned to the court will be in full uniform. Warrant officers assisting court and transporting officers will be armed with their duty weapon and department badge displayed.

(b) All inmates being taken to court from the jail will be handcuffed, and belly chained. Officers transporting two or fewer inmates can, at their discretion secure the inmates using only handcuffs.

(c) Medical conditions will be taken into consideration when applying restraints.

(d) Female inmates will be kept in separate passenger compartments from male inmates.

(e) The number of inmates in each passenger compartment shall not exceed the number of seatbelts in each compartment.

(f) Prisoners shall be seat belted when possible.

(g) All inmates will be warned prior to going to court by the officer that communication or contact with the general public is not acceptable.

(h) When more than one inmate is being transported to court, all inmates will walk in single file to the courtroom in which their hearing is being held.

(i) When more than 10 inmates are being transported an additional patrol officer or city court warrant officer (if available)will be called to assist.

(j) Inmates being transported for jury trials will have restraints removed during their trials.

(k) Officers will remain in each courtroom while inmates are present. Inmates will not be left unattended. Additional officers or a city court warrant officer will be called in to assist when needed.

(l) When all inmates have finished their hearings they will be transported back to the county jail and released to jail staff.

(m) All restraints belonging to the Flagstaff Police Department will be inventoried and returned to the transport van.

## 349.3 COURTROOM SECURITY

When inmates arrive at their respective courtrooms, the following will apply when seating inmates:



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(a) Division I- inmates will be seated in the front row of public seating. The public may be asked, at the discretion of the officer to sit behind the defense and plaintiffs table with the judge's permission.

(b) Division II- inmates will be seated in the first row behind the defense and plaintiffs tables. Due to the availability of seating in division 2, the public will not be allowed to sit behind the inmates. The public will be directed to the seating which is to the right of the defense and plaintiffs tables. If the division reaches capacity the officer may open the seating behind the inmates.

(c) Division III- inmates will be seated in the first row behind the defense and plaintiffs table. Due to the size of the courtroom the public will be allowed to sit behind the inmates.

(d) When divisions I and III have finished their hearings, inmates will be removed from those divisions and into division II where all inmates will be seated until the hearings have finished and court paperwork collected for the jail.

(e) Officers may deviate from this policy within reason at the request of the Judge.



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# Reserve Officers

## 350.1 PURPOSE AND SCOPE

The Flagstaff Police Department Reserve Unit was established to supplement and assist sworn police officers in their duties. This unit provides professional, sworn reserve officers who can augment regular staffing levels.

Reserve officers work part-time and shall hold certification by the Arizona Peace Officer Standards and Training Board (AZPOST) (AAC § R13-4-103).

## 350.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS_DEPUTIES

The Flagstaff Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

### 350.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as sworn police officers before appointment (AAC § R13-4-110).

Before appointment as a reserve officer, an applicant must have completed, or be in the process of completing, a state-approved basic academy or extended basic academy unless granted a waiver pursuant to state law (AAC § R13-4-110(D)).

### 350.2.2 APPOINTMENT

Applicants who are selected for appointment as a reserve officer shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take the Oath of Office as required for regular officers. Members of the reserve unit serve at the Chief of Police's discretion.

A reserve officer may not perform any law enforcement function without completing the training required by AAC § R13-4-110, and without the AZPOST certification pursuant to AAC § R13-4-103.

### 350.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

(a) Reserve officers who complete 24 hours of service per quarter will receive a yearly uniform allowance equal to that of regular officers.

(b) Reserve time is considered the time a reserve officer spends assisting the department with a function, or service, or attending training, in which the reserve officer is not being compensated financially from any other entity, another city department included.

(c) All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

(d) The Department may provide hospital and medical assistance to a member of the reserve force who sustains injury in the course of performing official duties.



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350.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS
Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department shall not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult with the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

## 350.3 DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Uniform Patrol. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 8 hours per month.

Reserve officers may act only in a supplementary capacity to the regular force.

350.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all Department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in this manual refers to a sworn full-time officer, it shall also apply to a sworn reserve officer, unless by its nature it is inapplicable.

350.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or a designee. Reserve officers will not check out a patrol vehicle, or go on patrol without prior approval

350.3.3 RESERVE COORDINATOR
The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assigning reserve personnel.

(b) Conducting reserve meetings.

(c) Establishing and maintaining a reserve call-out roster.

(d) Maintaining and ensuring performance evaluations are completed.

(e) Monitoring individual reserve officer performance.

(f) Monitoring the overall Reserve Program.

(g) Maintaining liaison with other agency Reserve Coordinators.



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## 350.4 FIELD TRAINING

All reserve officers are required to complete the same field training program as a regular full-time officer.

## 350.5 SUPERVISION

Reserve officers perform some of the duties of a peace officer and shall be under the immediate supervision of a sworn peace officer and may not be employed as a full-time officer.

### 350.5.1 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

### 350.5.2 IDENTIFICATION OF OFFICERS

All reserve officers will be issued a reserve officer uniform badge and a reserve officer identification card.

### 350.5.3 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

### 350.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator, at the discretion of the Uniform Patrol Section Commander in compliance with the Personnel Complaint Procedure Policy.

Reserve officers are considered at-will employees. Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual with the exception that the right to hearing is limited to the opportunity to clear his/her name.

## 350.6 TRAINING REQUIREMENTS

Reserve officers are required to meet the training requirements applicable to full-time sworn officers, pursuant to AAC § R13-4-110 and AAC § R13-4-111 as outlined in the Training Policy.

## 350.7 FIREARMS

Reserve officers shall successfully complete both AZPOST firearms training, pursuant to AAC § R13-4-110(C), and Department-authorized training in the use of firearms. Their appointment must be approved by the City prior to being issued a Department firearm or otherwise acting as an officer on behalf of the Flagstaff Police Department.

Reserve officers who may be required to take enforcement action may be issued a duty firearm or may use their department issued retirement firearm as specified in this policy. Any reserve officer



Adoption Date: 2014/08/15
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who is permitted to carry a firearm other than the assigned duty weapon or any optional firearm may do so only in compliance with the Duty Firearms Policy.

350.7.1 CONCEALED FIREARMS
An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry their department issued weapon concealed.

350.7.2 RESERVE OFFICER FIREARM TRAINING
Reserve officers are required to maintain proficiency with firearms used in the course of their assignments pursuant to AAC § R13-4-111(C). Reserve officers shall comply with all areas of the firearms training section of the Policy Manual. Should a reserve officer fail to qualify, that reserve officer shall not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

## 350.8 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.



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# Outside Agency Assistance

## 352.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever reasonably possible, in accordance with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

The Department may establish an agreement with another law enforcement agency by action of the City (ARS § 13-3872):

(a) Assist other peace officers in the line of their duty and within the course of their employment.

(b) Exchange Department peace officers with peace officers of another agency on a temporary basis.

### 352.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to an on-duty supervisor for approval. Requests of a serious nature or those which would severely impact staffing or resources will be approved by the Duty Commander when feasible. Any such response to assist an outside agency may be considered for authorization regardless of whether an agreement for reciprocal aid under ARS § 13-3872 exists.

When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, a case number will be issued to report action taken by Flagstaff Police Department personnel.

### 352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions, except in those situations where the employee or another is in imminent danger and there is an immediate need for assistance.

## 352.2 HAZARDOUS MATERIAL EMERGENCIES MUTUAL AID

The Arizona Division of Emergency Management may be summoned to assist and coordinate emergency services such as on-scene command and control (http://www.dem.azdema.gov/). The Incident Commander is charged with making an immediate appraisal of the situation and its potential, Responders should:



Adoption Date: 2014/08/15
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- Establish scene management.
- Detect the presence of hazardous materials.
- Begin identification of hazardous materials.
- Begin evacuation or direct in-place sheltering.
- Consider personal protection/decontamination.
- Isolate incident and identify zones of activity.
- Contain the incident without risking exposure.
- Perform fire fighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City of Flagstaff Emergency Plan Manual.
- Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Department should clarify if it is requesting assistance only or complete scene management.

Officers should contact the Arizona Department of Transportation Traffic Operations Center to request assistance at hazardous material emergencies on the roadways (602-712-6591).

### 352.3 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Training Officer. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation. Copies of the list should be provided to the Communications Center and the Shift Sergeant to ensure proper use in compliance with agreements.



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# Registered Offender Information

## 356.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Flagstaff Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex offenders.

## 356.2 POLICY

It is the policy of the Flagstaff Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## 356.3 REGISTRATION

The Detective Section supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the sex registration process, the investigator shall ensure that the registration information is provided to the Arizona Department of Public Safety (DPS) and the Chief of Police, if any, of the place where the person resides, within three days in accordance with (ARS § 13-3821).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register (ARS § 13-3824).

### 356.3.1 CONTENTS OF REGISTRATION

The registration of offenders and duties of the Department shall be performed in compliance with ARS § 13-3821 and in accordance with any department procedures for registrations.

(a) The steps to process a registrant include:

1. Fingerprinting the registrant.
2. Photographing the registrant.
3. Registrant must sign or affix his/her electronic fingerprint to a statement containing information required by DPS, including (ARS § 13-3821):
    - (a) All names by which the person is known.
    - (b) Any required online identifier and the name of any website or Internet communication service where the identifier is being used.



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(c) The physical location of the person's residence and the person's address, including a post office box number and location, if used.

(d) If the address and physical location are not the same, the registrant shall also provide the name of the owner of the residence if the residence is privately owned and not offered for rent or lease.

(e) If the person does not have an address or a permanent residence or has more than one residence, the registrant shall provide a description and physical location of any temporary residence and shall register as a transient not less than every 90 days with the Sheriff in whose jurisdiction he/she is physically present.

4. If the registrant has been convicted of an offense in another jurisdiction that would require registration if committed in this state, the registrant is required to provide a sufficient sample of blood or other bodily substance for DNA testing (ARS § 13-3821).

5. Within three days of registration, the employee processing the registrant will ensure that copies of the statement, fingerprints and photographs are sent to DPS and the appropriate Chief of Police if the person resides within the jurisdiction of a local police department. If a blood sample has been obtained, the blood sample will also be transferred to DPS.

(b) Processing a change in registration requires the following steps be taken within three days of a change in registration, excluding weekends and holidays.

(a) For a change of name or residence:

(a) Forward the change to the Arizona DPS and the appropriate law enforcement agency for the jurisdiction from which the registrant has moved (ARS § 13-3822).

(b) Forward a copy of the statement, fingerprints and photograph of the registrant to the local law enforcement agency in whose jurisdiction the registrant now resides.

(c) If the registrant is subject to community notification requirements, notify the local law enforcement agency of the county where the registrant now resides (ARS § 13-3822).

(b) For a change of online identifier, forward the new identifier to the Arizona DPS (ARS § 13-3822).

### 356.4 RISK ASSESSMENT

The Detective Section supervisor shall categorize each registered sex offender into an appropriate notification level (I, II or III) based on a risk assessment of the registrant (ARS 13-3825). The supervisor shall submit a report through the chain of command to the Chief of Police or the



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authorized designee that includes a synopsis of the risk assessment. The Chief of Police or the authorized designee shall make the final determination regarding an offender's risk level and may choose a different level than the one recommended.

(a) The following steps shall be taken when determining the notification level of a registrant:

1. Review items such as the sex offender registration form, parole and corrections materials, the risk assessment completed by the agency that had custody or responsibility for supervising the person, and Arizona Criminal Justice Information System (ACJIS) information.
2. Interview the offender.
3. Assemble and review any other relevant resources or reports.

The Detective Section supervisor shall ensure that the registrant is notified, either in person or in writing, of his/her notification level.

## 356.5 MONITORING OF REGISTERED OFFENDERS

The Detective Section supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the Arizona DPS website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Arizona DPS.

The Detective Section supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Flagstaff Police Department personnel, including timely updates regarding new or relocated registrants.

## 356.6 COMMUNITY NOTIFICATIONS

The State of Arizona has established the Community Notifications Guidelines Committee, which is responsible for the adoption and oversight of guidelines for processing registrants and when making notifications regarding the presence of registrants in the community (ARS § 13-3826(E)). The Department shall disseminate sex offender information in accordance with these guidelines (ARS § 13-3825).

(a) Community notification of Level II and Level III registrants shall be made to the surrounding neighborhood, area schools, appropriate community groups and prospective employers within 45 days and shall include (ARS § 13-3825):

1. A flyer containing the offender's photograph and address.



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2. A summary of the offender's status and criminal background.

(b) Campus notification and notification to the administration of an institution of post-secondary education shall be made that an individual required to register as a sex offender is enrolled as a student or is employed or carries on a vocation within the institution (ARS § 13-3825(G)).

A press release with the above information should be sent to the local media for registrants categorized as Level II or Level III offenders.

Employees will not unilaterally make community notification regarding a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police, if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be directed to the Arizona DPS website or the Arizona Sex Offender Compliance Team.

The Records Manager shall release local registered offender information to residents in accordance with ARS § 13-3825 and in compliance with Arizona public records law request (ARS Title 39, Ch. 1, Articles 1 and 2).

### 356.6.1 RELEASE NOTIFICATION

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

### 356.6.2 DISCRETIONARY DISSEMINATION

Level I offender information shall be maintained by this department. The Chief of Police may authorize dissemination to (ARS § 13-3826):

(a) Other law enforcement agencies.

(b) People with whom the offender resides.

The Chief of Police may authorize any updated information obtained from DPS to be disseminated to any other persons or entities that the Chief of Police determines warrant such notification (ARS § 13-3823).



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The Chief of Police may also authorize community notification of any information regarding circumstances or persons who pose a danger to the community, even if that notification is not specifically listed in the guidelines or in ARS § 13-3825.



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# Major Incident Notification

## 358.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

## 358.2 POLICY

The Flagstaff Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 358.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police, so the acting duty commander should be notified. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides, suspicious deaths or deaths related to law enforcement activity
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty (See Officer-Involved Shooting Policy for special notifications) and vehicle pursuits that are extended or prolonged
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent Flagstaff official
- Arrest or serious allegation of misconduct of a Department employee or prominent Flagstaff official
- Aircraft, boat, train or bus crash with major damage and/or injury or death
- In-custody deaths or police involved serious injury to a citizen.
- Crimes of unusual violence or circumstances that may include hostages, barricaded persons, home invasions, armed robbery or sexual assaults
- Equipment failures, utility failures and incidents that may affect staffing or pose a threat to basic police services
- Emergency Response Team call outs, or any other incident, which has or is likely to attract significant media attention
- All undercover assignments will require duty commander approval.

## 358.4 SHIFT SUPERVISOR RESPONSIBILITIES

The Shift Supervisor is responsible for making Duty Commander notification. The Shift Supervisor shall make reasonable attempts to obtain as much information on the incident as possible before



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notification. The Shift Supervisor shall attempt to make the notifications as soon as practicable. Notification should be made by using the call notification protocol posted in the Communications Center.

358.4.1 STAFF NOTIFICATION

In the event an incident occurs as identified in the Minimum Criteria for Notification above, the Duty Commander will make additional staff notifications as necessary depending on the nature of the incident.



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# Firearm Injury Reporting

## 359.1 PURPOSE AND SCOPE

Investigation of cases involving firearm injuries is important to the State of Arizona and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Department takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

## 359.2 INVESTIGATION

All bullet wounds, gunshot wounds, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall be thoroughly investigated by this department upon receipt of any report made pursuant to ARS § 13-3806 or that otherwise is reported to the Department.

Information or reports received from health care professionals shall also be investigated but the identity of the reporter shall remain confidential as allowed by law.

Employees investigating firearm injuries should contact a supervisor as soon as reasonably possible if further guidance or additional resources are necessary.

## 359.3 HUNTING OR SPORT SHOOTING INJURIES

When investigating a firearm injury, the handling employee shall determine the general cause of the wound, and upon determining that the wound was caused by an action connected with hunting or sport shooting, shall immediately conduct a detailed investigation into the facts surrounding the incident.

If requested, all reports or investigations under this section may be forwarded to the Arizona Game and Fish Department, if allowed by law.



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# Death Investigation

## 360.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The thoroughness of death investigations cannot be emphasized enough.

### 360.1.1 PATROL RESPONSIBILITIES

Beat officers called to the scene of ANY death (including traffic) will:

- Take any immediate action necessary.
- Secure and preserve the scene and deny access to unauthorized persons.
- Take preliminary photographs if possible.
- Advise their supervisor and then call for a detective.
- Stay at the scene until released by the assigned detective or field supervisor.
- Take an initial report, and turn all information over to the detective, except in traffic accidents where the officer assigned will assist throughout the investigation.

The duty patrol supervisor will ensure that a detective is notified immediately in all department investigated death cases and:

- See that obviously dead persons are not moved until the detective arrives and authorizes the removal.
- Provide any assistance the detectives may require.

### 360.1.2 DETECTIVE RESPONSIBILITES

The investigating detective will conduct a thorough investigation of the circumstances surrounding the death. The body shall not be moved without approval of the medical examiners office. The detective must obtain a search warrant for all evidence seized in residences and other areas where such order would be applicable. The detective will notify the medical examiners office if it has not already been done by patrol. The investigating detective is responsible for the following:

- Photographing and documenting the scene as well as the body.
- The collection of all evidence and fingerprinting the deceased person if necessary.
- Completing the identification tag for the body.
- Locating and making arrangements for next of kin notification.



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## 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases unless the death is obvious (e.g., decapitated or decomposed). A supervisor shall be notified in all death investigations.

### 360.2.1 MEDICAL EXAMINER REQUEST

The Medical Examiner or alternate Medical Examiner shall be promptly called in all sudden or unexpected deaths or deaths due to other than natural causes, including but not limited to (ARS § 11-593(A)):

(a) Death when not under the current care of a physician or nurse practitioner for a potentially fatal illness or when an attending physician or nurse practitioner is unavailable to sign the death certificate.

(b) Death resulting from violence.

(c) Death resulting from a traffic collision.

(d) Death occurring suddenly when in apparent good health.

(e) Death occurring in a prison or the death of a prisoner.

(f) Death occurring in a suspicious, unusual or unnatural manner.

(g) Death from disease or accident believed to be related to the deceased's occupation or employment.

(h) Death believed to present a public health hazard.

(i) Death occurring during, in association with or as a result of anesthetic or surgical procedures.

(j) Unidentifiable bodies.

If there is no Medical Examiner or alternate Medical Examiner appointed and serving within the county, the officer shall notify the sheriff, who shall secure a qualified and licensed physician to perform the death investigation (ARS § 11-593(B)).

### 360.2.2 SEARCHING DEAD BODIES

The Medical Examiner or his/her assistants and authorized investigators are generally the only persons permitted to move, handle or search a body known to be dead.

An officer may be permitted to make a reasonable search of an individual who it is reasonable to believe is dead, or near death, for the purposes of identification or for information identifying the individual as a donor. If a donor document is located, the Medical Examiner shall be promptly notified.

Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Medical Examiner, the investigating officer shall first obtain verbal consent from the Medical Examiner.



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The Medical Examiner, with the permission of the Department, may take property, objects or articles found on the deceased or in the deceased's immediate vicinity that may be necessary for conducting an investigation to determine the identity of the deceased or the cause or manner of death (ARS 11-595(B)).

Whenever personal effects are removed from the body of the deceased by the Medical Examiner, a receipt shall be obtained. This receipt shall be attached to the death report.

Whenever reasonably possible, a witness, preferably a relative of the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer, pending the arrival of the Medical Examiner.

The name and address of this person shall be included in the narrative of the death report.

### 360.2.3 DEATH NOTIFICATION

Should a human death result from a fire, this department may notify the state or City fire marshal or as allowed by law.

When practicable, and if not handled by the Medical Examiner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. It is recommended that officers utilize victim services workers or a chaplain to assist with next of kin notifications. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Medical Examiner may be requested to make the notification. The Medical Examiner should be advised if notification has already been made.

If a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and the location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

### 360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Medical Examiner arrives, the Medical Examiner will issue a #John Doe" or "Jane Doe# number for the report.

### 360.2.5 UNIDENTIFIED BODIES DATA ENTRY

As soon as reasonably possible, but no later than 30 working days after the date a death is reported to the Department, all available identifying features of the unidentified body including dental records, fingerprints, any unusual physical characteristics and a description of clothing or personal belongings found on or with the body should be forwarded to the appropriate agency for entry into the Arizona state database and the NCIC file.

### 360.2.6 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.



Adoption Date: 2014/08/15
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In addition, an officer shall complete an infant death investigation checklist during any unexplained infant death investigation and before any autopsy is conducted (ARS § 36-3506).

The Department shall retain the original infant death investigation checklist and immediately forward a copy to the Medical Examiner and the Department of Health Services (ARS § 36-3506).

### 360.2.7 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. A supervisor and the Criminal Investigations shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation. Additionally the Duty Commander will be notified.

If the on-scene supervisor, through consultation with Detective Supervisor and/or Duty Commander, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

### 360.2.8 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment, may ensure that the nearest office of the Arizona Division of Occupational Safety and Health (ADOSH) is notified with all pertinent information.



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# Identity Theft

## 362.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 362.2 REPORTING

(a) Upon request from a victim, officers presented with the crime of identity theft shall complete a report for crimes occurring in this jurisdiction or for victims who reside or are located within this jurisdiction irrespective of where the crime occurred, pursuant to ARS § 13-2008.

(b) For any crime not occurring in this jurisdiction with a victim who does not reside within this jurisdiction, the officer may complete a courtesy report to be forwarded to the agency where the crime was committed or, if the location is unknown, to the victim's residence agency.

(c) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere but the credit card fraud occurred and is reported in this jurisdiction).

(d) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(e) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and the Arizona Department of Public Safety's Driver and Vehicle Services Division) with all known report numbers.

(f) Additionally officers should provide or make arrangements for the victim to complete an identity theft packet. Identity theft packets are stored in the report writing room (a copy is also available in appendix A of this policy).

(g) Following supervisory review and Department processing, the initial report should be forwarded to the appropriate investigator for follow-up investigation, coordination with other agencies and prosecution as circumstances dictate.

## 362.3 PREVENTIVE MEASURES

The victim should be advised to place a security freeze on his/her consumer report, as allowed by law. A victim may also access http://www.azag.gov/cybercrime/ID_Theft.html for additional detailed information.

## 362.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at http://www.ftc.gov/bcp/menus/consumer/



Adoption Date: 2014/08/15
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data/idt.shtm or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice (DOJ) website, http://www.usdoj.gov.



Adoption Date: 2014/08/15
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# Private Persons Arrests

## 364.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to ARS § 13-3884.

## 364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

When requested, officers shall advise citizens of the right to make a private person's arrest as allowed by state law (ARS § 13-3889). The advice shall include how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

(c) Private individuals shall be informed of the requirement to take the arrested person before a judge or to a peace officer without unnecessary delay (ARS § 13-3900).

## 364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (ARS § 13-3884):

(a) For a misdemeanor amounting to a breach of the peace, or a felony, committed in his/her presence.

(b) When a felony has been in fact committed and he/she has reasonable grounds to believe the person to be arrested has committed it.

## 364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether there is reasonable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

    1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.



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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

## 364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a witness statement. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the witness statement and any other related documents, such as citations and booking forms, officers shall complete a narrative report regarding the circumstances and disposition of the incident.



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# Limited English Proficiency Services

## 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 368.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret and Interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English Proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**LEP Coordinator** - The Training Coordinator will serve as the LEP Coordinator.

**Qualified bilingual member** - A member of the Flagstaff Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 368.2 POLICY

It is the policy of the Flagstaff Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 368.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Uniform Patrol Division Commander or the authorized designee.

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



Adoption Date: 2014/08/15
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(a) Coordinating and implementing all aspects of the Flagstaff Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Shift Sergeant and Communications Manager. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:



Adoption Date: 2014/08/15
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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

### 368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Flagstaff Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

### 368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

### 368.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### 368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.



Adoption Date: 2014/08/15
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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

## 368.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

### 368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.



Adoption Date: 2014/08/15
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368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

## 368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

## 368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Flagstaff Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

368.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.



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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

### 368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### 368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.



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### 368.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### 368.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### 368.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### 368.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### 368.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.



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The Training Officer shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Officer shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

368.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Officer shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.



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# Communications with Persons with Disabilities

## 370.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 370.1.1 DEFINITIONS

Definitions related to this policy include:

**ADA Coordinator -** The Training Officer will serve as the ADA Coordinator.

**Auxiliary aids** - These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); or use of a qualified interpreter.

**Deaf or hard of hearing -** An individual who has or is regarded as having substantially limited hearing with or without assistance.

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters shall have a valid license of competency authorized by the Commission for the Deaf and the Hard of Hearing (ARS § 12-242).

## 370.2 POLICY

It is the policy of the Flagstaff Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Uniform Patrol Division Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Flagstaff Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.



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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Shift Sergeant and Communications Manager. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

### 370.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

### 370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.



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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Flagstaff Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

## 370.6 TYPES OF ASSISTANCE AVAILABLE

Flagstaff Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.



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### 370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### 370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### 370.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.



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### 370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### 370.11 FAMILY AND FRIENDS

While family or friends of a disabled or impaired individual may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the disabled individual and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### 370.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

### 370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.



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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

370.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

## 370.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.



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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

370.14.1 QUALIFIED INTERPRETER REQUIRED IN ARRESTS
Upon the arrest of a deaf or hard of hearing person, the arresting officer or supervisor shall make a qualified interpreter available to properly interpret (ARS § 12-242):

(a) *Miranda* warnings.

(b) The interrogation of the deaf or hard of hearing person.

(c) The deaf or hard of hearing person's statements.

**370.15 ARRESTS AND BOOKINGS**
If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

**370.16 COMPLAINTS**
The Department shall ensure that individuals who are disabled who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used for any interview with a disabled individual during an investigation should not be members of this Department.

**370.17 COMMUNITY OUTREACH**
Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue



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to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## 370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Officer shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Officer shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.



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# School Employee Arrest Reporting

## 372.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a public or private school employee, teacher or non-teacher, has been arrested under certain circumstances.

## 372.2 SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any controlled substance offense, a felony involving moral turpitude, child abuse or sexual abuse offense, the Chief of Police or a designee should report the arrest as follows:

### 372.2.1 ARREST OF A PUBLIC SCHOOL TEACHER

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the superintendent of the school district employing the teacher, and give written notice of the arrest to the superintendent of schools in the county where the person is employed.

### 372.2.2 ARREST OF A PUBLIC SCHOOL NON-TEACHER EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the superintendent of the school district employing the non-teacher, and may give written notice of the arrest to the governing board of the school district employing the person.

### 372.2.3 ARREST OF A PRIVATE SCHOOL OR LICENSED DAY-CARE TEACHER

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the private school or licensed day-care authority employing the teacher, and may give written notice of the arrest to the private school authority employing the teacher.

### 372.2.4 ARREST OF A PRIVATE SCHOOL OR LICENSED DAY-CARE EMPLOYEE

Upon arrest for one of the above crimes, the Chief of Police or a designee may notify by telephone the private school or licensed day-care authority employing the non-teacher and may give written notice of the arrest to the private school authority employing the person.



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# Pupil Arrest Reporting

## 373.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

## 373.2 PUPIL ARREST REPORTING

In the event a school pupil is arrested, the arresting officer shall ensure the chief administrative officer of the school or the appropriate designee is ultimately notified of the arrest of a pupil.

### 373.2.1 PUPIL ARREST AFTER NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to notify the school prior to the arrest. Prior notification and assistance from the school, may reduce disruption to school operations and other students.

### 373.2.2 PUPIL ARREST BEFORE NOTIFICATION

Based upon the circumstances of the investigation, it may be appropriate to arrest the pupil before notifying the school. This may be appropriate if the pupil is a flight risk, if prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public.

Proper notification to the school after the pupil's arrest should then be made when circumstances reasonably allow.

### 373.2.3 PARENTAL NOTIFICATION

School administration and the parents of Juveniles shall be notified prior to the questioning of a juvenile on school grounds.

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notification shall be made by the officer, regardless of subsequent notifications by the juvenile detention facility. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.



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# Biological Samples

## 374.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction, arrest or adjudication for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

## 374.2 POLICY

The Flagstaff Police Department will assist in the expeditious collection of required biological samples from arrestees and offenders in accordance with the laws of this state and with as little reliance on force as practicable.

### 374.2.1 QUALIFYING OFFENSES FOR DNA SAMPLE COLLECTION

(a) The qualifying offenses applicable to adult and juvenile arrestee DNA sample collection are as follows:

- Any offense in Title 13 Chapter 11 - Homicide
- 13-1402 - Indecent exposure
- 13-1403 - Public sexual indecency
- 13-1404 - Sexual abuse
- 13-1405 - Sexual conduct with a minor
- 13-1406 - Sexual assault
- 13-1410 - Molestation of a child
- 13-1411 - Bestiality
- 13-1417 - Continuous sexual abuse of a child
- 13-1507 - Burglary in the second degree
- 13-1508 - Burglary in the first degree
- Any serious offense pursuant to 13-604 involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument, or the intentional or knowing infliction of serious physical injury

(b) Additional qualifying offenses applicable only to adult arrestees are as follows:

- 13-3208 - Keeping or residing in a house of prostitution; employment in prostitution
- 13-3214 - Prostitution
- 13-3555 - Portraying an adult as a minor



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- 13-3608 - Incest

## 374.3 PERSONS SUBJECT TO DNA COLLECTION

The following persons must submit a biological sample:

(a) Persons who are arrested for a violation of any offense listed in ARS § 13-610(O)(3) and transferred to jail (ARS § 13-610(K)).

(b) Persons who are charged with any offense listed in ARS § 13-610(O)(3) and summoned to appear in court for an initial appearance (ARS § 13-610(L)).

(c) Juveniles who are ordered to submit by a judicial officer after being charged with any of the offenses listed in ARS § 8-238(A).

## 374.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

### 374.4.1 COLLECTION

The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to ARS § 13-610(O) and ARS § 8-238.

(b) Verify that a biological sample has not been previously collected from the offender by querying the Arizona Department of Public Safety (DPS). There is no need to obtain a biological sample if one has been previously obtained and DPS is maintaining a sample sufficient for DNA testing (ARS § 13-610(G)).

(c) Use the designated collection kit to perform the collection and take steps to avoid cross contamination.

## 374.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer, when applicable.

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.



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(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING

A video recording should be made any time force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule.



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# Chaplains

## 376.1 PURPOSE AND SCOPE

The Flagstaff Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

## 376.2 POLICY

It is the policy of this department that the Chaplain Program shall be a nondenominational, ecumenical ministry provided by volunteer clergy without financial compensation.

## 376.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose:

(a) By serving as a resource for Department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, critical incident stress management and other such situations that may arise.

(b) By providing an additional link between the community, other chaplain programs and the Department.

(c) By providing counseling, spiritual guidance and insight for Department personnel and their families.

(d) By being alert to the spiritual and emotional needs of Department personnel and their families.

(e) By familiarizing themselves with the role of law enforcement in the community.

## 376.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements before formally being designated as a Law Enforcement Chaplain:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious and free from excessive debt.

(b) Must manage the household, family and personal affairs well. Must have a good reputation with those outside the church.

(c) Must be ecclesiastically certified and/or endorsed, ordained, licensed or commissioned by a recognized religious body.

(d) Must successfully complete an appropriate level background investigation.

(e) Must have at least five years of successful ministry experience within a recognized faith community.

(f) Possess a valid driver license.



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### 376.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from their faith's community elders, board or council.

(c) Interview with Chief of Police and Chaplain Supervisor.

(d) Successfully complete an appropriate level background investigation.

(e) Complete an appropriate probationary period as designated by the Chief of Police.

### 376.6 DUTIES AND RESPONSIBILITIES

Chaplains are volunteer members of the Department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable Department policies. The duties of a chaplain include, but are not limited to, the following:

(a) Assisting in making notification to families of Department members who have been seriously injured or killed.

(b) After notification, responding to the hospital or home of the Department member.

(c) Visiting sick or injured law enforcement personnel in the hospital or at home.

(d) Attending and participating in, when requested, in funerals of active or retired members of the Department.

(e) Assisting other personnel in the diffusion of a conflict or incident when requested by on-scene staff.

(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Shift Sergeant or supervisor aids in accomplishing the mission of the Department.

(g) Being on call, and if possible on-duty, during major demonstrations or any public function that requires the presence of a large number of Department personnel.

(h) Counseling personnel with personal problems and/or critical incident stress management when requested.

(i) Attending Department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(j) Being responsible for the organization and development of spiritual organizations in the Department.

(k) Responding to all major disasters, such as floods, bombings and similar critical incidents.



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(l) Providing liaison with other religious leaders of the community.

(m) Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

(n) Participating in in-service training classes.

(o) Willing to train to enhance effectiveness.

(p) Promptly facilitating requests for representatives or leaders of various denominations.

(q) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for their services or any subsequent actions and follow-up while functioning as a chaplain for the Flagstaff Police Department.

## 376.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the Flagstaff Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the department member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the department chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Flagstaff Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

## 376.8 COMMAND STRUCTURE

(a) Under the general direction of the Chief of Police or a designee, chaplains shall report to the Senior Chaplain and/or the Training Officer.

(b) The Chief of Police shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.

(c) The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.



Adoption Date: 2014/08/15
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## 376.9 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on call for a period of seven consecutive days each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Flagstaff Police Department personnel on an as needed basis.

(c) At the end of each watch, the chaplain will complete a Chaplain Shift Report and submit it to the Chief of Police or a designee.

(d) Chaplains shall be permitted to ride with officers during any shift and observe Flagstaff Police Department operations, provided the Shift Sergeant has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of employees.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to standby in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Flagstaff Police Department unless otherwise authorized by the Chief of Police or a designee.

(i) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered private; each chaplain will exercise appropriate security measures to prevent distribution of the data.

### 376.9.1 UNIFORMS AND BADGES

A distinct uniform, identification and the necessary safety equipment will be provided for the chaplains. This uniform may be similar to that worn by the personnel of this department.

## 376.10 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Training Officer.



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# Child and Dependent Adult Safety

## 380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Vulnerable Adult Abuse Policy.

### 380.1.1 SEARCH WARRANTS

When at all possible prior to conducting a search warrant at a residence, officers will take all measures possible to identify if there are children present inside the residence. If there is information that children are living at the residence officers will make every effort possible to lessen the impact on the children.

## 380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Flagstaff Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

It is well known that the children of incarcerated parents are more apt to be incarcerated themselves at a later date. It is our jobs as police officers to take every step possible to promote a positive image to children and although it is impossible to make every arrest out of the view of children we can definitely be more aware of the impact of doing so in front of children. If there are children present during an arrest of a parent, officers need to take the time to talk with the children and explain to them that the situation is not their fault and they are not to blame. Our actions at that time and moment may have long lasting positive effects.

## 380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.



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(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

### 380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. The following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify Child Protective Services or the Division of Aging and Adult Services of the Arizona Department of Economic Security if appropriate.

(d) Notify the field supervisor or Shift Sergeant of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of



Adoption Date: 2014/08/15
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the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting employee will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting employee will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

## 380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.



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Only when other reasonable options are exhausted should a child or dependent adult be transported to the police's facility, transported in a marked patrol car or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

### 380.5 TRAINING

The Training Officer is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.



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# Service Animals

## 382.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Flagstaff Police Department recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

## 382.2 SERVICE ANIMALS

The ADA and Arizona law define a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner's disability (28 CFR 35.104; ARS § 11-1024).

### 382.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

## 382.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Flagstaff Police Department affords to all members of the public.



Adoption Date: 2014/08/15
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If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, an officer may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability (ARS § 11-1024).

If it is apparent or if an officer is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the officer should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further questions as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner into all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.



Adoption Date: 2014/08/15
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# Volunteer Program

## 384.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 384.1.1 DEFINITIONS

Definitions related to this policy include:

**Volunteer Program Manager -** An individual designated by the Chief of Police to oversee the entire Volunteer Program. Until further notice, the Training Coordinator will serve as the Volunteer Program Manager.

**Volunteer Coordinator -** an individual designated by the Volunteer Program Manager upon approval of the Chief of Police, to assist with the coordination of volunteers.

**Volunteer -** An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

### 384.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as an Flagstaff Police Department volunteer include:

(a) Residency in the City of Flagstaff.

(b) At least 18 years of age for all positions.

(c) A valid driver license if the position requires vehicle operation.

(d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(e) No conviction of a felony, any crime of a sexual nature, any crime related to assault, any crime related to dishonesty or any crime related to impersonating a law enforcement officer.

(f) No conviction of a misdemeanor or gross misdemeanor crime within the past 10 years, excluding petty misdemeanor traffic offenses.

(g) The applicant must not have any mental illness or chemical dependency condition that may adversely affect the person's ability to serve in the position.

(h) Physical requirements reasonably appropriate to the assignment.



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(i) A personal background history and character suitable for a person representing the Department, as validated by a background investigation.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualification of the individual.

## 384.2 VOLUNTEER MANAGEMENT

### 384.2.1 VOLUNTEER COORDINATOR

The Volunteer Program Manager will be in charge of supervising the volunteer Program. He/she will serve as the central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services.

The Volunteer Program Manager shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions

(b) Maintaining records for each volunteer.

(c) Tracking and evaluating the contribution of volunteers.

(d) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(e) Maintaining a record of volunteer schedules and work hours.

(f) Completion and dissemination as appropriate of all necessary paperwork and information.

(g) Planning periodic recognition events.

(h) Administering discipline when warranted.

(i) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.

The Volunteer Program Manager with approval of the Chief of Police may designate a volunteer to serve as a Volunteer Coordinator. With approval some of the above tasks may be delegated to the Volunteer Coordinator.

### 384.2.2 RECRUITMENT

Volunteers should be recruited in accordance with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist, the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Program Manager. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Program Manager may withhold assignment of any



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volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Program Manager or a designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check

(b) Employment

(c) References

(d) Fingerprint check through the Arizona Department of Public Safety (DPS)

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of prints and clearance through DPS and the FBI.

A volunteer who wishes to work in the Records or Evidence will have to complete an extended background and polygraph examination.

### 384.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Program Manager. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening, paperwork, and a public service orientation program (see generally ARS § 38-592(B)(4)).

At the time of final acceptance, each volunteer should complete all necessary enrollment paperwork and will receive a copy of the job description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and with the needs of the Department.

### 384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by the Volunteer Program Manager or the Volunteer Coordinator.



Adoption Date: 2014/08/15
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Depending on the assignment, training may include:

(a) Role of the volunteer

(b) Department policies

(c) Training specific to the procedure manual for the volunteer position

(d) Discrimination and harassment training

(e) CPR/first aid

(f) Basic traffic direction and control

(g) Vehicle operations, including specialized vehicles

(h) Issuance of disabled citations

Training should reinforce to volunteers that they should not intentionally represent themselves as, or by omission infer, that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department. Whenever a rule, regulation or guideline in this manual refers to a sworn officer, it shall also apply to a volunteer, unless by its nature it is inapplicable.

### 384.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### 384.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.



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Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

### 384.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### 384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.



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## 384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

### 384.5.1 VEHICLE USE

Volunteers assigned to duties or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing

(b) Verification that the volunteer possesses a valid driver license

(c) Verification that the volunteer carries current vehicle insurance

The Volunteer Program Manager or Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and is being operated for maintenance purposes only; that it is being operated during a AZPOST-approved skills course; that it is being used to transport prisoners or equipment; that it is being used to provide supplementary assistance under the direction of an on-duty sworn officer. Volunteers are not authorized to operate a Department vehicle under emergency conditions (lights and siren).

### 384.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete radio procedures training prior to using the law enforcement radio and shall comply with all related provisions. The Volunteer Program Manager should ensure that radio training is provided for volunteers whenever necessary.

## 384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Program Manager. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing. The hearing shall be limited to a single appearance before the Chief of Police or a designee.

Volunteers may resign from volunteer service with this department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.



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384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

## 384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Program Manager. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.

## 384.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Program Manager or Volunteer Coordinator shall develop a plan outlining an emergency callout procedure for volunteer personnel.



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# Internship Policy

## 385.1 PURPOSE AND SCOPE

It is the policy of The Flagstaff Police Department that being awarded an internship with the department is a privilege. Interns will abide by the policies outlined below. Any questions in reference these policies will be directed to their internship supervisor.

### 385.1.1 INTERNSHIP ELIGIBILITY

No more than two interns will be allowed to work per semester without prior approval from the Deputy Chief. Interns will be at least 18 years of age. Interns will wear professional office dress and meet FPD grooming standards while performing their duties for the Police Department.

Interns will fill out a background report, submit to a background interview, pass a background investigation to include a criminal history, fingerprint check, personal references, employment references, drivers license history check, drug screen and polygraph examination.

Interns will meet the minimum standards under the Arizona Peace Officer Standards and Training Board, prior to starting an internship. The only exception to this is the age requirement.

### 385.1.2 RESPONSIBILITES AND ACCOUNTABILITY

All interns will be assigned to a fulltime employee by a supervisor. The employee will ensure the Intern follows all Flagstaff Police Department Rules and Regulations, General Orders, Special Orders and current policies. Interns will strictly adhere to the Departmental dress code.

Interns will sign a release of liability waiver and fill out the non-payroll personnel form prior to beginning their internship.

Interns will not work after hours (1700 hours), take calls, or accompany officers on arrests, search warrants or other details where there is a strong potential for violence, unless approved by a Lieutenant or above.

Internships may be cancelled at any time at the discretion of the Deputy Chief.



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# Native American Graves Protection and Repatriation

## 386.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001). The protection of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands while in the performance of duties is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

## 386.2 DEFINITIONS

Definitions related to NAGPRA include (43 CFR 10.2):

**Native American Human Remains** - The physical remains of the body of a person of Native American ancestry.

**Funerary Objects and Associated Funerary Objects** - Items that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

**Sacred Objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

**Objects of Cultural Patrimony** - Items having ongoing historical, traditional or cultural importance central to the Indian tribe or Native Hawaiian organization itself, rather than property owned by an individual tribal or organization member.

## 386.3 COMPLIANCE WITH NAGPRA

Upon discovery or arrival upon a scene where it reasonably appears a Native American grave, human remains, funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene, other than scene preservation activity, must cease (43 CFR 10.4 et seq.).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene (43 CFR 10.4(d)):

- Federal land - Appropriate agency at the U.S. Department of the Interior
- Tribal land - Responsible Indian tribal official



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### 386.4 EVIDENCE AND PROPERTY RELEASE

If the scene has been investigated as a possible homicide prior to identification as a NAGPRA site, investigators shall work with other agencies and individuals to ensure the proper transfer and repatriation of material collected, photographs and other records, to the appropriate agency or individual responsible for disposition of the site, and that any remains or artifacts are expediently processed (43 CFR 10.6).



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# Off-Duty Law Enforcement Actions

## 388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Flagstaff Police Department with respect to taking law enforcement action while off-duty.

## 388.2 POLICY

Officers generally should not initiate law enforcement action while off-duty. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

Officers should remember that their authority as a peace officer may not extend to actions taken outside their jurisdiction unless authorized by law (ARS § 13-3883).

## 388.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations, state law and Department policy. All firearms and ammunition must meet guidelines as described in the Department Firearms and Qualification Policy. When carrying firearms while off-duty, officers shall also carry their Department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer's senses or judgment.

## 388.4 DECISION TO INTERVENE

There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.



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(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible instead of immediately intervening.

#### 388.4.1 INTERVENTION PROCEDURE

If involvement is reasonably necessary, the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The operator should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Flagstaff Police Department officer until acknowledged. Official identification should also be displayed.

#### 388.4.2 INCIDENTS OF PERSONAL INTEREST

Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

#### 388.4.3 RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

#### 388.4.4 OTHER CONSIDERATIONS

When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

### 388.5 REPORTING

Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of a supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Flagstaff Police Department). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement agency as soon as reasonably practicable. The Shift Sergeant shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.



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# Chapter 4 - Patrol Operations



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# Patrol Function

## 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-organization cooperation and information sharing.

### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Flagstaff, respond to calls for assistance, act as a deterrent to crime, enforce state, local and, federal laws when authorized or empowered by agreement or statute and respond to emergencies 24 hours a day, seven days a week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities, such as residential inspections, business inspections and community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the patrol and other divisions within the Department, as well as other government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Traffic direction and control.

(j) Disasters, civic unrest and natural emergencies.

(k) Assist in the service of civil papers.

### 400.1.2 TERRORISM

It is the goal of the Flagstaff Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and field interviews are forwarded to the Detective Supervisor in a timely fashion. The Detective Supervisor shall review all terrorism-related reports as soon as practicable and contact the Arizona Counter Terrorism Information



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Center (ACTIC) (877-2-SAVE-AZ) when there is a reasonable suspicion that a terrorism threat exists.

## 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intra-organization cooperation and information flow between the various divisions of the Flagstaff Police Department.

### 400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. All intelligence gathered by officers should be submitted to the Crime Analysis Unit at a minimum. Intelligence specific to special units(METRO, GIITEM, Detectives) should be forwarded to them as well. Criminal information and reports can be submitted to the Records for distribution to all divisions within the Department.

### 400.2.2 CRIME REPORTS

A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate personnel or sections for retention or follow-up investigation.

### 400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

### 400.2.4 INFORMATION CLIPBOARDS

Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These include, but are not limited to, the local boards, the national information boards, wanted persons, and registered sex offenders.

### 400.2.5 BULLETIN BOARDS

A bulletin board will be kept in the briefing room and in Criminal Investigations for display of suspect information, investigative reports and photographs. New Special Orders will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Special Order will be placed on the briefing room clipboard.

## 400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety



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concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

Officers may consider the current No Trespass Public Notice List established by the Secretary of State when responding to complaints by an employer of unlawful picketing, assembly or mass picketing on an employer's property (ARS § 23-1321; ARS § 23-1326). If the property is identified on the list, officers may not require any additional documentation from the employer to establish the employer's property rights.



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# Community Oriented Policing Philosophy

## 401.1 PURPOSE AND SCOPE

Realizing that the people have the ultimate power to control crime, enhance their own safety, and improve the overall quality of life in the community, and the police are the most logical candidates to harness and share this power, the primary focus of the Community Oriented Policing Program is to prevent crime by aggressive proactive tactics including maintaining order, concentrating on "hot spots" of crime, addressing repeat offenders, and collaborating with citizens and other agencies to solve problems.

## 401.2 COMMAND OFFICERS

Command officers are responsible for providing the support and freedom the line personnel require to move beyond responding to calls as isolated incidents. It is the duty of every employee of the Flagstaff Police Department to promote a partnership of shared responsibility with the law abiding citizens of Flagstaff to deal with community problems affecting the quality of life. Employees are responsible for convincing residents they are not passive recipients of police service, but partners in the policing process, and that all law abiding citizens deserve a say in how they are policed regardless of income or ethnicity. Patrol officers as well as civilian employees must think of themselves as community problem solvers, identifying and altering the underlying dynamics creating the social and physical environment for repetitive problems.

## 401.3 SUPERVISORS

(a) Supervisors will assign officers to the same beat as permanently as possible, in order to instill a sense of proprietorship and accountability.

(b) The supervisor will review, analyze, and evaluate each beat officer's enforcement problems and proposed corrective measures. Management By Objective (MBO) projects will be identified and documented with their progress being reviewed monthly by the supervisor.

(c) The supervisor will coordinate and direct the beat officers and selective enforcement units to respond to the specific needs of the area.

(d) The supervisor will provide the motivation, enthusiasm, and autonomy required to allow the line officers to interact with the residents of the beat.

(e) The supervisor will submit Quarterly Community Policing Reports to the assigned Patrol Lieutenant, listing the various inputs, outputs and outcomes of any beat projects, along with any proposed corrective measures or squad accomplishments.

(f) The supervisor will maximize the opportunity for face-to-face contact by employing tactics to encourage communication, such as foot patrol, bike patrol, block watches, and neighborhood projects that increase the quality of life for our citizens.



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### 401.4 OFFICERS

The patrol officer will identify the principle crime and order problems confronting his/her assigned beat.

(a) The patrol officer will obtain information from records, observations, computer data, citizen input, and from other governmental agencies on his/her beat problems.

(b) The patrol officer will analyze, prioritize, and design corrective strategies to deal with the identified problems utilizing the SARA problem solving model.

(c) The proposed strategies will be reviewed with the supervisor and incorporated into the Quarterly Community Policing Report.

(d) The officers, as a problem solver, will use community resources to correct problems on his/her beat such as:

1. Other Flagstaff Police Department personnel or equipment
2. Other Flagstaff City Departments
3. Public and private service agencies
4. Individual citizens or organizations
5. Other police agencies

(e) Officers are encouraged to identify potential resources and where they are inadequate, help organize and motivate members of the community to address the need.

(f) Officers will involve the law abiding beat residents in the development of strategies to correct problems and will motivate others to help implement them.

(g) Officers will disseminate and utilize neighborhood surveys to determine community concerns and form a basis to develop MBO projects or problem solving techniques to address root causes of crime.

(h) Officers will establish regular and meaningful contact between the police and law abiding citizens, to address the conditions and crimes that affect the quality of life in the local neighborhoods. This contact should be facilitated through:

1. Block Watch Programs
2. Community Support Meetings
3. Social Organizations
4. Face-to-face solicitation of enforcement needs
5. Neighborhood Projects
6. Field Interviews

(i) The patrol officer will form a functional partnership between the department, the community, and other public and private service organizations.



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*Community Oriented Policing Philosophy*



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# Racial- or Bias-Based Profiling

## 402.1 PURPOSE AND SCOPE

The Flagstaff Police Department strives to provide law enforcement to our community with due regard to the racial, cultural or other inherent differences of those we serve. It shall therefore be the policy and practice of this department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, gender, sexual orientation, economic status, age, cultural group, disability, or affiliation with any other similar identifiable group shall not be utilized as the basis for providing differing levels of law enforcement service or the enforcement of the law.

### 402.1.1 DEFINITIONS

Definitions related to this policy include:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

## 402.2 POLICY

The Flagstaff Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

## 402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

## 402.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

### 402.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.



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To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

402.4.2 REPORTING TRAFFIC STOPS
Each time an officer makes a traffic stop, the officer shall report any information required in the Traffic Function and Responsibility Policy.

## 402.5 SUPERVISOR RESPONSIBILITY

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors should periodically review MAV recordings, MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

## 402.6 ADMINISTRATION

Each year an overview of citizen and administrative complaints will be published in the annual report. The overview shall not contain any identifying information regarding specific citizens or officers.

## 402.7 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Section.



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# Roll Call Briefing Training

## 404.1 PURPOSE AND SCOPE

Roll Call Briefing training is generally conducted at the beginning of the officer's assigned shift. It is the philosophy of this Department that every day should be a training day. Roll Call Briefing provides an excellent opportunity for the important exchange between employees and supervisors. A supervisor generally will conduct roll call briefing. However, officers may conduct roll call briefing for training purposes with supervisor approval. Roll call training should be held every day if possible but no less than once per week.

Roll Call Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Reviewing new Special Orders or Training Bulletins.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects.

(f) Training shall last at least 10 minutes to qualify as roll call training.

## 404.2 PREPARATION OF MATERIALS

The supervisor or officer conducting roll call briefing is responsible for collection and preparation of the materials necessary for the training. Materials should be shared with other squads who may benefit from the same roll call training.

## 404.3 RETENTION OF BRIEFING TRAINING RECORDS

Roll Call Briefing training materials and a curriculum or summary shall be forwarded to the Training Officer for inclusion in training records, as appropriate.



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# Emergency Services Response Team

## 408.1 PURPOSE AND SCOPE

The Emergency Services Response Team (ESRT) is comprised of three specialized teams: The Tactical Operations Team (TOT) commonly referred to as the Special Weapons and Tactics Team (SWAT), Crisis Negotiation Team (CNT) and the Bomb Squad/Team. The ERST has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appears to be necessary. This is in line with our mission to protect and preserve life, property, and public order.

### 408.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The commander of the Emergency Services Response Teams shall be selected by the Chief of Police upon recommendation of the staff. The SWAT, CNT, and Bomb teams will each be supervised by a Sergeant or Corporal. The team supervisors shall be selected by the Chief of Police upon specific recommendation by the staff and the ESRT Commander. The following represent the supervisor responsibilities for the Emergency Services Response Team.

The SWAT supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation and other duties as directed by the ESRT Commander.

The CNT supervisor's primary responsibility is to supervise the operations of the CNT, to include deployment, training, first-line participation and other duties as directed by the ESRT Commander.

The Bomb Team supervisor's primary responsibility is to supervise the operations of the Bomb Team, to include deployment, training, first-line participation and other duties as directed by the ESRT Commander.

### 408.1.2 SWAT TEAM DEFINED

**Special Weapons and Tactics Team/Tactical Operations Team -** A designated unit of law enforcement officers, including a multi-jurisdictional team, that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex or unusual that they may exceed the capabilities of first responders or investigative units. This includes, but is not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 408.2 LEVELS OF CAPABILITY/TRAINING

### 408.2.1 LEVEL I

**Level I SWAT team -** Is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does



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not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5 percent of the basic team's on-duty time should be devoted to training.

408.2.2 LEVEL II

**Level II SWAT team -** Is an intermediate level team capable of providing containment and intervention. These teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5 percent of their on-duty time should be devoted to training, with supplemental training for tactical capabilities above the Level I team.

408.2.3 LEVEL III

**Level III SWAT team -** Is an advanced level team whose personnel function as a full-time unit. Generally 25 percent of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

## 408.3 POLICY

(a) It is the policy of this department to maintain a Multi Agency Level II SWAT Team, and to provide the equipment, manpower and training necessary to maintain it. The team should develop sufficient resources to perform three basic operational functions:

1. Command and control
2. Containment
3. Entry/apprehension/rescue

(b) It is understood that it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

1. **Discipline -** The team leader shall have the authority to temporarily suspend any member from participation in any training session or actual call-out if he deems the member's conduct or mental/physical condition to be inappropriate. The team leader will also have the authority to suspend a member from the team if the conduct of a member is of such poor conduct that the team leader deems suspension as the appropriate action to take, pending further action by the Chief of Police.
2. **Use of Force -** When called upon, the team members will strive to provide the department greater control in the use of deadly force than would normally be available through other means. This is to be accomplished by advanced training, self discipline, team work, and the proper use of the team's specialized equipment. At all times, team members shall strive to maintain discipline of fire. The safety of



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hostages, or innocent third parties, will always be given the utmost consideration in the use of such force.

3. **Justification -** Team members will use deadly force only under the following circumstances:

   (a) When it is necessary to defend himself/herself or another person from immediate attack that could result in death or serious injury.

   (b) When given the authorization from the Duty Commander in charge of the call-out, instituted through the team leader.

4. **Status Codes -** The Incident Commander in charge will have the sole responsibility for determining the team's status. The following color codes will be used to symbolize what condition of alert the team is to be in, and under what circumstances deadly force should be used:

   (a) Red Light: Team members are to try to avoid contact with and the use of deadly force against the suspects in the call-out.

   (b) Yellow Light: Team members are to be on alert, using deadly force only when it is necessary to defend himself /herself or another person from immediate attack that could result in death or serious injury.

   (c) Green Light: Any team member, upon obtaining positive ID of a suspect, is to use deadly force against him/her, eliminating the suspect from the problem as soon as possible.

### 408.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or a designee.

### 408.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures that should address, at minimum:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.



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(h) Extrajurisdictional response.

(i) Specialized functions and supporting resources.

408.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures, in accordance with its level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's Suggested SWAT Best Practices. Because such procedures are specific to ESRT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum:

(a) Designating personnel responsible for developing an operational or tactical plan prior to, and/or during operations (time permitting).

1. All Team members should have an understanding of operational planning.
2. Team training should consider planning for both spontaneous and planned events.
3. Teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

1. When reasonably possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed to provide a means of conducting a threat assessment to determine the appropriate response and resources necessary for the team.

(e) The appropriate role for a trained negotiator should be defined.

(f) A standard method of determining whether a warrant should be regarded as high risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post-incident scene management, including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the Team.



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(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments. It also helps to identify training needs and reinforces sound risk management practices.

(b) Debriefing should not be conducted until involved officers have had the opportunity to individually complete the necessary reports or provide formal statements.

(c) To maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment.

## 408.4 TRAINING NEEDS ASSESSMENT

The ESRT Commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and department policy.

### 408.4.1 INITIAL TRAINING

Tactical operators and supervisors/team leaders should not be deployed until successful completion of an approved basic SWAT course or its equivalent. To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content or topics meet or exceed requirements determined by the Department. Prior to any newly appointed team member becoming eligible for a call-out, he/she must complete a minimum 40 hours of mandatory training. The 40 hours should be completed within six months of his/her appointment.

### 408.4.2 UPDATED TRAINING

Appropriate team training for the specialized tactical operations functions and other supporting resources should be completed prior to full deployment of the team.

Team operators and supervisors/team leaders should complete update or refresher training every 24 months.

### 408.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of tactical operations understand the purpose and capabilities of the teams.



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### 408.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the ESRT Commander. The ESRT Commander may conduct bi-monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each Team member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member. Any team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(b) Those members who are on vacation, ill or are on limited duty status with a medical provider's note of approval on the test date shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(c) Quarterly each team member shall perform the mandatory handgun qualification course. The qualification course shall consist of the SWAT basic drill for the handgun. Members will be required to score a minimum of 98% to qualify with the handgun carried on call-outs. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the ESRT Commander. Team members who fail to qualify will not be used in tactical operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(d) Quarterly each team member shall perform a mandatory qualification course for any specialty weapon issued to or used by the officer during tactical operations. Failure to qualify will require the officer to seek remedial training from a Rangemaster approved by the ESRT Commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

(e) The member designated as the person responsible for the deployment of gas will be required to perform training exercises biannually with the use of the team gas gun.

### 408.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.



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408.4.6 SCENARIO-BASED TRAINING
Teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Section. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

**408.5 UNIFORMS, EQUIPMENT AND FIREARMS**
The ESRT Commander shall appoint an ESRT supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the ESRT Commander. The inspections will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the tactical operations vehicles.

408.5.1 UNIFORMS
SWAT teams from this department should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

(a) The following items are currently authorized for use by team personnel:

1. Trouser, men's combat, ripstop, black, camouflage or green.
2. Coat, men's combat, black, camouflage or green.
3. Gloves, men's flyers, Nomex
4. Helmet, ballistic, Kevlar, M-5
5. Jacket, men's field with liner, 5.11
6. Police field (baseball) cap
7. Issued tactical vest, level IIIA, Kevlar
8. Goggles
9. Duffle bag
10. Practice uniforms, black
11. Boots, black, warm weather
12. Boots, cold weather
13. Gloves, cold weather
14. Watch cap



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15. Thermal underwear
16. Cold weather socks
17. Field pack
18. Load bearing vests
19. Nylon duty belt with holster, handcuff case, magazine pouches, knife pouch, extra handcuffs
20. Physical training uniform; shorts, T-shirt

(b) The team leader has the discretion to modify uniforms depending on climate, terrain or the nature of the assignment.

408.5.2 FIREARMS

Weapons and equipment used by the tactical team and the supporting resources should be Department-issued or approved, including any modifications, additions or attachments. The team's arsenal contains numerous specialized weapons capable of extreme firepower. The following is therefore an attempt to set general guidelines for their use. It should be noted that special circumstances may arise in which the team leader may elect to deviate from these suggestions. The following weapons will be authorized for use in a call-out:

The Officers' assigned handgun will be carried by every team member. For Department personnel this will be the Glock .40 cal hand gun, for CCSO personnel it will be whatever weapon is assigned as their primary firearm. The handgun will be used as the primary weapon in building searches and in other closed-in areas, unless the member is issued a primary rifle. The handgun will be used as a secondary weapon used in the event of a malfunction of primary rifle.

The shotgun will not normally be used in hostage situations, or on building entries. However, it does have the following uses:

- For use on perimeter control and containment.
- For use in open field searches in dense terrain.
- To disperse tear gas.
- For deployment of less lethal munitions.

The submachine gun will primarily be used for the following short range uses:

- As a cover weapon for an entry team during a building search.
- For use in open field searches in very dense terrain.
- For short range cover fire.

The bolt action precision rifle will have the following uses:

- To make a single extremely accurate shot.



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- When penetration through glass or any other substance is needed.
- For long range cover fire.

The assault rifle has the following uses:

- As a primary weapon in building searches.
- To produce accurate cover fire at longer distances.
- For use in rural open field searches

## 408.6 MANAGEMENT/SUPERVISION OF EMERGENCY SERVICES RESPONSE TEAM

The commander of the ESRT shall be selected by the Chief of Police upon recommendation of the staff. The team leader will answer directly to the Lieutenant designated in charge of the ESRT. The Lieutenant will be responsible for the approval of training, setting of procedures, budget and equipment requests. In the event of a call-out, the team will come under the command of the acting Incident Commander who will dictate the teams objectives.

The team leader will issue all orders and implement all tactics. The squad leader will be second in command, responsible for carrying out of all orders given by the team leader. In the event of the team leader's absence, a squad leader will be designated as acting team leader. In the event that the team or squad leaders are not present for a call-out, the team member with the greatest amount of seniority on the team will assume command, subject to approval of the Incident Commander.

### 408.6.1 PRIMARY UNIT MANAGER

The team will consist of two squads. Each squad will be capable of working as one large team, or independently from one another. Every member shall have a primary as well as secondary assignment. Additionally members will be cross trained in the assignments of other team members.

(a) Primary Responsibility - All members shall be cross-trained in all the various roles within the team. In addition, each member will be assigned a particular area of expertise, which are as follows:

1. Team Leader - Has over-all responsibility of directing the team. He will be responsible for the implementation of all team tactics, along with ensuring all training requirements are met and documentation is kept.
2. Squad Leader - In charge of their assigned squad.
3. Sniper - Concentrates on providing a high degree of accuracy and skill with a rifle.
4. Observer - Provides security for the sniper, along with spotting duties.
5. Assault Team Member - Will be proficient in high risk entries and searching techniques, both in buildings and open fields.

(b) Secondary Assignments: In addition to each member's primary assignment, they may be given one or more of the following extra responsibilities:



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1. Grenadier - Will be responsible for the deployment of tear gas in the event that its use is needed. The grenadier must be accurate with and responsible for the maintenance of the department's gas equipment.
2. Quartermaster - Assigned member will be responsible for the team's supplies and equipment. He/she must ensure that all inventories are kept up and all maintenance on the team's equipment is being conducted. In the event of a call-out, the quartermaster will be responsible for seeing that all needed equipment is brought with the team.
3. Team Recorder - Will be responsible for all documentation required by the team. He/she is to see that all training is properly recorded and a report made on all call-outs.

408.6.2 TACTICAL PARAMEDICS

The Flagstaff Fire Department is authorized to provide tactical paramedics to Tactical Operations Team (SWAT) during call-outs and training.

Fire Department participation on the SWAT team is directed by the Fire Chief and the Police Chief. Final authority over Fire Department personnel rests with the Fire Chief.

Tactical paramedics must be permanent Fire Department employees with current certification as either an Arizona State Certified Paramedic or Arizona State Certified EMT with current reserve police officer status in order to participate on the SWAT team. Personal protection equipment (PPE) is provided by the Flagstaff Police Department. Emergency Medical Service equipment for the SWAT team is provided by the Flagstaff Fire Department.

Training:

Tactical medics are encouraged to attend as many off duty training assignments as possible that are provided by the Flagstaff Police Department.

Tactical medics will receive basic SWAT training and will participate in on-going trainings to familiarize them with police tactical operations and enable the medics to function safely. Advanced training through accredited courses (ie: National Tactical Officers Association (NTOA), Arizona Tactical Officers Association (ATOA), etc) is recommended and will be supported through the Department based on budget constraints.

If the training is conducted off-duty, the police SWAT training officer or team leader will notify SWAT medics in advance of the exercise. When the training has been completed, each tactical paramedic is responsible for logging their training into Firehouse records.

If training is conducted on-duty, the medic will advise his/her immediate supervisor of the date, time, and place of the scheduled drill. The availability of on-duty response to training will be determined at the discretion of the on duty Battalion Chief using the available staffing.



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SWAT Call-outs:

The Team leader will notify one of the tactical medics to notify him/her of a call-out. He will notify all other tactical medics via phone tree to check for availability.

All attempts will be made to have a minimum of two tactical medics respond to every call-out. A full team call-out will occur when the Team Leader so designates.

On-duty tactical medics will respond to call-outs only if staffing is available and the on-duty Battalion Chief approves his/her request.

The tactical SWAT medic will be responsible for the medical plan for the SWAT team. This will include but is not limited to, notifying necessary fire and ambulance units to respond and stage near the scene until released by a tactical medic.

Upon notification of a SWAT assignment, an off-duty medic will immediately notify the SWAT team sergeant and the Team Leader that he/she is enroute.

When a call-out is outside of the FlagstaffCity limits, the medic will respond to a designated meeting location and ride with the SWAT team.

If the SWAT team responds out of the FlagstaffCity limits, the tactical medic will make a notification call to the on-duty Battalion Chief. The timeline will be based on SWAT team protocol.

Personal Protective Equipment:

The Flagstaff Police Department will provide the following PPE:

1: Level 3a Vest

2: Ballistic Helmet

3: Eye Protection

4: Police issue defensive firearm

5: Gas Mask and replacement filters

6: Radio accessories (ie: ear piece)

7: Uniforms

PPE will be worn at all times while deployed in hazardous tactical environments during both call-outs and training. Non-latex gloves will be provided by FFD.

Firearms:

The Flagstaff Police Department will issue a firearm to each tactical medic. The Flagstaff Police Department will provide the medic with the firearm certification training prior to issuing a firearm



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to the medic. All police issued firearms for SWAT medics will be secured inside the gun safe at the SWAT facility or in a SWAT vehicle.

On an annual basis, the tactical medic must qualify to use the firearm by shooting a qualifying score as per the standardized Arizona Peace Officer Standards and Training Board (AZPOST) handgun qualification, both the PPC and Judgmental. They will be familiar with the applicable Flagstaff Police Department use of force policies. Tactical paramedics who do not qualify will not be authorized to carry their assigned weapon.

The tactical medic will wear the weapon only while on deployment, during SWAT trainings or with approval from SWAT team leader. Off duty carry of a Police Department issued weapon is prohibited unless permission is obtained from the Chief of Police.

The use or threatened use of the tactical medic's assigned firearm will be done in accordance with Arizona Revised Statutes 13-405.

If a tactical medic inappropriately draws his/her sidearm, he/she may be dismissed from the team. (The SWAT supervisor will investigate every incident of the tactical medic inappropriately removing his/her weapon from its holster).

Medical Protocol:

Tactical medics work under the same medical authority from the BaseHospital as do all other Flagstaff Fire Department personnel. They work under the Arizona Department of Health and Safety protocols as well as base hospital off-line medical direction orders. They will make base hospital contact when appropriate.

Uniforms:

The tactical medic uniform is the same color uniform worn by the SWAT Officers. A tactical 3a protective vest will be worn over the uniform when deployed. Medics will also have an EMS response backpack with appropriate medical equipment for the deployment.

Each tactical medic is responsible for maintaining his/her uniforms and equipment in proper order and condition. Uniforms are to be kept ready and accessible at all times to facilitate an immediate and effective response to call-outs.

Call-outs must take a high level of priority and response must be immediate, as the outcome of the assignment may be time critical.

Tactical medics will maintain good physical conditioning and a professional attitude and appearance.

When involved in training and operations, medics assigned to SWAT will work to provide a high level of service and promote a positive working relationship with the Flagstaff Police Department and other law enforcement agencies.



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### 408.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The CNT has been established to provide skilled verbal communicators, who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies. The following procedures serve as directives for the administrative operation of the CNT.

(a) The Crisis Negotiation team structure will consist of a team leader and members as assigned. The team leader is responsible for the supervision and training of the team members. The team leader will respond when practical to all situations requiring negotiations, assign and supervise the team members in coordination with the Duty Commander. The team leader will assign members to a call-out schedule ensuring at least two negotiators are available at all times and that police dispatch has the call out numbers on file.

(b) The negotiations team leader will respond to the field command post. The responding negotiation team members will report to the team leader. Each negotiation call-out team shall consist of two members. The first to arrive will assume the role of primary negotiator and establish contact with the perpetrator.

(c) The second negotiator to respond will assume the role of recorder and "coach". The team leader will act as command post coordinator and will assign additional negotiators or available manpower to support roles.

(d) Equipment - Team members will respond with the following equipment:

1. Blue wind-breaker with "police" clearly marked on both front and back, or in police uniform.
2. Personal body armor protective vest.
3. Departmental authorized sidearm.
4. Tape recorder with phone induction jack.
5. Note pad and pencil or pen.
6. Hostage negotiations phone.
7. Cell phone interruption device.

(e) Procedures - Contact will be made by the primary negotiator at the first opportunity to open the lines of communication with the perpetrator. The secondary negotiator will record times and events in chronological order as they occur and will transfer information and direction to and from the primary negotiator and the command post. Additional actions to consider include:

1. The secondary negotiator will relieve the primary when necessary.
2. The team leader will be responsible for the coordination between negotiations and the field command post and other support functions.



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3. The purpose of the negotiations will be to negotiate a controlled surrender to the field officers on the inner perimeter in as safe a manner as possible.
4. The negotiator will forward any pertinent information obtained during the negotiations as to suspect or hostage placement, weapons or violence potential to the command post through the secondary negotiator.
5. In the majority of situations, the negotiator is discouraged from allowing a confined situation from becoming mobile or exchanging hostages unless the plan is approved by the Duty Commander and doing so would drastically enhance public safety.
6. Face to face negotiations will be done only with the approval of the Duty Commander and only after some rapport has been established from a secure area.
7. In all instances the negotiator will make it clear that a higher authority is required to approve any negotiated agreement.
8. The negotiator will continue negotiations until they are terminated by the perpetrator or a rescue or surrender is affected.

### 408.7.1 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a request to their appropriate Section Commander. A copy will be forwarded to the ESRT Lieutenant and the CNT sergeant. Qualified applicants will then be invited to an oral interview. The oral board will consist of the ESRT Lieutenant, the CNT Sergeant and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and an understanding of the critical role of a negotiator and the negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations.

The oral board shall submit a list of successful applicants to the staff for final selection.

### 408.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the CNT should attend a department-approved basic negotiator's course prior to deployment in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the Team Supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training that is necessary to maintain proper skills. This will be coordinated by the team supervisor.



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Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels established by the team supervisor will be met and maintained by all team members. Any member of the CNT who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

## 408.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Team.

### 408.8.1 SELECTION OF PERSONNEL

Upon a vacancy, interested sworn personnel who are off probation shall submit a request to test for the position to the ESRT Lieutenant and other Team Supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the ESRT Lieutenant. The testing process will consist of an oral board, physical agility test, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the ESRT Lieutenant. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance.
2. Demonstrated good judgment and an understanding of the critical role of a team member.
3. Special skills, training or appropriate education as it pertains to the assignment.
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as they relate to performance of tactical operations related duties. The test and scoring procedure will be established by the ESRT Lieutenant. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT basic drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.

(d) Team evaluation: Current team members may be called to evaluate each candidate on field tactical skills, teamwork, ability to work under stress, communication skills, judgment and any special skills that could benefit the team.



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(e) A list of successful applicants shall be submitted to the staff by the ESRT Lieutenant for final selection.

408.8.2 TEAM EVALUATION
Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the ESRT Lieutenant. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all team members. Any member of the team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

**408.9 OPERATIONAL GUIDELINES FOR EMERGENCY SERVICES RESPONSE TEAM**
The following procedures serve as guidelines for the operational deployment of the Emergency Services Response Team. Generally, the SWAT team and the CNT will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the CNT, such as warrant service operations. This shall be at the discretion of the ESRT Lieutenant. Depending on the nature of the call the Bomb Team may also respond.

408.9.1 ON-SCENE DETERMINATION
The supervisor in charge at the scene of a particular event will assess whether the Emergency Services Response Team should respond. The Shift Supervisor with Duty Commander approval shall advise dispatch to notify the ESRT Lieutenant and appropriate team members.

408.9.2 APPROPRIATE SITUATIONS FOR USE OF EMERGENCY SERVICES RESPONSE TEAM
The following are examples of incidents that may result in the activation of the Emergency Services Response Team:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages have been taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation where a ESRT response could enhance the ability to preserve life, maintain social order and ensure the protection of property.

408.9.3 OUTSIDE AGENCY REQUESTS
Requests by field personnel for assistance from outside agency crisis units must be approved by the Duty Commander. Deployment of the Flagstaff Police Department Emergency Services Response Team in response to requests by other agencies must be authorized by the Chief or Deputy Chief in the Chief's absence.



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### 408.9.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The ESRT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional tactical operations will regularly be conducted, multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Flagstaff Police Department ESRT's shall operate under the policies, procedures and command of the Flagstaff Police Department when working in a multi-agency situation.

### 408.9.5 MOBILIZATION OF EMERGENCY SERVICES RESPONSE TEAM

The on-scene supervisor shall make a request to the Duty Commander for the Emergency Services Response Team to respond. The Shift Supervisor shall then notify the ESRT Lieutenant. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in Dispatch and by the ESRT Lieutenant. The Shift Supervisor will then notify the Duty Commander as soon as practicable.

The Shift Supervisor should advise the ESRT Lieutenant with as much of the following information as is available at the time:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of officers involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The ESRT Lieutenant shall then select officers to respond or advise dispatch on who to call out.

### 408.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Emergency Services Response Team, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish a patrol emergency/arrest response team prior to the arrival of the ESRT. The team actions may include:



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1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communications with the suspect. Once the ESRT has arrived, all negotiations should generally be halted to allow the negotiators and ESRT time to set up.

(f) The Incident Commander should be prepared to brief the ESRT Lieutenant on the situation.

(g) The Incident Commander should plan for and stage anticipated resources.

408.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Emergency Services Response Team, the Incident Commander shall brief the ESRT Lieutenant and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the ESRT Lieutenant, whether to deploy the Emergency Services Response Team. Once the Incident Commander authorizes deployment, the ESRT Lieutenant will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the Emergency Services Response Team. The Incident Commander and the ESRT Lieutenant or a designee shall maintain communications at all times.

408.9.8 COMMUNICATION WITH EMERGENCY SERVICES RESPONSE TEAM PERSONNEL

All of those persons who are non-Emergency Services Response Team personnel should refrain from any non-emergency contact or from interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with ESRT personnel directly. All non-emergency communications shall be channeled through the Incident Commander or a designee.

## 408.10 OPERATIONAL STRUCTURE OF THE BOMB TEAM

It will be the responsibility of the Duty Commander or ESRT Commander to utilize the Bomb Team in accordance with policy.

(a) Team makeup - The Bomb Team will be comprised of one Bomb Team Leader and members as assigned. The members will be trained as bomb technicians and in the safe removal and transportation of suspected explosive devices. The Bomb Team Leader will answer directly to the Lieutenant designated in charge of the ESRT. The team members will answer to the Bomb Team Leader. In the event that the Bomb Team Leader is not at the scene, the bomb team members will answer to the Incident Commander.

(b) Uniforms - The Bomb Team Leader and members will wear the uniform ordered and prescribed by the department to include:

1. A one or two piece black jump suit.



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2. A black ball cap with a "Bomb Squad" patch placed on the front.
3. Flagstaff Police Department regulation footwear will be worn with the bomb squad uniform.
4. Black ESRT T-shirt and/or authorized Bomb Squad polo shirt at the discretion of the Team Leader.

(c) Performance Standards - Bomb Team members will be trained and proficient in the following duties and responsibilities:

1. The render safe procedures of suspected improvised explosive devices, incendiary devices, explosives, explosive chemicals (as currently defined by the Bureau of Alcohol, Tobacco Firearms), pyrotechnics and ammunition. Only those team members who have been trained as bomb technicians will perform the render safe procedures. Render safe procedures to collect and preserve evidence will be utilized at the direction of the Bomb Team Leader or the senior bomb technician present. At no time will the collection and preservation of evidence take priority over the safety of the general public or the bomb team members.
2. The removal and transportation of suspected explosive devices. All team members will be trained in the utilization of the provided essential safety equipment. When dealing with a suspected explosive device, team members will wear the provided bomb suits and helmets. The provided equipment will be utilized to employ remote procedures and techniques. The bomb disposal trailer will be utilized to transport the suspected explosive device to a "safe" location if needed. A trained bomb technician will render the suspected device safe.
3. Team members will provide for legal, proper and safe disposal and/or storage of explosives and other items referred to above.

(d) Bomb Team members will assist the assigned detective in conducting the post bomb crime scene investigation through the following actions:

1. Collection and preservation of evidence.
2. Providing courtroom testimony.

(e) Bomb Team members will store, maintain, and inventory bomb squad equipment.

(f) When directed by the ESRT Lieutenant to do so, Bomb Team members will provide technical support to other ESRT's or agencies.

(g) The Bomb Team will compile and report technical data on explosive devices and incidents. Members will complete a report on all bomb calls (i.e., assist other agency on found explosives). The team member will forward a copy of the report to the Bomb Team Leader. The Bomb Team Leader will maintain files of all such reports and make them available to the ESRT Lieutenant.



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(h) The Bomb Team Leader will keep incident statistics and submit them to the National Bomb Data Center as prescribed.

408.10.1 BOMB TEAM OPERATIONAL RESPONSE POLICY

Upon a call out, a minimum of two bomb team members will be assigned by the Bomb Team Leader, or the Incident Commander in the event the Bomb Team Leader is not available. The responding team members will obtain as much information as possible. They will arrive at the scene of the suspected explosive device with the required equipment.

(a) Situation Analysis - Upon arrival at the scene, team members will immediately determine whether it is life threatening, requiring immediate action, or non-life threatening.

(b) Team members can be available to work with criminal investigators to gather intelligence information that will allow them to evaluate the situation.

(c) Life Threatening Situation - A clear and present threat to life including bomb team members. Bomb squad members will do the following:

1. Analyze device and situation to determine the threat level.
2. Take action necessary to reduce threat level (i.e., evacuation).

(d) When life threat is eliminated, revert to non-life threatening procedures.

(e) Non-Life Threatening Situation - Threat is only to property, no lives are at risk:

1. Utilize essential safety equipment unless physically impossible due to the environment.
2. Analyze suspect item and environment.
3. Employ render safe procedures and techniques for safe removal and transportation.

(f) Paramount Considerations:

1. Public safety.
2. Safety of the officers on the scene.
3. Protection and preservation of public and private property.
4. Collection and preservation of evidence.
5. Convenience to the public and restoration of services.

(g) Safety Principles:

1. Do not handle explosives or explosive devices.
2. Human life shall not be placed in jeopardy for the purpose of securing or preserving evidence or property.
3. A minimum of two bomb team members (to include at least two trained technicians) shall be present at any bomb disposal or explosive hazard operation.



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4. Only bomb squad personnel or those requested by the bomb squad shall be permitted within the bomb disposal operation perimeter.
5. Paramedics and emergency fire personnel shall be present when the bomb squad responds to the scene of a suspicious item.



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# Ride-Along Policy

## 410.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for persons to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

### 410.1.1 ELIGIBILITY

The Flagstaff Police Department ride-along program is offered to residents, students and those employed within the City. Every reasonable attempt will be made to accommodate interested persons. Any applicant may be disqualified with or without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Department.
- Denial by any supervisor.

### 410.1.2 AVAILABILITY

The ride-along program is available on most days of the week. The ride-along times are from 07:30 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Section Commander or Patrol Lieutenant.

## 410.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the records personnel. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number.

Records Personnel will conduct a local background check and a wants and warrants check. The application will then be signed off by a Patrol Lieutenant if approved.

Upon approval, records personnel will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective Shift Sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

### 410.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every three months. An exception would apply to the following: Chaplains, reserves, non-sworn employees as part of their training program, and police applicants with approval of the Shift Supervisor.



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An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time. When practicable, ride-alongs who request multiple opportunities to participate in the ride-along program should be rotated among officers.

410.2.2 SUITABLE ATTIRE

Any person approved to ride-along is required to be suitably dressed in a collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Shift Sergeant or field supervisor may refuse a ride-along to anyone not properly dressed.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty ride-alongs by officers of this department are restricted as follows:

(a) Off-duty officers of this department shall not be permitted to ride-along with other on-duty officers of this department unless approved by a Lieutenant.

(b) Off-duty officers of this department may ride-along with on-duty peace officers of another agency, subject to their policy.

(c) Certified officers riding along are allowed to carry (concealed only) with approval of a Lieutenant or above.

In the event that such a ride-along is permitted, the off-duty peace officer shall not be considered on-duty and shall not participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 CIVILIAN EMPLOYEE RIDE-ALONGS

Off-duty civilian employees of this department may ride-along with on-duty officers. Off-duty civilian members of other law enforcement agencies will not be permitted to ride-along with on-duty officers without the express consent of the Shift Sergeant.

In the event that such a ride-along is permitted, the off-duty civilian member shall not be considered on-duty and shall not participate in any law enforcement activity except as emergency circumstances may require.

410.2.5 RIDE-ALONG CRIMINAL HISTORY CHECK

All ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Criminal History System check prior to approval (provided that the ride-along is not an employee of the Flagstaff Police Department).

**410.3 OFFICER'S RESPONSIBILITIES**

Officers are encouraged to meet with the ride-along prior to briefing and will make all attempts to include the ride-along in the patrol briefing provided confidential information is not being discussed. Officers and Supervisors will minimize ride-along wait time in the lobby.



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(a) The assigned officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

(b) Officers should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit, and if feasible let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

(c) Ride-alongs may not be used for traffic control or in any other official capacity.

(d) Conduct by a person participating in a ride-along that results in termination of the ride-along or is otherwise inappropriate should be immediately reported to the shift supervisor.

(e) Records personnel are responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the records personnel with any comments that may be offered by the officer.

### 410.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include:

(a) The ride-along will follow the directions of the officer.

(b) No civilian ride-alongs will be allowed to carry exposed or concealed while on the ride along.

(c) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(d) The ride-along may terminate the ride at any time and the officer may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.

(e) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(f) Officers will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(g) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

(h) Ride-alongs shall be returned to his/her home, the place of the ride origin or to the station when the ride-along is terminated.



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# Crisis Intervention Team; Dealing with Individuals with Mental Illness and Developmental Disabilities; SMART Card Program

## 417.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the Crisis Intervention Team (CIT) program, dealing with individuals with mental illness or developmental disabilities and the SMART card program. When a person appears to be mentally ill or developmentally disabled and exhibits dangerous behaviors, the Flagstaff Police Department's primary concern shall be to insure the safety of all persons exposed to the danger. Officers shall then make efforts to affect an arrest (if a crime has occurred), obtain a psychiatric evaluation (voluntary or involuntary), assist with transporting individuals to seek voluntary treatment, or refer individuals to appropriate resources available.

The goal of this policy is to reduce violence, injuries and potential litigation by providing appropriate services to individuals in need of counseling, therapy or professional mental health evaluation.

### 417.1.1 DEFINITIONS

**Mental Illness** - A variety of conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors.

**Title 36** - Process where a reasonable person observes a person to pose a real and present threat of harm to himself or herself and/or others. Voluntary or involuntary transport for psychiatric evaluation may be warranted.

**Crisis Intervention Team (CIT)** - A team of officers who have received specialized training for mental health crisis related calls. In addition to their regular duties, CIT members are specifically assigned to mental health related crisis calls during the course of their shift. CIT officers are first responders for citizens with mental health issues, which are in or approaching a crisis level. CIT members work in cooperation with mental health facilities and organizations.

**CIT Supervisor -** Supervisory level personnel responsible for the supervision and direction of the CIT program.

**Mental Health Liaison** - Member of the mental health community who serves as a direct liaison to law enforcement.

**CIT Coordinator(s)** - CIT trained officer(s) working at the direction of the CIT Supervisor responsible for administrative duties, planning, training, coordinating and selection of Crisis Intervention Team, and SMART card addressing updates.

**Consumer** - An individual experiencing a mental health crisis, or enrolled in a treatment program.



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**SMART Card -** A program where addresses in the community where consumers reside or frequent are pre-designated in CAD. This is so that first responders are aware of the possibility of an individual with mental illness or developmental disability may exist at time of dispatch and prior to arrival. Both relatives and caregivers can register addresses.

## 417.2 COMMUNICATIONS RESPONSIBILITIES

Upon receiving a call for service, the call taker will determine via CAD whether a SMART card is on file for the address. If so, the call taker will advise the dispatcher of the SMART card and the dispatcher will dispatch the closest officer as well as a CIT officer.

(a) Upon receiving a call for service involving a person with mental illness or developmental disability (where no SMART card is on file), or an attempted suicide (or suicide threat), the dispatcher shall ask the caller if the subject has a history of mental illness. If so, the dispatcher will attempt to gain the following information:

1. Is the subject under the care of a physician, psychologist, or psychiatrist and if so, contact information for this person.
2. The type of mental illness the person has been diagnosed with.
3. What type of medication the subject is taking, and how long have they been taking it, or how long has the person been off of their medication?
4. Does the subject have access to weapons?

(b) Dispatchers will then dispatch the call to the nearest officer and/or the nearest CIT officer.

(c) It will be the call taker's responsibility to ensure the dispatcher is aware a particular call involves a person with mental illness and requires dispatch of a CIT officer.

(d) When an officer advises dispatch they are transporting an individual to The Guidance Center, the dispatcher will call The Guidance Center Crisis line pager at 556-8545 and advise them a transport is being made and the estimated time of the officers arrival.

### 417.2.1 OFFICERS RESPONSIBILITIES

First responding Officers should secure the scene insuring the safety of witnesses, bystanders and officers and then determine if a mental health issue is involved. Officers will gather information in preparation for completing a report or for briefing the CIT officer upon their arrival, (i.e.: observations of person's actions, demeanor, interviews of family/friends, interview with subject, medications prescribed, etc).

(a) Once a CIT trained officer arrives, the primary officer will provide briefing, and act as cover officer for CIT officers. If no CIT officer is available, officers will conduct an appropriate investigation in accordance with FPD General Orders. Documented incidents will include completion of the CIT data collection form and will be routed to the CIT program.


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(b) CIT Officers should volunteer to respond to calls for service involving individuals with mental health issues and or those individuals threatening or attempting suicide or respond to scene when requested. Upon arrival CIT Officers should:

1. Receive a situation briefing from any on-scene officers.
2. Once engaged, members certified in CIT will remain in charge of the intervention unless relieved by a negotiator or at the direction of a supervisor.
3. Make a determination on appropriate resolution (i.e.: arrest, voluntary transport to The Guidance Center for treatment/evaluation, Title 36, referral for services, etc.). If any transport to The Guidance Center occurs, officers will request The Guidance Center crisis counselor be paged in advance of the transport at 556-8545.
4. CIT Officers will complete a DC1 or supplemental report as necessary. Additionally, a CIT Data Collection Form will be completed (a copy left at the booking desk, a copy forwarded to records, or left at the Guidance Center as appropriate). Copies of the report and collection sheet will be routed to the CIT Supervisor. A copy of the CIT Data Collection Form is available in appendix B of this manual.

417.2.2 CIT SUPERVISION

(a) The Supervisor assigned to the CIT program will review reports and collection sheets forwarded from CIT officers. The Supervisor will determine whether frequent or repeat consumers necessitate additional follow up through mental health providers.

1. The CIT Supervisor will track CIT involvement and provide an annual statistical report to the administration.
2. The CIT Supervisor will assist in the selection of CIT officers, and in scheduling and providing CIT training.
3. The CIT Supervisor will serve as the primary point of contact for mental health providers to discuss problems or opportunities to enhance the program.
4. The CIT Supervisor will coordinate the efforts of CIT coordinators to include updating SMART card addresses and conducting public presentations when requested.
5. The CIT Supervisor will review reports forwarded to determine if special attention or coordination with the mental health community is warranted, or whether the police are having repeated contact with clients. The CIT Supervisor may choose to add an address in the premise file for repeat clients, or work directly with the Mental Health Liaison to address issues of concern.
6. The CIT Supervisor will hold regular meetings with mental health professionals to discuss problems or opportunities to improve the CIT program.

(b) Four CIT trained officers will be assigned as CIT coordinators. They will complete staff work as assigned by the CIT supervisor.


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1. CIT coordinators will be responsible for updating SMART card information as assigned by the CIT Supervisor.
2. CIT coordinators will assist in sharing information regarding repeat contacts with clients, ATL's on clients, or needed follow up with other beat officers.
3. CIT coordinators will assist with working closely with the mental health providers to insure adequate and appropriate treatment or follow up is being conducted on clients referred by officers.

### 417.2.3 TRANSPORTATION

When transporting any individual for voluntary or an emergency admission to a mental health facility, the handling officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the patient and whether any special medical care is needed. The officer shall obtain consent from the facility admitting officer prior to transporting the person to an evaluation facility.

Officers may transport patients in the patrol unit and shall secure them in accordance with the handcuffing policy. Violent patients or those who are medically unstable may be restrained and transported by ambulance and ambulance personnel. An officer should accompany a violent patient when transported by ambulance (refer to the Mental Illness Commitments policy for further direction if needed).


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# Civil Commitments

## 418.1 PURPOSE AND SCOPE

This procedure describes an officer's duties when a person qualifies for emergency admission to a mental health facility pursuant to ARS § 36-524 and ARS § 36-525. The detention of a person under Arizona mental health laws does not constitute an arrest. If an officer believes that a person falls within those provisions and requires emergency admission to a mental health facility, he/she shall take the person into custody and transport the person to an evaluation facility.

## 418.2 POLICY

It is the policy of the Flagstaff Police Department to protect the public and individuals through legal and appropriate use of the civil commitment process.

## 418.3 AUTHORITY

An officer may take a person into custody based upon probable cause to believe that the person is a danger to him/herself or others, and that during the time necessary to complete the prepetition screening procedures, the person is likely, without immediate hospitalization, to suffer serious physical harm, serious illness or to inflict serious physical harm on another person (ARS § 36-525).

The officer shall transport the person to a screening or evaluation agency (ARS § 36-525).

If the person is taken into custody at or near his/her residence, the officer shall take reasonable precautions to safeguard the premises, unless the premises are in the possession of a responsible relative or guardian (ARS § 36-525).

### 418.3.1 MENTAL HEALTH PETITIONS

An officer is also authorized to take persons into protective custody under the following conditions:

(a) Upon receipt of a signed court order (ARS § 36-540).

(b) Upon the written request of the medical director when patient's outpatient treatment has been rescinded (ARS § 36-540(E)(4)).

(c) Upon the oral or written request of the medical director of a mental health treatment facility, when a patient who is absent without proper authorization from the facility into custody for transport to the facility (ARS § 36-544).

## 418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing available resources as time and circumstances reasonably permit. These include:

(a) Any available information that might assist in determining the possible cause and nature of the mental illness, such as developmental disabilities, intoxication or chemical dependency.

(b) Conflict resolution and de-escalation techniques.



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(c) Language that is appropriate for interacting with a mentally disabled person.

(d) If circumstances permit, alternatives to deadly force.

(e) Any available community resources that can assist in dealing with a mentally disabled individual.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people with mental health issues, who are suspected of committing minor crimes or creating other public safety issues.

## 418.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Shift Sergeant approval is required before transport commences.

Voluntary screenings and Transports - Pursuant to ARS 36-518, any person who is eighteen years of age or older and gives informed consent may be screened for possible hospitalization for evaluation, care and treatment. In these incidents officers should adhere to the following:

1. Officers will transport individuals for screening to the Flagstaff Medical Center Emergency Department or to The Guidance Center. Screening is completed by The Guidance Center staff or by FMC intake staff.

2. Officers will be advised as to the exact location for drop off at The Guidance Center while enroute, but in most cases the drop off point will be on the Southside entrance of the Vickey Street main building. Officers will follow The Guidance Center security protocols for securing firearms, etc.

3. Individuals believed to be under the influence of drugs or alcohol can still be screened by mental health staff.

4. Any individual in need of medical care shall be treated at the Flagstaff Medical Center prior to transport to The Guidance Center.

5. Officers will take appropriate security measures for transport (i.e.: search of individuals, etc).

Involuntary Title 36 Evaluations - Pursuant to ARS 36-520, any responsible person may apply for an involuntary evaluation on individuals who likely without immediate hospitalization will suffer serious harm or serious illness, or inflict serious physical harm upon another person. Application for emergency admission can be made by any person with knowledge of the facts requiring emergency admission. The applicant may be a friend, relative, peace officer or another responsible



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person. Involuntary referrals will be completed on the attached "Application for Emergency Admission". This form must be completed as thoroughly as possible. The form must be signed and shall include the following:

1. A statement by the applicant that he/she believes on the basis of personal observation that the person is, as a result of a mental disorder, a danger to self or others, and that during the time necessary to complete the pre-petition screening procedures set forth in 36-520 and 36-521, the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or is likely to inflict serious physical harm upon another person.

2. The specific nature of the danger.

3. A summary of the observations upon which the statement of danger is based.

4. The signature of the applicant

5. Officers shall transport individuals (who are not under arrest for criminal charges) for involuntary evaluations to FMC ED or The Guidance Center. Officers will request dispatch call The Guidance Center and advise them of the transport in advance of their arrival.

Juvenile Evaluations - A guardian or parent shall provide consent for involuntary evaluations of a juvenile. If a guardian or parent is not available, an officer should contact CPS for assistance. It should be noted that Title 36 under state statute 36-520 only applies to adults. Juvenile mental health evaluations fall under Title 8.

1. All juveniles will be transported to FMC ED for mental health screening. Officers may assist CPS to obtain a court order for juveniles in need of mental health screening when no parent or guardian can be contacted for authorization.

### 418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

### 418.7 DOCUMENTATION

The officer should complete a written application for emergency admission, provide it to the facility staff member assigned to the individual and retain a copy of the application for inclusion in the case report.



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The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

## 418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a civil commitment should resolve the criminal matter by issuing a notice to appear, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support a civil commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

## 418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before seizing weapons or entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent).

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody.

### 418.9.1 RETURN OF FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the return of any weapon taken into custody might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to Criminal Investigations, which shall be responsible for initiating a petition to the District Superior Court for a hearing to determine whether the weapon will be returned (ARS § 36-540 and ARS § 13-925).



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(b) The petition to the court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue and that he/she has 30 days to confirm with the court clerk any desire for a hearing, and that the failure to do so will result in the forfeiture of any confiscated weapon.

(c) If no petition is initiated within the above period, the Department shall make the weapon available for return in accordance with subsection (d) below and state law. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and satisfactory evidence of ownership, or authorization by the owner is established.

(e) A firearm may not be released until it has been verified that the person receiving the weapon, who may or may not be its owner, is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d).

(f) If the firearm or other deadly weapon is not retained as evidence, the Department will retain such firearm or other deadly weapon not longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal.

### 418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.



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# Medical Marijuana

## 419.1 PURPOSE AND SCOPE

The objective of this policy is to inform officers of enforcement philosophy, educate officers on the Arizona Medical Marijuana Act, and adopt regulations regarding the investigation and arrest of individuals for illegal marijuana possession and cultivation outside the scope of the Arizona Medical Marijuana Act; and to encourage a productive partnership with the Department of Health Services (DHS) and local authorized Medical Marijuana dispensaries.

### 419.1.1 DEFINITIONS

**Designated Caregiver -** A person who is at least 21 years of age, and has agreed to assist with a patient's use of marijuana. A caregiver may assist not more than five (5) qualified patients. May possess up to 2.5 ounces of usable marijuana for each of the patients they assist. May cultivate up to 12 plants for each patient they assist who resides outside of a 25 mile radius from a Medical Marijuana Dispensary.

**Enclosed, locked facility -** A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder (ARS § 36-2801).

**Medical Marijuana Dispensary (MMD) -** A non-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders.

**Qualified Patient -** A person who has been diagnosed by a physician as having a debilitating medical condition with a recommendation for medical marijuana use.

**Registry Identification Cards -** A document issued by the Department of Health Services that identifies a person as a registered qualified patient, registered designated caregiver, or a registered non-profit medical marijuana dispensary agent.

**Usable Marijuana -** The dried flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant, and does not include the weight of any non-marijuana ingredients, combined with marijuana and prepared for consumption as food and drink.

**Verification System -** A secure, password protected web based system established and maintained by the Department of Health Services that is available to law enforcement personnel and non-profit medical marijuana dispensary agents on a 24 hour basis for verification of registry identification cards.

**Visiting Qualifying Patient -** A person who is not a resident of Arizona, or has been a resident for less than 30 days, who has been authorized to use medical marijuana in the state they are from, or in the case of an Arizona resident less than 30 days, the state which they came from.



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## 419.2 BACKGROUND

The State of Arizona passed Proposition 203, the "Arizona Medical Marijuana Act", in November 2010. The Department of Health Services, (DHS) is identified as the administrative regulatory agency regarding medical marijuana. The Department of Health Services adopted rules outlining procedural directives governing the administration of the Medical Marijuana Act. General information that all officers should be aware of include:

(a) The City of Flagstaff has adopted zoning regulations (City Code Title 10, Land Development Code) which regulates medical marijuana dispensaries.

(b) Arizona's medical marijuana laws do not require any person or establishment in lawful possession of property to allow a guest, client, customer or other visitor to use marijuana on or in that property (ARS § 36-2814).

(c) Individuals, upon recommendation by a physician, may apply to DHS to be registered as a Qualifying Patient. Qualifying Patients shall be issued a photo identification card, and will be assigned a 20 digit alpha numeric number.

(d) Caregivers may also apply to DHS. A caregiver may provide marijuana to up to five qualified patients.

(e) A Qualified Patient may obtain up to 2.5 ounces of "usable" marijuana every two weeks. Additionally, Qualified Patients may cultivate up to 12 marijuana plants IF they reside outside of a 25 mile radius from a Medical Marijuana Dispensary (MMD).

(f) A Designated Caregiver may possess up to 2.5 ounces of usable marijuana for each Qualified Patient they are caring for. Designated Caregivers may also cultivate up to 12 plants for EACH Qualified Patient they care for IF that Qualified Patient resides 25 miles or more from a MMD.

(g) The use of medical marijuana by employees of the Flagstaff Police Department will not be permitted.

### 419.2.1 INVESTIGATIVE PHILOSOPHY

The Arizona Medical Marijuana Act was passed by State voters and authorizes the use of marijuana and marijuana infused consumables (food, oils, etc.) for medicinal purposes. Officers of the Flagstaff Police Department are directed to recognize the use of marijuana under this legislation for medicinal purposes. This legislation, however, is not the passage of a recreational marijuana law, and as such, officers will enforce the law under ARS criminal code when the incident falls outside of the scope of the Arizona Medical Marijuana Act.

When investigating incidents of possession or cultivation of marijuana, officers and investigators will go "above and beyond" to ensure an individual is not a Qualified Patient or Designated Caregiver BEFORE any in-custody arrest or execution of any search warrant. If in doubt, or if further investigation is required in order to assure a suspect of a marijuana investigation is not participating in medical marijuana activities, the officer will generate a complete DC1 report detailing their observations, will conduct follow up investigation and if appropriate, forward that



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report to the appropriate resource (i.e.,: Detectives, Metro, City or County Attorney's Office, etc.) prior to effecting an in-custody arrest or seeking a search warrant.

If no crime has occurred, but contact is made with a Qualified Patient, Designated Caregiver, or dispensary or cultivation agent, officers will document their investigation in a DC1 report titled "Medical Marijuana Contact".

419.2.2 INVESTIGATIVE PROCEDURES

In any case involving the possession or cultivation of marijuana, the investigating officer should inquire whether the individual is a cardholder.

(a) If the individual is not a cardholder, the officer should proceed with normal enforcement action.

(b) If the individual indicates they are a cardholder, the officer should request the individual present their registry identification card. The officer will determine that the information on the card is valid, and the card is not fraudulent by accessing the DHS website https://www.azmmvs.azdhs.gov or by calling 602-364-0798.

(c) If the individual does not have their card, the officer will inquire whether the individual knows their 20 digit identifying number. If not, the officer will ask for valid identification, complete a DC1 report, seize any applicable evidence (marijuana or paraphernalia), and make arrangements for the individual to present their valid registration card at the police department within 72 hours. After the 72 hour time frame, officers will submit the case to the City Attorney's Office for applicable charging. Evidence may be seized in this case, but may be later released to the suspect if the suspect presents a registration card showing that s/he is a qualifying patient or designated caregiver.

(d) If an individual has a card, but is in possession of an amount clearly and demonstratively over 2.5 ounces of usable marijuana, the officer may make an in custody felony arrest charging ARS 13-3405A1 regardless of whether the individual is a cardholder.

(e) Officers shall be aware that the use of marijuana under the Medical Marijuana Act is considered privileged medical information. Therefore, officers shall not disclose to reporting parties or complainants that a subject was using marijuana medicinally, but may advise the complainant an investigation occurred and no crime is being committed.

(f) Presumptive Defense - Under the Medical Marijuana Act, individuals who are in possession of a registry identification card and who are in possession of an allowable amount of marijuana or are using marijuana have a "presumptive defense" when it comes to contact with law enforcement. This means the officer should initially assume the individual is in legal possession of marijuana until proven otherwise.

(g) It is the responsibility of the investigating officer to conduct an investigation via the DHS website mentioned above to determine whether the individual is a valid cardholder. Officers are reminded that individuals are not required to carry their registration card. Each cardholder is issued a 20 digit alpha numeric identifier, and it is realistic to believe most will



Adoption Date: 2014/08/15
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not commit this number to memory. Initially, the DHS website will not be able to search by name or DOB alone (only by the 20 digit identifier).

(h) If it cannot be determined whether an individual is a cardholder or not, officers are directed once again to document the investigation thoroughly. Officers shall seize marijuana as evidence at that time. Arrangements shall be made to allow the suspect to retrieve their card and present it to the officer (preferably later that shift or the next shift). If verification is made by the officer, the case will be cleared unfounded and the officer will make arrangements to release the seized marijuana back to the individual. If no verification has been made within 72 hours, the officer shall forward the report to the City Attorney's Office for review. If the suspect verifies with the City Attorney's Office that they are a cardholder, the City Attorney's Office will notify the officer charges are declined and officers will arrange for the release of evidence to the individual.

(i) Officers working the station officer assignment shall be prepared for individuals to come in to the police station and present their card on an investigation conducted by another officer. Station Officers shall verify through the DHS data base that the card is valid, will review the original DR, complete a supplemental report documenting their findings and forward the supplemental report to the original officer, and shall prepare a property release for marijuana or paraphernalia seized by the originating officer. Station Officers will make arrangements for the property seized to be returned to the citizen in these circumstances as soon as possible.

(j) Originating officers shall forward their reports to the City Attorney's Office for long form complaint after a 72 hour period when a citizen fails to come to the station to verify they are a cardholder. Officers may consider adding the charge of false information to a law enforcement officer in these cases. Officers who receive information back from the City Attorney's Office indicating the defendant verified cardholder status and the case was declined, shall make arrangements as soon as possible to release seized property (marijuana or paraphernalia) back to the defendant.

(k) In custody arrests for possession of usable marijuana under 2.5 ounces (in the case of a Qualified Patient, or 2.5 ounces for EACH patient if a Designated Caregiver) or marijuana paraphernalia will be made only when the officer is certain the individual is not a cardholder, or if the amount possessed is clearly over 2.5 ounces of usable marijuana. Note that the amount of marijuana unlawfully possessed is only that amount over the "allowable amount". Officers are encouraged to utilize cite and release on misdemeanor cases if applicable.

### 419.2.3 OTHER VIOLATIONS

(a) Citizen Contacts - When officers make contacts with individuals who claim they are a cardholder AND the individual is in possession of marijuana, marijuana infused food or other products or marijuana paraphernalia, the officer will conduct an investigation to determine if that individual is registered with DHS. This investigation will be documented on a DC1 long form report, even if the officer determines the individual is participating in the Arizona Medical Marijuana Act and no enforcement action is taken.



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(b) If the officer determines the individual is legally in possession of marijuana, but using marijuana in public (prohibited by the Arizona Medical Marijuana Act), the officer shall take enforcement action under Flagstaff City Code 6-01-001-0009-General Offense, which reads "It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to Municipal government".

(c) If the officer determines the individual is a cardholder but in possession of marijuana that exceeds the allowable amount as defined in the Medical Marijuana Act, the officer shall weigh only the usable marijuana, after all unusable components are removed (i.e.: seeds and stems).

(d) Traffic Stops - Officers may encounter individuals transporting marijuana under Proposition 203. Medical Marijuana Dispensary agents are allowed to transport marijuana from the dispensary to patients. Agents are also allowed to transport marijuana from a cultivation site to a dispensary. In both cases, agents are required to file a "trip plan" with the dispensary or cultivation site, and should have a copy of this plan in their possession. Officers shall document contacts under this scenario with a DC1 report, and shall exhaust all means to verify these individuals are MMD or cultivation site agents. Officers may also encounter designated caregivers transporting marijuana to a Qualified Patent. Caregivers are not required to have a trip plan. Officers will need to verify the individual is registered as a caregiver through DHS. The encounter should be documented with a DC1 long form report.

(e) Application for Search Warrants - Officers or investigators who develop probable cause to believe individuals are unlawfully cultivating marijuana or unlawfully in possession of marijuana or marijuana paraphernalia shall exhaust all means possible to identify all individuals living or associated with the target address, (to include knock and announce if appropriate). Once identification has been made, officers or investigators shall use all means possible to determine if any of those individuals are cardholders. All search warrants for marijuana possession, marijuana paraphernalia or marijuana cultivation shall be examined closely by a supervisor who will in turn brief the Duty Commander prior to the service of the warrant.

(f) DUI Investigations - With the passage of Proposition 203, officers may encounter an increase of marijuana impaired drivers. Officers should be cognizant that there is no presumptive defense associated with impaired driving. However, individuals legally using marijuana under Proposition 203 will obviously have traces of the drug or its metabolites in their system. Officers should also be aware that currently there is no per se standard in the State of Arizona; in other words, no blood limit for THC. Therefore, complete careful investigations of DUI marijuana shall be conducted with officers focusing on impairment (FST's, driving behavior, violators conduct and actions, incriminating statements, etc.). Officers arresting Qualified Patients for marijuana DUI shall charge them with 28-1381.A.1 and not charge 28-1381.A.3 for reasons stated above.



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### 419.3 DHS REGULATIONS OF MEDICAL MARIJUANA

Extensive rules have been defined by the Department of Health Services in reference to the administrative requirements governing Medical Marijuana Dispensaries and the actions and prohibitions of Qualified Patients or Designated Caregivers. Officers should educate themselves on these rules. The requirement to notify the DHS of a change of address, for instance is an administrative rule punishable by a $150.00 civil fine by DHS for those who fail to change their address within ten days. Failure to file a trip plan prior to transporting marijuana by a dispensary agent is another form of administrative rule violation. Officers should be aware that their reports, (and the partnership with DHS) in enforcing these administrative rules is necessary in order to maintain control of this industry. Officers should view this partnership similar to the partnership with the Arizona Liquor Board in relation to sanctions imposed by the Liquor Board for bars violating administrative rules.

(a) Medical Marijuana Dispensaries and commercial cultivation sites - Because an increase in criminal activity (robbery, burglary, etc.) has been reported in every state that has adopted a medical marijuana law, officers should be aware that Medical Marijuana Dispensaries and Cultivation sites may be a target for criminal activity. Like banking institutions, commercial areas and liquor establishments, it is imperative officers become familiar with the location of MMD's or cultivation sites in their beat area. Officers shall conduct close patrols of these locations with the intent to provide a safe atmosphere for employees and patients accessing these businesses. Officers are encouraged to become familiar with dispensary and cultivation agents, and develop a partnership with them. Officers should conduct walk-throughs of the lobby area and parking lots of MMD's in an effort to provide a high visible presence at these locations.

(b) Officers should be aware there is no provision in DHS rules allowing inspections by law enforcement of areas not accessible by the public. DHS may conduct an inspection following a five day notice, or an unannounced inspection when in receipt of a complaint of violations by an identified source. Police reports forwarded to DHS documenting rule violations by a dispensary or cultivation site may (at DHS discretion) constitute a complaint from a known source and may result in administrative action taken by DHS.

(c) Violations - Officers will experience incidents of criminal activity, as outlined above, but will also experience incidents where a violation of the DHS rules have occurred, but no crime has occurred. It is imperative that officers document their observations thoroughly in a DC1 report titled "suspicious activity-medical marijuana", and request a copy of this report be forwarded to the Department of Health Services for possible administrative action.

(d) Out of State Patients - A registry identification card, or its equivalent, that is issued under the laws of another state, or territory of the United States that allows a visiting qualifying patent to possess or use marijuana for medicinal purposes in the jurisdiction of issuance has the same force and effect when held by a visiting qualifying patent as a registration identification card issued by DHS in Arizona, EXCEPT that a visiting qualifying patient is not authorized to obtain marijuana from a non-profit medical marijuana dispensary in Arizona.



Adoption Date: 2014/08/15
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# Citation Releases

## 420.1 PURPOSE AND SCOPE

Arizona law permits law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor or petty offenses with certain exceptions (ARS § 13-3903(B)).

## 420.2 STATUTORY REQUIREMENTS

Release by citation for misdemeanor or petty offenses can be accomplished by issuing a notice to appear from a citation book or an electronic device (ARS § 13-3903(A)).

### 420.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

## 420.3 DEPARTMENT PROCEDURE

The following procedure will be followed to comply with Arizona law.

Any release pursuant to ARS 13-3903 does not affect an officer's authority to conduct a lawful search incident to arrest even though the arrested person is released before being taken to a station, booking facility or magistrate (ARS § 13-3903(G)).

### 420.3.1 FIELD CITATIONS

In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present.

### 420.3.2 JAIL RELEASE

For offenses listed in ARS § 41-1750(C), (title 28 DUI offenses, title 13 domestic violence offenses, shoplifting and misdemeanor drug offense), the person shall not be released until proof of proper identification and a right index fingerprint is obtained. If a 10-print fingerprint card is not completed,



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the person shall be provided with a mandatory fingerprint compliance form with appropriate information and instructions (ARS § 13-3903(C)).

420.3.3 CITE AND RELEASE PROCEDURE

Under Arizona law the arresting officer of a misdemeanor offense has discretion whether to conduct a full custodial arrest or issue a citation and summons to appear. Even if a citation is issued, the officer may take the cited person to Alcohol Stabilization Unit (ASU) if it appears the person meets criteria for admission into the ASU. When deciding whether to book or cite and release, factors that must not be considered are the person's race, ethnicity, national origin or gender.

(a) It is the policy of this Department that a cite and release will be issued on misdemeanor offenses when possible, however, in the following circumstances the officer should normally make a full custody arrest:

1. When the offense for which the person is arrested is a violent offense against another (i.e., assault, threats of assault, etc.,) or when the incident constitutes disorderly conduct/fighting.
2. The offense for which the person is arrested falls under domestic violence.
3. The person arrested is so intoxicated that he or she could be a danger to himself or herself or to others, or the person refuses or is not qualified for transport to the ASU.
4. The person arrested requires medical examination or medical care or is otherwise unable to care for his or her own safety and there is no responsible party to release them to.
5. The person has a confirmed arrest warrant.
6. The person refuses or fails to provide satisfactory evidence of personal identification or a verifiable address. Satisfactory evidence of personal identification means documentary evidence bearing a likeness and name of the person, date of birth and physical description matching the individual issued by a governmental agency.
7. If the prosecution of the offense for which the person is arrested would be jeopardized by immediate release of the person or unusual circumstances lead the officer to conclude that the suspect should be held for further investigation.
8. There is a reasonable likelihood that the offense would continue or resume, or that the safety of persons or property would be endangered by defendant's release.
9. The person arrested refuses to sign the citation or demands to be taken before a magistrate.
10. There is reason to believe that the person would fail to appear in court. The most important factor in predicting the likelihood of appearance is a prior history of failures



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to appear. In determining whether a person is likely to appear, the following factors may be considered:

(a) The person's ties to the community including valid local address, length of time in the community, employment history, family ties, etc.

(b) The person's history of failure to appear in other court cases.

(c) Other relevant factors.

(b) Residents living within the state will not be booked or required to post bonds on traffic violations except as follows:

(a) Any traffic felony.

(b) When a person refuses to sign after the procedure has been followed as stated by the Traffic Enforcement Policy General Order and the traffic offense is a criminal violation.

(c) Out-of-state residents will be processed the same as in-state unless the officer feels there is reason to believe the violator will not appear. An out-of-state resident may be required to post bond on any criminal traffic violation when authorized by a supervisor.

(c) In Misdemeanor DUI investigations, It will be the policy of this department, whenever possible, to cite and release persons who are cooperative and display good ID, following this listed procedure:

(a) The arresting officer will determine from the suspect if there is a responsible party that can come to the jail after the suspect has been processed. The officer will then facilitate contacting this party and see if they are willing to take responsibility of the subject.

(b) The arresting officer may choose to transport the subject to a location where he or she can be relased to a responsible party.

420.3.4 FELONY MARIJUANA WAIVER

(a) Pursuant to the Coconino County Attorney policy titled "Felony Marijuana Waiver", when certain conditions are met Officers may charge suspects with misdemeanor possession of marijuana and or drug paraphernalia. As per the City Attorney's direction, misdemeanor charging will be made via the Arizona Traffic Citation and Complaint Form.

(b) When the following guidelines are met officers should charge a defendant with misdemeanor possession of marijuana and/or possession of marijuana paraphernalia:

1. The suspect is not a qualified medical marijuana patient or designated caregiver under the Arizona Medical Marijuana Act.



Adoption Date: 2014/08/15
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2. The marijuana or marijuana paraphernalia was in possession for personal use only (i.e., not for sale). Paraphernalia does not include scales, needles, etc.
3. The marijuana or marijuana paraphernalia was not possessed in a drug-free school zone.
4. The amount of marijuana in possession was **less than two and a half** ounces.

(c) Officers should refer to the Medical Marijuana Policy for further issues involving medical marijuana.

### 420.4 JUVENILE CITATIONS

Juvenile referrals (and affidavits) should be completed in lieu of the standard Arizona Traffic Citation and Complaint Form for any misdemeanor or felony crime. In any juvenile arrest, the arresting officer will make every reasonable attempt to notify the parents at the earliest possible opportunity. additionally the following will apply:

(a) All criminal violations involving juveniles shall be documented with a case number.

(b) Juveniles accused of crimes involving gang activity, violence on school grounds, domestic violence, or felony violations, should normally be booked into Juvenile Detention.

(c) Juvenile misdemeanor offenders will be released to parents or guardian in lieu of booking into juvenile if parents or guardian are available and display a willingness to cooperate. Officers will then complete the juvenile referral and affidavit, directing the juvenile to appear at juvenile court at a later date.

(d) Juvenile Status Offenses will be handled by officers completing a referral and/or releasing them to a parent or guardian when possible.

(e) Officers will transport and book juveniles who have committed status offenses such as incorrigible and runaway into Northland Family Help Center if they can not be released to a parent or guardian. Officers will fill out the Status Offense Booking/Referral sheet prior to leaving the facility.

(f) Completion of the Arizona Traffic Citation and Complaint Form for juveniles is generally only appropriate for civil traffic offenses, which should be heard in the City Court.



Adoption Date: 2014/08/15
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# Diplomatic and Consular Contacts

## 422.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This policy provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website, http://www.travel.state.gov.

### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Foreign National -** Is anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

**Immunity -** Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. Those arrestees believed to be in this country illegally will be reported to Federal authorities who are responsible for the enforcement of immigration laws.

Flagstaff Police Department Officers are federally mandated to determine citizenship of those arrested. Whenever a foreign national is arrested or detained by an officer of the Flagstaff Police Department, the arrestee is entitled to access to consular assistance from his or her own government. This is true regardless of whether or not the person is legally present in the United



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States. Additionally, the State of Arizona requires law enforcement agencies to determine the country of citizenship for any person who is incarcerated by that agency (A.R.S. § 13-3906).

If an arrestee indicates that he or she is not a U.S. citizen, the officer must make consular notification if it is mandatory or if the arrestee has requested that consular notification be made. Officers should indicate in their report whether or not the arrestee is a U.S. citizen, the country of citizenship if not a U.S. citizen, and if consular notification was made.

In situations where a national is arrested, but cited and released a short time later, it is unnecessary to notify their consulate as well. If, however, the foreign national is being detained for a significant length of time (whether or not they are under arrest), it becomes necessary to advise the national of his right to have his consulate notified of his arrest or detention. Booking a national into jail or detaining him for several hours while questioning would require the officer to make the admonishment and any requested notification.

Further, a person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

A traffic stop, based on reasonable suspicion that the driver has committed a traffic offense, is not an arrest and the requirement of Consular Notification is not applicable.

## 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

### 422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

### 422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.



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There are currently two permanent consulates in Arizona: the Canadian Consulate General and the Consulate of Mexico.

422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

Honorary consuls include Austria, Belgium, Bolivia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, France, Finland, Germany, Guatemala, Great Britain, Honduras, Iceland, Japan, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Romania, Spain, Sweden, Switzerland and Tanzania.

## 422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and are issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying foreign service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the identification card, foreign service personnel should also have a driver license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which, in most circumstances, replaces the operator's license issued by the state.

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or foreign service personnel and their dependents are registered with DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words #diplomat# or #consul.# Vehicles owned by honorary consuls are not issued OFM license plates but may have Arizona license plates with an #honorary consul# label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating #U.S.# as the state, if the officer has reason to question the legitimate possession of the license plate.

## 422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals.

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:



Adoption Date: 2014/08/15
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(a) Identification documents are to be requested of the claimant.

(b) As soon as practicable, contact DOS to verify the driver's status and immunity (ARS § 28-1652(1)).

(c) Record all relevant information from any driver license or identification card, including a driver license or identification card issued by DOS (ARS § 28-1652(2)).

(d) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.

(e) Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice to appear. The word #Refused# shall be entered in the signature box and the violator shall be released.

(f) Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(g) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(h) All other claimants are subject to the provisions of policy and procedures outlined here.

(i) The violator shall be provided with the appropriate copy of the notice to appear.

(j) Within five working days after the date of the traffic stop, forward all of the following to the Arizona DPS (ARS § 28-1652(3)):

1. If the driver is involved in a vehicle accident, forward the vehicle accident report.
2. If a citation was issued to the driver, forward a copy of the citation.
3. If a citation was not issued to the driver, forward a written report of the incident.

### 422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the officer or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:



Adoption Date: 2014/08/15
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(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Telephone verification with DOS. Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Department personnel should use the following numbers in order of preference:

Office of Foreign Missions

Chicago, IL

(312) 353-5762

(0800-1645 CST)

Office of Foreign Missions

Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver's License Verification) or

(202) 895-3532 (Registration Verification)

(202) 895-3533 FAX

(0815-1700 EST)

Department of State

Diplomatic Security Service

Command Center

Washington D.C.

(202) 647-7277

(202) 647-1512

(Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Arizona Consular Corps, local law enforcement agencies, the foreign embassy or consulate, a driver license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.



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If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving While Impaired (DWI) Arrest - Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The officer shall either complete a notice to appear or a written report documenting the incident.

This department shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this department shall send to the Bureau of Diplomatic Security, OFM of the DOS a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the Department.

## 422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver's License, issued by the DMVO, shall have #D# coded in the license #class# box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M), along with the claimant's title, country and type of identification presented, should be recorded in the narrative portion of the report. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5.

### 422.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

### 422.6.2 REPORTS

A photocopy of each Traffic Collision Report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours, regardless of whether the claim is verified. The words #Immunity Claim# shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The Shift Sergeant/ supervisor apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating officer, along with any supervisor's notes, materials and/or logs, to



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the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure the notification of DOS and all necessary follow-up occurs.

422.6.3 ARREST PROCEDURE
Whenever an officer physically arrests or detains an individual for criminal investigation and the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact the Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

## 422.7 ARREST PROCEDURE
Whenever an officer physically arrests or detains an individual for criminal investigation and the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

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- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

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# Reporting Law Enforcement Activity Outside of Jurisdiction

## 426.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting law enforcement activity, while on- or off-duty, that is occurring outside the jurisdiction of the Flagstaff Police Department.

### 426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an outside agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Shift Sergeant. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practicable.

The Duty Commander should be advised of any prolonged deployment or emergency aid provided to another agency when reasonable.

### 426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer who engages in law enforcement activities of any type outside the immediate jurisdiction of the Flagstaff shall notify his/her supervisor or the Shift Sergeant at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Shift Sergeant as soon as reasonably practicable.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Section Commander.



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# Immigration Enforcement

## 429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the management of investigations into issues related to immigration enforcement.

## 429.2 POLICY

This agency shall conduct all immigration enforcement activities in a manner consistent with federal and state laws regulating immigration and protecting the civil rights, privileges and immunities of all persons. This policy will not limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law, nor does it restrict the full enforcement of state laws.

The need for community trust and cooperation is an essential component of effective policing and public safety. In furtherance of this principle, victims and witnesses of crime and individuals who contact this agency to express concerns about our performance or file a complaint should not be the focus of immigration inquiries and should be encouraged to cooperate in the reporting and investigation of crime and complaints.

Whenever a foreign national is arrested or detained in the United States, there are legal requirements an officer must follow to ensure the arrested / detained subject has access to consular assistance from his or her own government. These requirements apply to the arrest or detention of anyone who is not a United States citizen, including permanent resident aliens and illegal immigrants. Officers should refer to the diplomatic and consular contacts policy (#432) for proper protocol.

## 429.3 DEFINITIONS

**ICE/CBP** €š# Immigration and Customs Enforcement, or Customs and Border Protection.

**Reasonable suspicion** - when an officer is aware of specific, articulable facts which, when considered with objective and reasonable inferences, form a basis for particularized suspicion. The requirement of particularized suspicion encompasses two elements. First, the assessment must be based upon the totality of the circumstances. Second, that assessment must create a reasonable suspicion that the particular person is unlawfully present in the United States.

**ICE Referral Form-** Form (attached) that is utilized by officer to document aliens that have civil only detainers, administrative warrants, or any detainee questioned and suspected of unlawful immigrant status but released. Form will be documented with an FPD DR, and turned into Records via the normal report submission process. Records will forward this form to ICE.

## 429.4 CONSENSUAL CONTACTS

(a) State laws related to immigration enforcement neither expand nor limit an officer's ability to approach a person and engage that person in a voluntary conversation. During that



Adoption Date: 2014/08/15
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conversation, the officer may inquire about any subject matter. The person contacted does not have to answer questions or produce any identification, but may choose to do so voluntarily. Officers do not have the authority to demand that a person "show their papers." If during the contact, the officer develops reasonable suspicion that the person has committed, is committing or is about to commit a crime, then the officer should proceed as provided in Section V below.

(b) Officers should exercise discretion in making immigration status inquiries during consensual contacts with juveniles, victims and witnesses of crime. Officers are strongly advised to refrain from making such inquiries of victims, witnesses, or those making citizen's complaints as discouraging cooperation is likely to hinder or obstruct the investigation and can negatively impact overall community trust and confidence. Immigration status inquiries should only be made when necessary to further an investigation. In order to avoid perceptions of bias based policing (including racial profiling) during consensual contacts, officers should be consistent in asking persons for their identification.

(c) In no event shall race, color or national origin play any role in an officer's decision to inquire about immigration status in consensual encounters.

### 429.5 PERSONS LAWFULLY STOPPED OR DETAINED

If, during the course of a lawful stop or detention of a person ("detainee"), an officer subsequently develops reasonable suspicion to believe a detainee is an alien and is unlawfully present in the U.S., the officer must make a reasonable attempt to determine the immigration status of the detainee with ICE/CBP. There are two exceptions to this requirement:

(a) When it is not practicable

1. In determining whether it is practicable, officers should consider things such as work load, criticality of incident and of other present duties, available personnel on scene, location, available back-up, ability to contact ICE/CBP and availability of ICE/CBP.

(b) When the determination may hinder or obstruct an investigation

1. The officer should consider when or whether to investigate immigration status in light of the need for suspect, victim and witness cooperation in an investigation (this consideration is not necessarily limited to the investigation for which you have detained the person). For example, complex investigations of money laundering, human trafficking and drug smuggling may require significant cooperation of those involved.

In establishing whether there is reasonable suspicion to believe a person is an alien and unlawfully present in the U.S., an officer shall not consider the detainee's race, color or national origin, except to the extent that an officer may ask about a person's citizenship. If the detainee presents one of the following types of identification, it is presumed that the detainee is lawfully present in the U.S. No further investigation into the person's status is necessary, unless there are additional facts that cast doubt on the person's lawful presence:



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(a) A valid Arizona driver license,

(b) A valid Arizona non-operating identification license,

(c) A valid tribal enrollment card or other form of tribal identification, or

(d) If the entity requires proof of legal presence in the U.S. before issuance, any valid U.S. federal, state or local government issued identification.

If reasonable suspicion exists to believe the person is unlawfully present, and if the detainee does not present presumptive identification or meet one of the exceptions that are listed in section V. (A.) above, the officer shall make a reasonable attempt to determine the person's immigration status. In determining whether reasonable suspicion of unlawful presence exists, officers should consider all relevant factors, including, among others:

(a) lack of or false identification (if otherwise required by law)

(b) possession of foreign identification

(c) flight and/or preparation for flight; engaging in evasive maneuvers, in vehicle, on foot, etc.

(d) voluntary statements by the person regarding their citizenship or lawful presence

    (a) Note that if the person is in custody for purposes of Miranda, s/he may not be questioned about immigration status until after the reading and waiver of Miranda rights.

(e) foreign vehicle registration

(f) counter-surveillance or lookout activity

(g) in company of other unlawfully present aliens

(h) location, including for example:

    (a) place where unlawfully present aliens are known to congregate looking for work

    (b) a location known for human smuggling or known smuggling routes

(i) traveling in tandem

(j) vehicle is overcrowded or rides heavily

(k) passengers in vehicle attempt to hide or avoid detection

(l) prior information about the person

(m) inability to provide their residential address

(n) claim of not knowing others in same vehicle or at same location

(o) providing inconsistent or illogical information

(p) dress



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(q) demeanor " for example, unusual or unexplained nervousness, erratic behavior, refusal to make eye contact

(r) significant difficulty speaking English

When reasonable suspicion exists to believe a detainee is an alien and present in the U.S. unlawfully but there are no state or local criminal violations, the officer shall contact ICE/CBP, unless presumptive identification is presented or one of the exceptions in V. (A.) of this order applies.

(a) The officer through dispatch shall contact the ICE Law Enforcement Support Center at 1-802-872-6020 to advise the Center that the officer has a person detained and needs to have the person's name, date of birth and alien number (if available) checked in the ICE database.

(b) If ICE/CBP advises the officer that there are federal criminal charges against the detainee, then the officer shall determine whether ICE/CBP will respond to take the person into custody or whether the officer should arrest the detainee and transport them to the Coconino County Jail.

(c) If ICE/CBP advises the officer that the detainee only has federal civil charges, then the officer shall ask whether ICE/CBP will respond. The officer may not extend the initial lawful stop based upon the federal civil charges. Once the investigation related to the initial lawful stop has been completed, the detainee must be released unless the officer has developed reasonable suspicion or probable cause relating to other criminal activity. Without the person's consent, officers shall not transport the person based solely upon a federal civil violation.

(d) If ICE/CBP is unable to indicate whether the federal charge against the detainee is civil or criminal, then the officer shall treat the charge as civil pursuant to paragraph (3) above.

(e) If ICE/CBP does not answer or if they are unable to immediately verify that the detainee is unlawfully present, ICE/CBP should be asked to re-contact the officer if and when any information is available. The officer may then proceed to process the detainee as the officer would otherwise under our existing procedures. The officer shall not extend the detention solely to wait for ICE/CBP to respond. If the officer obtained relevant information during the lawful stop, the officer shall fill out an ICE referral form. The referral from will be submitted to records with the accompanying documents (Citation, Warning, etc) The referral report shall be submitted to ICE by records.

(f) If ICE/CBP verifies the subject has no records or is not wanted for civil or criminal charges, the officer does not need to complete the Ice Referral Form as long as the reasonable suspicion to conduct the inquiry will be covered in the call notes or a connecting report.

(g) The U.S. Department of State does not consider it necessary to make consular notification in instances where the detention of a foreign national is for a short period of time. A routine



Adoption Date: 2014/08/15
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traffic stop or accident investigation generally will not detain the national for more than a brief time, so notification is not necessary.

(h) Juveniles who are detained based upon reasonable suspicion to believe they are involved in criminal activity shall not be asked about immigration status without the presence of a parent, guardian or attorney. Officers may ask for presumptive identification if appropriate, and may consider statements offered by the juvenile in determining whether reasonable suspicion exists to believe the juvenile detainee is unlawfully present in the U.S.

429.5.1 DOCUMENTATION OF REASONABLE SUSPICION

(a) If an officer does an Ice inquiry on a stop or FI, and the suspect comes back clear Officers must list their reasonable suspicion in the call notes of the stop or FI (on the MDC).

(b) If an officer does not get a timely return from ICE, the officer will complete the Ice Referral Form, where they will list their reasonable suspicion.

(c) If an officer recieves a civil hit, the officer will list their reasonable suspicion in the Ice Referral form.

(d) If an officer recieves a criminal hit they will list their reasonable suspicion in the report.

(e) Detectives will cover how they established reasonable suspicion in their detective supplemental report.

## 429.6 ARRESTS

(a) Officers are required to verify the immigration status of all arrestees unless it can be verified through one of the forms of presumptive identification as outlined above.

(b) When an officer arrests a person for a misdemeanor and is considering whether the cite and release the person, the officer through dispatch shall contact the ICE Law Enforcement Support Center at 1-802-872-6020 to advise the Center that an officer has a person under arrest and needs to have the person's name, date of birth and alien number (if available) checked in the ICE database.

1. If ICE/CBP does not answer or if ICE/CBP is unable to verify that the arrestee is unlawfully present, then the officer will proceed to handle the arrestee according to agency policy, which may result in the issuance of a citation/referral and the release of the arrestee.

2. If ICE/CBP verifies that the person has federal civil or criminal charges, then the officer may ask the federal agency to transport the person, the officer may transport the person to the agency, or the officer may transport the person to jail for booking on the state charges. FPD officers will not transport persons to jail on federal civil charges alone.

3. If verification is made by the agency, the fact that verification was made and by whom will be documented in the DR.



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(c) When an officer arrests a person and is going to book the person into a jail facility, it is still necessary for the officer to contact ICE/CBP though dispatch to verify that the arrestee is lawfully present (unless they have presumptive identification). The fact that verification was made and by whom will be documented in the DR. Again if ICE/CBP does not answer or if ICE/CBP is unable to verify that the arrestee is unlawfully present, then the officer will proceed to complete the ICE Referral From. As required by Arizona law, all persons who are to be booked into jail shall be asked about their country of citizenship, with the answer/s documented in the departmental report:

1. What is your country of citizenship?
2. Where were you born?
    (a) If the answer is other than the United States, officers will ask the arrested person if they have dual United States citizenship. Additionally, the following questions should be asked, but only after Miranda warnings have been given (if a juvenile, use appropriate Miranda warnings) and a waiver obtained.
        1. Are you in the United States legally?
        2. Do you have any registration documents or other proof of lawful presence?

(d) In situations where a Foreign National is arrested but cited and released a short time later, it is unnecessary to notify their consulate. If, however, the Foreign National is being detained for a significant length of time (whether or not they are under arrest), it becomes necessary to advise the Foreign National of their right to have their consulate notified of their arrest or detention. Booking a Foreign National into jail or detaining them for several hours while questioning would require the officer to make the admonishment and any requested notification. This applies for the arrest of any Foreign National, whether they are in this country legally or not.

## 429.7 DETENTION AND REMOVAL ORDER (DRO) HOLDS (USUALLY A NCIC HIT)

(a) The Detention and Removal Office is a unit of ICE that has the responsibility of detaining and transporting undocumented persons apprehended by ICE, CBP and local law enforcement.

(b) Once a person has been identified as being in the United States unlawfully, ICE will issue a DRO hold, which can be for criminal or civil violations.

1. This hold will be similar to a warrant notification when a person's information is run through NCIC.

(c) If an officer or dispatch receives a DRO notification from ICE, the following will be done:

1. Call the phone number on the DRO notification to determine whether the DRO hold is criminal or civil.
2. Detain and transport for criminal orders, if requested to do so by ICE.



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3. Complete a departmental report containing all relevant information.

(d) Without the person's consent, officers will not transport for civil violations or continue to detain if the only violation is a civil DRO hold.

(e) Consular notification procedures shall be followed if an arrest and transport is made.

### 429.8 NCIC ICE IMMIGRATION VIOLATOR FILE

(a) ICE keeps a record of aliens who have been convicted of a felony crime in the United States and have since been deported to their country of citizenship. This record is known as the Deported Felon File which is located in the NCIC Immigration Violator File.

(b) The Immigration Violator File contains the following additional categories:

1. The ICE Absconder category, which contains the records for individuals with an outstanding administrative warrant of removal from the United States who have unlawfully remained in the United States.
2. The ICE National Security Entry/Exit Registration System (NSEERS) category, which contains the records for individuals whom the Department of Homeland Security (DHS) and ICE have determined have violated registration requirements for entry into the United States.
3. ICE enters this information into the NCIC Immigration Violator File.
4. Police officers will not take enforcement action on Administrative Warrants or NSEERS hits, as these are civil or other non-criminal federal matters.
5. The NCIC query results will advise whether the information displayed is an Administrative Warrant hit or a Deported Felon File hit.

(c) If an officer runs a person who is the subject of a Deported Felon File notification, and there are no local charges, the following steps will be taken:

1. Verify through physical description (scars, marks, tattoos, etc.), admission, or other available information, that the person on the notification is the same person.
2. Contact the ICE Law Enforcement Service Center in Vermont through the communications dispatcher or call directly at 802-872-6020.
3. Once the hit has been confirmed, officers will positively identify the subject through LiveScan, or fingerprint the individual and fax the fingerprints to ICE at FAX 602-379-4502.
4. After the subject has been positively identified, CCSO Detention personnel will arrange for pick-up and disposition of the subject.

(d) Officers will complete a departmental report titled "NCIC Immigration Hit" with the following information:



Adoption Date: 2014/08/15
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1. Subject's name and personal information.
2. Time, place and reason for contacting the subject.
3. Name and badge number of ICE agent that took custody of subject (if applicable).

(e) If there are local charges along with a Deported Felon notification, there is no need to contact ICE. Follow normal booking procedures.

### 429.9 DOCUMENTATION

Officers are reminded of their responsibility to thoroughly document all facts and circumstances in a DC1, DC2, F.I., or ICE Referral Form (whichever is applicable) supporting their decisions in the application of this statute. They will include hardcopy responses from dispatch with all reports.

### 429.10 DISPATCH RESPONSIBILITIES

(a) The Dispatch Center shall conduct all ICE verification for all arrests made by members of the Flagstaff Police Department even when the suspect is booked. Dispatch will be contacted by arresting officers with a request that verification be made through The ICE Law Enforcement Center at 1-802-872-6020 or by NLETS.

(b) When Dispatch completes the NLETS inquiry to verify whether a person is an alien and unlawfully present in the U.S., the inquiry will include the following information:

1. Is there any record that the person has ever completed an alien registration document?
2. Whether the person has any other authorization from the federal government to remain in the U.S.
3. Is the violation criminal or civil?

(c) All NLETS requests and returns shall be placed in a box specifically labeled for this purpose and made available for access by patrol officers. These documents shall be included with the officer's reports.

### 429.11 RECORDS RESPONSIBILITIES

Records will receive the ICE referral form via the normal report submission process and will be treated like a DC2 report. The Records Clerk will be responsible to scan a copy of the Ice Referral Form and attach it to the incident. A copy of the form will be forwarded to ICE.

### 429.12 ICE REFERRAL FORM

See Attachment: ICE Form.JPG



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# Patrol Rifles

## 432.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Flagstaff Police Department will allow qualified officers to use authorized patrol rifles. Officers who have completed their field training program, and have completed Departmental patrol rifle training, may use an authorized patrol rifle as an additional and more immediate tactical resource.

## 432.2 PATROL RIFLE

### 432.2.1 DEFINITIONS

Definitions related to this policy include:

**Patrol Rifle -** An authorized weapon utilized by properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun. No personally owned rifles may be carried for patrol duty unless pre-approved in writing by the Chief of Police and the Department Rangemaster.

## 432.3 SPECIFICATIONS

Personally owned AR-15 / M-16/ M-4 style rifles that are authorized will meet the following criteria:

(a) Authorized Brands: Colt, Bushmaster, Smith and Wesson, Rock River Arms, DPMS, Sionics, or other brand per Chief of Police approval.

(b) Caliber: Semi-automatic 5.56 / .223 only Barrel Length: 16 to 20 inch only

(c) Upper Receiver: The rifle may have a "flat-top" or fixed carry handle

(d) Trigger: Standard military style trigger system. No target or two-stage triggers will be authorized

(e) Stock: Fixed or collapsible style stocks of the officer's choosing may be used

(f) Hand Guards: The hand guards will be standard CAR or Mid-length with heat shields or a quality rail system that is compatible with vehicle rifle mounts

(g) Pistol Grip: Officers may use the pistol grip of their choice with approval of the Chief of Police

(h) Slings: Are mandatory and should be chosen with consideration for use with other gear

(i) Other variations may be authorized based on approval of the Chief of Police, Firearms Sergeant, and a Department Armorer. All variations must be compatible with vehicle rifle mounts.

### 432.3.1 AMMUNITION

(a) Only department issued duty ammunition may be carried in the personally owned rifle while on duty.



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(b) Individual officers may use personally owned/purchased ammunition for training only.

(c) No steel case ammunition is to be used in the rifle, even on personal time, as it may cause damage to the chamber and can affect reliability.

432.3.2 SIGHTS
Personnel are authorized to purchase a sighting system from the department approved manufacturers which are Trijicon, Vortex, Aimpoint, EOTech, and C-More. These sighting systems will have the following required specifications:

1. 1x " No magnification capability.

2. Co Witness Ability " Quality "Back Up Iron Sights or Trijicon or equivalent" are required and must be able to be viewed simultaneously with the approved Trijicon, Vortex, Reflex, Red Dot, or Holographic sighting systems in place.

Patrol Rifle Operator Responsibilities:

1. It will be the sole responsibility of the patrol rifle operator to purchase, maintain, and / or replace the sighting system or its respective parts as necessary.

2. Each qualified officer will familiarize themselves with the approved Trijicon, Vortex, Reflex, Red Dot, or Holographic sighting systems by shooting with both eyes open at various ranges during the existing patrol rifle qualification course prior to being placed into service.

Range Master and / or Firearms Instructor Responsibilities:

1. The Range Master / Firearms Instructor administering the patrol rifle qualification course will ensure proper placement, operability, and zero of the approved Trijicon, Vortex, Reflex, Red Dot, Holographic sighting systems prior to completion of the course.

## 432.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the certified rifle armorer, who shall inspect and service each patrol rifle on an annual basis.

(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle to a supervisor or the certified rifle armorer.

(d) Any patrol rifle found to be unserviceable shall also be clearly identified as non-serviceable, including details regarding the unserviceable condition.

(e) Each patrol rifle shall be subject to inspection by a supervisor or the Rangemaster at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Chief of Police.



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### 432.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed Department training. This training shall consist of an initial eight-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor. Officers shall thereafter be required to successfully complete quarterly training and yearly firearms proficiency qualification conducted by a certified patrol rifle instructor.

Officers with appropriate military experience and training will only be required to attend a policy/procedure class and qualification to carry a patrol rifle. These officers will be evaluated on a case-by-case basis.

Any officer who fails to qualify or who fails to successfully complete two or more Department-sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking the initial patrol officers user's course and qualification.

### 432.6 DEPLOYMENT OF THE PATROL RIFLE

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

(a) Situations where the officer reasonably anticipates an armed encounter.

(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.

(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.

(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded person or a person with a hostage.

(e) When an officer reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When appropriate to aid in the dispatch of an animal.

### 432.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Use of Force Policy and the Shooting Policy.

### 432.8 PATROL READY

Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.



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### 432.9 RIFLE STORAGE

(a) When not in use, patrol rifles will be stored in the Department rifle racks.

(b) At the start of each assigned shift, any qualified, on-duty officer may contact the Shift Sergeant or a patrol supervisor for access to the Department armory.

(c) In-service patrol rifles should be secured in the vehicle gun lock or case.

(d) At the end of the assigned officer's shift, the patrol rifle will be returned and secured in the Department rifle racks.

### 432.10 CONFISCATION

If a personally owned rifle is used in the line of duty in any situation where it is fired, the rifle may be placed into evidence. Depending on the circumstances of the situation, investigation, and potential ensuing case, the rifle may remain in evidence indefinitely. In this case it will be the officer's responsibility to obtain an additional rifle if they wish to continue to carry a patrol rifle. The department will not be responsible for providing the officer with reimbursement for the rifle or to provide the officer with a department issued rifle.



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# Aircraft Crashes

## 434.1 PURPOSE AND SCOPE

This policy describes situations involving aircraft crashes including responsibilities of personnel, making proper notification and documentation.

## 434.2 RESPONSIBILITIES

The dispatch of emergency equipment will be the responsibility of the airport management and police/fire dispatcher. The amount of equipment and number of personnel responding to the alert will be specified in a predetermined response procedure.

**Alert One -** An aircraft is experiencing a malfunction, but is not currently in danger. Fire Department should be placed on stand-by in quarters. FPD will be advised, and may begin responding toward the airport, code-1.

**Alert Two -** An aircraft is having malfunction and a crash may be imminent. The Fire Department will begin its response. FPD is advised, and will begin responding toward airport, code-1.

**Alert Three -** A crash has occurred. FPD will respond Code -3 unless other first responders are on scene. As soon as feasible a command post will be established at the airport. The Unified Command Structure established by the City of Flagstaff will be utilized. No police cars will enter the taxi area or runways until it is cleared through the control tower.

### 434.2.1 OFFICER RESPONSIBILITY

Officers responding to the Airport for an alert or crash, should consider setting up a staging area, and /or holding the designated access gate open for the responding fire, ambulance, police units.

Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers such as live ordinance or hazardous materials may be present, which could necessitate the need for the Bomb Team. The scene may require additional security due to the potential presence of confidential equipment or information. The duties of the field officer at the scene of an aircraft crash include the following:

(a) Determine the extent of the crash.

(b) Request additional personnel and other resources to respond as needed.

(c) Provide assistance for the injured parties until the arrival of fire department personnel and/ or other emergency personnel.

(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.

(e) Provide traffic and crowd control and other assistance until directed otherwise by a supervisor.

(f) Ensure the appropriate Medical Examiner's Office is notified if a death occurs.



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Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If reasonably possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever practicable.

The fire department will be responsible for control of the crash scene until the injured parties are cared for and the crash scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An airport service worker or the airport manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

### 434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD

The National Transportation Safety Board (NTSB) has the primary responsibility for investigating crashes involving civil aircraft. In the case of a military aircraft incident, the appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent reasonably possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, regardless of any injury or death.

If the crash did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities. If the NTSB is not responding for an on-site investigation, removal of the wreckage shall be at the discretion of the pilot or the owner.

### 434.2.3 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Dispatchers are responsible to make notifications as directed once an aircraft crash has been reported. The notifications will vary depending on the type of crash, extent of injuries or damage and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft crash has occurred.

(a) Fire department.

(b) The affected airport tower.

(c) Closest military base if a military aircraft is involved.



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(d) Ambulances or other assistance as required.

When an aircraft crash is reported to the Police Department by the airport tower personnel, the dispatcher receiving such information should verify that the tower personnel will contact the Arizona Department of Transportation Aeronautics and Aviation Section, Federal Aviation Administration (FAA) Flight Standards District Office and NTSB. In the event that airport personnel are not involved, the dispatcher should notify the Arizona Department of Transportation Aeronautics and Aviation Section, the FAA and the NTSB.

434.2.4 RECORDS MANAGER RESPONSIBILITIES
The Records Manager is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the Arizona Department of Transportation Aeronautics and Aviation Section and the NTSB if requested.

(b) Forward a copy of the report to the Uniform Patrol Section Commander and the manager of the affected airport.

434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Police Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or a designee.

(b) When practicable, the Department Public Information Officer should coordinate with the FAA Press Information Officer on preparing a press release and distributing it to the media.

Information released to the press regarding any aircraft crash should be handled by the Department Public Information Officer or in accordance with existing policy.

## 434.3 DOCUMENTATION

Any aircraft crash within the City, regardless of whether injuries or deaths occur, shall be documented.



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# Airport Security and Screening Policy

## 435.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of the Flagstaff Police Department, who are assigned or are responding to incidents related to the Flagstaff Pulliam Airport.

### 435.1.1 JURISIDICTION

The TSA and the Federal Bureau of Investigation (FBI) have jurisdictional powers over aviation related crimes and violations occurring at the Airport. Departmental assigned Airport Officers serve as a law enforcement presence for the airport security function and as an entity capable of quick police response to the airport in an effort to ensure the safety of persons against acts of criminal violence and aircraft piracy. TSA, not FPD, is responsible for passenger screening and denying boarding to all passengers found to be in violation of any criminal or aviation related crime, or who refuse to submit to passenger screening.

### 435.1.2 DEFINITIONS

**Aviation Security Contingency Plan (AVSEC)** - The application of counter-measures to threats by geographic location, air carrier, airport, threat vector, or any combination thereof, and only for the time considered necessary, thereby more efficiently allocating industry and government resources. AVSEC Plans are used to ensure that the TSA, airport operators, and air carriers are able to respond on short notice to all civil aviation threats.

**Secured Identification Display Area (SIDA)** - A secured area on Airport grounds where all employees are required to have a personal identification badge showing.

**Sterile Area** - The area beyond the passenger screening checkpoint which includes the remainder of the boarding room and SIDA. All persons and their carry-on luggage in this area have been screened.

**Transportation and Security Administration (TSA)** - An agency of the U.S. Department of Homeland Security which is responsible for the safety and security of the travelling public. They are responsible for the screening of passengers a the Flagstaff Pulliam Airport.

## 435.2 AIRPORT TERMINAL SECURITY PROCEDURES

### 435.2.1 TERMINAL SECURITY PATROLS

(a) Officers will conduct walks of the interior and exterior of the Airport for suspicious activity persons/items. He/she will be vigilant for suspicious activity unusual photographing and video taping of secure area's / Airport. At a minimum Officers assigned to the Airport Detail shall conduct the following checks within the terminal:

1. Check doors leading to secure areas.
2. Ticket counters.
3. TSA bag screening machine.



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4. Screening checkpoint.
5. Sterile boarding room.
6. Baggage claim doors and carousel.
7. All other secure areas.
8. Other checks and duties as necessary in accordance with the current Aviation Security Contingency Plan (AVSEC Plan).

(b) Officers assigned to the Airport Detail shall conduct the following vehicular patrols outside the terminal:

1. Close patrol the VOR (VHF Omni Directional Radio). The access is from the dead end off John Wesley Powell Blvd.
2. Check boundary fence where accessible (Shamrell and Lake Mary Road) report damage to Fire Crew and document on security patrol log.
3. Close patrol the Aircraft Operations Area (AOA).
4. Close patrol cargo loading/unloading area.
5. Close patrol Airport gate access to AOA and report any problems to Airport Operations Personnel and note on security patrol log.
6. Stay away from runway area without Airport Operations Personnel even in emergencies.
7. Officers must observe AOA gates to completely close and assure no one enters the AOA during their entry and exit.

435.2.2 TRAFFIC AND PARKING ENFORCEMENT

Pulliam Dr (the road which leads into / out of the airport) is a private drive. All vehicle collisions are to be done on a Private Property Accident form.

(a) The drop off and parking areas at the Airport are given special consideration due to their proximity to the Airport. The following checks should be conducted as often as possible depending on screenings and call load. In regards to the front curb/drop off area:

1. Cabs/limos have assigned parking (cannot be left unattended).
2. Delivery vehicles have assigned parking on the westerly approach to the terminal or in the public parking lot.
3. Rental car agencies have designated parking to the east end of the terminal.

(b) All unattended vehicles must be parked past each end of the Airport Terminal. Only LEO/ Government/City of Flagstaff maintenance vehicles may be left unattended in front of the terminal. If an officer encounters an unattended vehicle in front of the terminal, they should



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first check for suspicious items in or on the vehicle. If nothing is obvious the reasonable course of action would be:

1. Run 28/29 for R/O and ATL in terminal for owner or driver.
2. Make an announcement over Airport PA system for owner.
3. Issue a citation for the vehicle if warranted.
4. Tow the vehicle after notifying the Airport Operations Personnel if the R/O cannot be located to remove vehicle.
5. Document repeated violations on a DC-1 report and forward to the TSA inspector for civil action.

(c) Parking at the Airport is free for the flying public. Officers will closely patrol the private lot at Wiseman Aviation located off Shamrell. The main terminal parking lot is divided into sections and assignments are made to officers assigned to the airport. Officers will adhere to the following:

1. Officers are responsible for maintaining parking lot logs for their assigned areas once every two weeks. (Logs are located on the Airport "shared" drive).
2. Officers must compare previous logs making note of vehicles still parked in the same parking spots.
3. Vehicles found still parked in the same location when compared to a previous log must be checked for wants (10-29).
4. Vehicles should also be checked against the long term parking log provided by the Airport Administration.
5. Vehicles parked longer than 2 weeks are required to notify Airport Administration at 928-556-1234.
6. Check for illegally parked vehicles on curb ends and lines/marks. Warnings are located on Airport "shared" drive. Airport administration does not want vehicles ticketed or towed.
7. Check for vehicles parked in handicapped parking spots without proper placards or plates. Vehicles shall be ticketed for these violations. Often handicap placards are taken with passengers when they travel and are issued an exclusionary pass issued by the Airport Police which is placed on the dash of the vehicle. This pass is located on the Airport "shared" drive.
8. No vehicles shall be removed to aid in snow removal unless extenuating circumstances arise i.e. a stuck vehicle blocking an entrance or exit and the R/O cannot be contacted to remove the vehicle. Contact the on duty supervisor prior to towing any vehicle from Airport parking lots.



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### 435.2.3 UNATTENDED BAGGAGE AND FOUND PROPERTY

The following procedures should be followed by officers when dealing with unattended baggage or found property at the Airport:

(a) ATL for owner (check for owner tag on exterior of bag and sometimes found inside of an exterior pocket).

(b) If the bag has a current Airlines tag it can be returned to the airline.

(c) TSA will not security screen the bag for you unless the item has an identified owner and the owner turns the bag into the Airline for screening (TSA policy).

(d) Untagged luggage is the officer's responsibility (found property report).

(e) If the bag is found to be abandoned and the owner cannot be located and no other suspicious indicators are present, the bag will be searched for suspicious items/inventoried. The officer will request a DC-1 report and place a business card inside of the luggage which is turned into the airport administration lost property for a period of no more than 48 hours. If the bag is not claimed the item will be placed into evidence at the Police department as found property in accordance with our policy.

(f) If the bag is involved in some other suspicious activity and is unattended or abandoned (suspiciously placed, making noise, smoking, suspicious person associated with it etc), officers will handle it on a case by case basis determined by the totality of the circumstances, and contact a supervisor and the Pulliam Airport Fire Crew.

(g) Items of value such as i-pods, digital cameras, jewelry etc may be held in the Flagstaff Police Department Airport substation for a period of 48 hours. Notice will be given to Airport Administration including a DC-1 report and description of the property. If the property is unclaimed after a period of 48 hours it shall be placed into evidence as found property at the Police Department.

(h) Items of little or no value may be turned into Airport Administration lost property with the Officers name, date, time and location where the item was found.

### 435.2.4 K-9 PROCEDURES (OUTSIDE AGENCY)

Occasionally an outside agency may bring a narcotic or explosives detecting K-9 to the airport to conduct random patrols. Department personnel shall support the efforts of the outside Agency and escort them to perform their duties while on Airport property. In the event of a K-9 alert it is the responsibility of the outside agency to obtain a search warrant based on their observations. A DC-1 report will be taken by the assisting officer and any potential criminal charges will be the responsibility of the Flagstaff Police Department.

### 435.2.5 ADDITIONAL DAILY DUTIES OF ASSIGNED OFFICERS

Occasionally there will be passengers who arrive late at the Airport. These passengers will be directed to the U.S. Airways ticket counter and advised of the service button on the counter to attract the attention of the U.S. Airway employees. At no point will an Officer notify U.S. Airways



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of late passengers or will an Officer attempt to get the late passenger on the flight. Officer's main concern is to keep the peace inside of the Airport.

Officers will open the door for passengers from the SIDA area into the terminal only when requested by an U.S. Airways employee. Officers will ensure that no one enters the SIDA area without the proper credentials. SIDA badges must be visible at all times . Airport Personnel who "challenge" an individual found in the SIDA to produce a "SIDA" badge are required to contact a LEO if that person becomes uncooperative per the Pulliam Airport Security Program. If escorting anyone not badged to be in the SIDA they are to be continuously monitored while within the secured sterile area or SIDA area in a manner sufficient to identify whether the escorted individual is engaged in activities other than those for which escorted access was granted.

Additional daily duties of assigned officers include:

(a) Routinely checking the Coplogic system per FPD policy.

(b) Routinely checking the Graffiti Hotline (556-2311).

(c) Ensuring that all reports generated at the Airport which occur on Airport Property are routed to "Airport".

(d) Checking a SIDA badge (photo, expiration etc) of someone in the SIDA area at least once per shift and document on the Security Patrol Log (If not current or incorrect contact the fire crew at 928-699-0750).

### 435.3 AIRPORT SCREENING CHECK POINT PROCEDURES

TSA personnel will perform all screening of passengers at the Flagstaff Pulliam Airport. Screening is accomplished by TSA personnel through the use of metal detection equipment, x-ray equipment, and/or visual or physical inspection. Police officers are not to perform the regularly scheduled screening process of passengers in absence of being directed to do so by a departmental supervisor. TSA, not FPD, is responsible for passenger screening and denying boarding to all passengers found to be in violation of any criminal of aviation related crime, or who refuse to submit to passenger screening.

Responsibilities of FPD officers assigned to or responding to the airport for a screening are as follows:

(a) Provide an armed deterrence to criminal activity.

(b) Respond to situations where an individual is interfering with the activities of the screening checkpoint.

(c) When requested by an on-duty screener, assist in preventing prohibited items from entering the sterile area.

(d) Notify the FBI to determine if an incident will be handled in the Federal jurisdiction.

(e) Take appropriate action if a violation of the law occurs.



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(f) Provide for the overall security of the screening checkpoint, terminal, employees, and passengers.

(g) Take control of illegal items that are discovered at the checkpoint.

(h) Determine whether the credential and badge presented by an armed Federal, State, or local LEO, or an armed security company employee appears to be issued by the appropriate organization, including the review of a Federal Flight Deck Officer (FFDO) credential, without badge, when presented at the screening checkpoint.

(i) Take appropriate action in accordance with local law enforcement policy when it is determined that the credential or badge presented above, does not appear to be official.

(j) Escort armed security guards while in the sterile area.

(k) Be at the screening checkpoint 40 minutes prior to flight time (or earlier if requested by TSA) and in the area 70 minutes prior to flight time for passenger check in and checked baggage screening.

(l) Deal with prohibited items in accordance with our policy.

(m) Officers will not leave the screening checkpoint until the aircraft is airborne.

435.3.1 PASSENGER SCREENING AREA

All persons and property are subject to screening upon entering the screening area. Screening of personal property begins when they place the items on the x-ray belt or the individual hands the property to TSA security personnel. The screening process must be completed by TSA and the property cannot be recovered until the property has completed screening. (PER TSA POLICY)

The screening process of an individual begins when he or she provides their identification and boarding pass to the TSA screener at the walk-through metal detector or other equipment designed to screen the individual. They will not be allowed to enter the sterile area or board a plane without completing the screening process. (PER TSA POLICY)

According to TSA policy an individual cannot withdraw their consent of the screening process once it has begun and the screening process must be completed by TSA personnel only. If the individual continues to refuse the screening process the FPD Officer shall contact the FPD on duty supervisor and advise them of the situation. See United States v. Daniel kuualoha Aukai 2007 (FBI 928-774-0631). Without exigent circumstances or reasonable suspicion to believe a crime is or has been committed, no individual or property will be detained or seized by FPD.

At no time will a Flagstaff Police Officer conduct a search of an individual during a screening process without prior consent from an on duty supervisor unless in accordance with our General Orders. (SEE TERRY VS OHIO)

No individual may enter a sterile area or board an aircraft without submitting to the screening and inspection of his or her person and accessible property. For the purposes of this section the screening area is from the roll up gate and includes the sectioned off area inside the boarding



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room. The "Sterile Area" are those beyond the passenger screening checkpoint which includes the remainder of the boarding room and SIDA. (Title 49 1540.107 )

## 435.4 AVIATION SECURITY CONTINGENCY PLANS (AVSEC PLAN)

The TSA developed the Aviation Security Contingency Plan (AVSEC Plan) to ensure that the TSA, airport operators, and air carriers are able to respond on short notice to all civil aviation threats.

The AVSEC Plan will allow the TSA to target the application of counter-measures to threats by geographic location, air carrier, airport, threat vector, or any combination thereof, and only for the time considered necessary, thereby more efficiently allocating industry and government resources.

Whenever possible the TSA will direct the implementation of counter-measures only at operations subject to threat. For example, if TSA is able to determine that the threat affects only a specific air carrier or airport, TSA would require that individual air carrier or airport to implement appropriate countermeasures, or, if TSA is able to determine there is a specific threat to hijack an aircraft, TSA would not require measures related to aircraft sabotage or airport assault.

It is the TSA's responsibility to identify the appropriate AVSEC Alert Level and to determine which countermeasure to apply, and where. In any particular situation, the TSA will implement the AVSEC Plan by notifying airport and air carriers of the AVSEC Alert Level declared, and the specific countermeasures to be implemented.

Law Enforcement personnel therefore must have a general understanding of the four (04) AVSEC Alert Levels, and the appropriate law enforcement role in the response.

### 435.4.1 AVSEC ALERT LEVELS (POLICE PROCEDURES)

**AVSEC Alert Levels -** The four AVSEC Alert Levels described below correspond to various levels of threat to security. The TSA will determine whether to increase or decrease the AVSEC Alert Level for civil aviation security. The specific AVSEC Level assigned will indicate the TSA's overall assessment of the threat. The TSA has identified below typical responses for each AVSEC Alert Level, but will determine on a case-by-case basis, which countermeasures to require in response to a specific threat condition.

**AVSEC Alert Level I -** Political tensions may provoke elements hostile to the US to initiate demonstrations and/or low level attacks against symbols of the US; or there is reason to believe that civil unrest could increase the risk to civil aviation.

- Police Procedures shall include the high visibility patrols of airport facilities and FI's of all suspicious persons and vehicles.

**AVSEC Alert Level II -** Information suggests that groups previously known to attack civil aviation may be preparing actions against symbols of the US, or civil disturbances with the potential to affect civil aviation are likely.

- Police Procedures:



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- Law enforcement may be requested to provide surveillance, act as deterrent, and respond as necessary to security related incidents.
- Certain areas may be recommended for additional patrol.
- FPD Emergency Response Teams (SWAT, Bomb Team, Negotiations) may be advised or placed on stand-by.

**AVSEC Alert Level III -** Information indicates a terrorist group or other hostile entity with a known capability of attacking civil aviation is likely to carry out attacks against US targets, or civil disturbances with a direct impact on civil aviation have begun or are imminent.

- Police procedures:
  - Law enforcement officers will be used for surveillance in terminals and other locations as appropriate consistent with AVSEC Alert Level II.
  - FPD Emergency Response (SWAT, Bomb Team) may be requested to respond.

**AVSEC Alert Level IV -** Information confirms that terrorist organizations with demonstrated capability are planning an attack against US civil aviation, or in the estimation of the Assistant Administrator for Civil Aviation, ACS-1, the highest level of security possible is required to protect US air travelers.

- Police procedures:
  - Law enforcement presence consistent with AVSEC Alert Levels II and III.
  - Law enforcement will monitor vehicle traffic flow to terminal area.
  - Law Enforcement will monitor individuals gaining access to sterile areas, restricted areas, or Security Identification Display Area (SIDA) of the Airport.
  - Law enforcement will increase random ID checks in the SIDA.

### 435.5 AVIATION RELATED CRIMES

DC- 1 reports will be taken for incidents, which occur at the Flagstaff Pulliam Airport. In addition, the FBI may be requested to respond depending on the nature of the crime.

(a) **Restricted Area Violations -** When individuals refuse to submit to the screening process in order to enter a sterile area, they will be informed by the officer of the mandatory security screening process in effect. If the individual continues to refuse the screening process the FPD Officer shall contact the FPD on duty supervisor and advise them of the situation. Without exigent circumstances or reasonable suspicion that a crime is or has been committed, no individual or property will be detained or seized by FPD. See United States v. Daniel Kuualoha Aukai 2007. If TSA informs the officer that a federal crime has been committed the officer may detain the suspect and notify the FBI (FBI 928-774-0631). At no time will a Flagstaff Police Officer conduct a search of an individual during a screening process without prior consent from an on duty supervisor unless in accordance with our



Adoption Date: 2014/08/15
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Policy. Unless specifically requested by the FBI, persons violating this security measure are not to be arrested.

(b) **Gun/Bomb Statements** - When a gun or bomb statement is made at a screening point, aboard an aircraft, or within a sterile area, a report will be taken the TSA notified and the FBI contacted. If requested by the FBI, the person may be photographed and fingerprinted. The person is then free to leave unless the officer is arresting the individual for a different charge which was committed in the officer's presence. Unless specifically requested by the FBI, persons violating this law are not to be arrested.

(c) **Crimes Aboard an Aircraft** - If officers receive notification that a crime occurred aboard the air carrier's aircraft, the FBI will be notified immediately, a report taken, the TSA advised. The person will be detained for the responding FBI agent on call. If requested by the FBI, the person may be photographed and fingerprinted. In addition, officers will obtain available witness statements, secure and gather evidence, and perform any other preliminary investigation functions as outlined within the Criminal Investigation Responsibility Policy.

(d) **Interference with a Flight Crew** - Officers will detain the suspect and notify the FBI immediately. A report will be taken and TSA advised. If requested by the FBI the person may be photographed and fingerprinted. In addition, officers will obtain available witness statements, secure and gather evidence, and perform any other preliminary investigation functions as outlined within the Criminal Investigation Responsibility Policy.

(e) **Damage to an Aircraft /Airport Facility** - Officers will detain the suspect and notify the FBI. A report will be taken, TSA advised, and if requested by the FBI the person may be photographed and fingerprinted. In addition, officers will obtain available witness statements, secure and gather evidence, and perform any other preliminary investigation functions as outlined within the Investigation Responsibility Policy.

(f) **Weapons Violations** - Incidents involving firearms at the airport generally fall into three (3) broad categories as follows:

1. **Carrying a Weapon into a Screening Area or Onboard an Aircraft** (49 CFR 1540.111)- Weapons found during the pre-boarding screening process contained within carry-on luggage, etc., or carried unconcealed on the person are handled as follows: The weapon is seized and placed into Flagstaff Police Department evidence according to the Evidence Policy unless the FBI requests immediate possession of the weapon and is thus released to them. The person will be detained, the FBI notified, a report will be taken, the TSA advised, and the person photographed and fingerprinted. The person is then free to leave unless the officer is directed otherwise by the FBI agent contacted.

2. **Undeclared Weapon in Checked Luggage** - Undeclared weapons in checked luggage are to be seized and impounded according to the Evidence Policy. The owner should be detained, the FBI should be contacted, a report taken and the TSA advised. If requested by the FBI the person should be photographed and finger-



Adoption Date: 2014/08/15
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printed. List all of the information available on the owner of the luggage if he/she is not present at the time of investigation. When the air carrier does not wish to retain possession of the luggage, the item(s) will be impounded for "safekeeping" and/or turned over to the owner if located.

3. **Off-duty/ Undercover Officers -** Officers responding to an airport screening alert where it is discovered that an off-duty or undercover police officer has accidentally entered the screening area with a firearm should be interviewed in private within the air carrier's office. The TSA should be notified and a report should be completed since a violation occurred. Law Enforcement credentials should be checked for authenticity and the weapon need not be seized. The report will notify the TSA and FBI as to the special circumstances surrounding the violation. Police officers will be instructed to provide the air carrier with a departmental letter from their Chief of Police, and complying with TSA policy regarding carrying on aircraft, before being allowed to carry a firearm aboard the aircraft. Officers accidentally violating this security procedure need not be photographed or finger-printed.

(g) **Explosives -** The following calls will be handled in the manner described:

1. **Bomb Threats -** When a bomb threat is received, the responding officer will meet with the air carrier manager or security supervisor at the scene. The Explosives and Bombs Policy will be followed. Officers will not handle or allow anyone else to handle a suspicious article or other item believed to be an explosive prior to the arrival of a bomb technician.

2. **Found Explosives -** When a bomb or explosive is discovered, officers will attempt to ascertain the identity of and detain the owner of the item. The FBI will be contacted in addition to the bomb technician and a supervisor. Pending the arrival of the FBI, officers will assume command, arrange for the orderly evacuation of persons present, and provide crowd/traffic control. The Explosives and Bombs Policy will be followed and no one will be allowed to handle the explosive prior to the arrival of the bomb technician. A report will be taken, the TSA advised, and the suspect photographed and finger-printed, if possible.



Adoption Date: 2014/08/15
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# Field Training Officer Program

## 436.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Flagstaff Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

## 436.2 FIELD TRAINING OFFICER

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### 436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO.

(b) Minimum of two years of patrol experience.

(c) Demonstrated ability as a positive role model.

(d) Overall performance evaluations of standard or above.

(e) Evaluation by supervisors and current FTOs.

(f) Has completed the 585-hour full-authority peace officer basic training course.

### 436.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a Field Training Officer's course approved by the Department upon being assigned as an FTO.

FTOs may be required to attend Field Training Officer update courses approved by the Department while assigned to the position of FTO.

## 436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Field Training Officer Program Supervisor will be selected from the rank of sergeant or above by the Uniform Patrol Section Commander or a designee and should have completed supervisory probation.

The responsibilities of the FTO Program Supervisor include the following:

(a) Assignment of trainees to FTOs.

(b) Conduct FTO meetings.



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(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor overall FTO Program.

(g) Maintain liaison with FTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

## 436.4 TRAINEE DEFINED

**Trainee -** Any entry level or lateral police officer newly appointed to the Flagstaff Police Department who has successfully completed the 585-hour full-authority peace officer basic training course within one year after commencing employment as a peace officer.

## 436.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program.

The training period for lateral officers may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of eight weeks.

The required training will take place on at least three different shifts and with at least three different FTOs if reasonably possible.

### 436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Flagstaff Police Department. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Flagstaff Police Department.

## 436.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

### 436.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.

(b) FTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.



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(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training.

(d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

436.6.2 IMMEDIATE SUPERVISOR
The FTO's immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

436.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted through the FTO's immediate supervisor.

The Field Training Administrator will hold periodic meetings with all FTOs to ensure understanding and compliance with the requirements of the Field Training Program. At least annually, the Field Training Administrator will hold a process review meeting with all FTOs to discuss changes needed in the FTO Program. A summary of this meeting, with any recommendations or changes made, will be documented and forwarded to the Chief of Police for review and approval.

436.6.4 TRAINEE
A Lieutenants Board will be held during the final phase of FTO training. The FTO and the trainee will be consulted to ensure the trainee is ready for solo status.

At the completion of the Field Training Program, the trainee shall submit a performance evaluation of each of his/her FTOs and of the Field Training Program.

The trainee will also make an appointment to meet with the Chief of Police.

## 436.7 DOCUMENTATION
All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations.

(b) End of phase evaluations.

(c) The Lieutenants Board Memorandum, certifying that the trainee has successfully completed the required number of hours of field training.



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# Obtaining Air Support Assistance

## 438.1 PURPOSE AND SCOPE

The use of air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support may be requested and the responsibilities for making a request.

## 438.2 REQUEST FOR AIR SUPPORT ASSISTANCE

If a supervisor or officer in charge of an incident determines that the use of air support would be beneficial, a request to obtain air support assistance may be made.

### 438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for air support, the Shift Supervisor or a designee will call the closest agency having air support available. The Shift Supervisor will apprise that agency of the specific details of the incident prompting the request.

### 438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Law enforcement air support may be requested under any of the following conditions:

(a) When the aircraft is activated under existing mutual aid agreements.

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard.

(c) When the use of aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community.

(d) When an aircraft is needed to locate a person who is lost and whose continued absence constitutes a serious health or safety hazard.

(e) Vehicle pursuits.

(f) Pre-planned events or actions that require air support.

(g) When the Shift Supervisor or equivalent authority determines a reasonable need exists.

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.



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# Field Contacts, Detentions, Photographs and Eyewitness Identification

## 440.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to the officer at the time of the detention.

## 440.2 DEFINITIONS

Definitions related to this policy include:

**Detention** - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

**Consensual Encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. This communication with a citizen may be for the purpose of asking questions or gathering information of an official nature, where there is no reasonable suspicion to believe that the citizen has committed, is committing or is about to commit a crime. This type of contact does not constitute a Fourth Amendment search or seizure. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary. The contact shall be terminated by the officer if the citizen does not wish to speak to the officer. A field interview card should be completed on consensual encounters.

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions. It can also refer to an interview in the field based on a consensual encounter, which is documented as such on an FI card.

**Field Photographs** - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-Down Search** - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee or others.

**Reasonable Suspicion** - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.



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### 440.3 FIELD INTERVIEWS

(a) Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to:

1. The appearance or demeanor of an individual that suggests he/she is part of a criminal enterprise or is engaged in a criminal act.
2. The actions of the suspect that suggest he/she is engaged in a criminal activity.
3. Whether the hour of day or night is inappropriate for the suspect's presence in the area.
4. The suspect's presence in the particular area is suspicious.
5. The suspect is carrying a suspicious object.
6. The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
7. The suspect is located in proximate time and place to an alleged crime.
8. The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

(b) If after conducting a field interview there is no probable cause for making an arrest, the officer will record the facts of the interview on the departmental field interview card and write the event number on the FI card.

(c) Any officer having reason to believe that a crime has been committed, or motor vehicle accident has occurred, will document the incident on the appropriate long form (DC-1) report. Furthermore, any of the following circumstances will be cause to generate a DC-1 report and FI cards will not be used to document such incidents:

1. Any major incident.
2. Any situation where a subject is detained or questioned beyond that of an initial field inquiry.
3. Any situation where a subject is searched.
4. Any occurrence where the officer has expended a considerable amount of time.

(d) Reasonable suspicion stops arising from a traffic offense will be documented on a citation, written warning, or written repair order. The following information will be included on the FI card:

1. Reason for the stop. (I.e. hitchhiker, sleeping in vehicle, suspicious subject in residential area or business district at night, etc.).



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2. Basic information about the subject such as name, date of birth, social security number, height, weight, hair and eye color.
3. Location on body of unusual physical characteristics such as amputations, scars, marks and tattoos.
4. Clothing description and description of any luggage, knapsacks, or backpacks.
5. How long they have been in the area.
6. If they are transient, where they came from and their final destination.
7. Prior arrests - list types of felony arrest and ask them if they served time in prison. If so, ask where they served, how long, and for what offense(s).
8. Look at and describe sole pattern on shoes.
9. Employment or trade.

### 440.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Flagstaff Police Department to strengthen our community involvement, community awareness and problem identification.

### 440.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

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

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

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



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

440.3.3 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place where the detention was first affected unless the detainee is arrested.

440.3.4 CONSENSUAL ENCOUNTERS

Consensual encounters or voluntary contacts may be utilized for the purpose of asking questions or gathering information of an official nature, where there is no reasonable suspicion to believe that the citizen has committed, is committing or is about to commit a crime. This type of contact does not constitute a Fourth Amendment search or seizure.

Officers are reminded they have the right to approach and talk with anyone, as long as it is voluntary on the part of the citizen. Officers need to sell their reason for the contact with the individual. This up-front approach makes individuals fully aware of your purpose and reduces complaints of police harassment. The information obtained from these contacts is invaluable to police in solving crimes and preventing criminal activity.

When making voluntary contacts with citizens, officers should refrain from using words or making statements that suggest that the contact is coerced or that the individual is not free to leave. After introducing him or herself to the individual, the officer may say: "Can I talk with you?" or "Do you mind if I have a word with you?" Any statement that elicits a "yes" or "no" answer from the individual would be acceptable. Additional rapport with the citizen may be established if the officer communicates his or her reason for the contact. In the absence of any show of force, officers who approach individuals in order to ask them questions, have not "stopped" them. Individuals are free to walk away from the officer or refuse to answer any questions. However, some people feel a psychological pressure or moral obligation as "good citizens" to cooperate with the police. Neither the feeling of pressure nor sense of moral obligation on the part of the individual will create a fourth amendment stop or seizure. Officers shall allow the individual to walk away if they do not wish to speak to the officer.

An individual contacted on a consensual basis shall not be frisked unless the officer has articulable reasons for believing that the individual is engaged in criminal activity. All officers will be in compliance with the Racial/Bias Based Profiling Policy. Field Interview cards will be completed on consensual encounters with an event number.

## 440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others.



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Circumstances that may establish justification for performing a pat-down search include, but are not limited to, the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

When reasonably possible, pat-down searches should be performed by officers of the same gender as the suspect.

### 440.5 FIELD PHOTOGRAPHS

Field photographs may be taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken. All field photographs shall be submitted to evidence under the report number. Supervisors will ensure compliance with this policy.

### 440.6 EYEWITNESS IDENTIFICATION

The following practices should be adhered to whether conducting a confrontation, photographic line up, physical line-up or informal eyewitness identification.

(a) A suspect, or likeness of the suspect, should not be displayed to more than one witness at a time.

(b) A witness who has taken part in an identification procedure must not be permitted to state his/her conclusion within earshot of another person who is about to be, or has been a viewer.

(c) Investigators must not by word or gesture suggest his opinion to any witness that a suspect committed the crime. Witnesses making inquiries about an officer's opinion shall be informed of this restriction.

(d) A complete record of each identification procedure must be made. The time, location, and the identity of those present, including persons being viewed who are not the suspect must be recorded, along with any significant remarks made by an officer, lawyer or suspect. Photographic, sound and video recording devices should be used when possible



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440.6.1 CONFRONTATIONS

An officer may arrange for a confrontation between a suspect and a witness whenever the suspect is arrested or temporarily detained within 90 minutes of the offense, and the witness is cooperative and states that he/she might recognize the person who committed the offense (and a line-up valid under these rules cannot be promptly arranged).

(a) If there **is probable cause** to arrest a suspect who is located within 90 minutes of the commission of an offense, he should ordinarily be taken into full custody prior to any confrontation. The confrontation must occur as soon as practical after the arrest.

1. If there is probable cause to arrest a suspect but he/she is cooperative and consents to take part in the confrontation, an officer may arrange a confrontation without first arresting the suspect.
2. Under either of the above circumstances, the suspect may be held at the location of his/her arrest for identification or he/she may be taken to the viewer's location.
3. If the suspect is not identified, he should be released, pursuant to appropriate department procedures, unless probable cause still exists to believe the suspect committed the offense.

(b) If an officer reasonably suspects and the officer can articulate suspicion that a person located within 90 minutes of an offense has committed the offense, but **probable cause to arrest the person is not present**, the officer may detain him for a reasonable period for confrontation purposes. If the subject refuses, a court order or search warrant should be obtained.

1. The witness should be brought to the scene of the detention as soon as possible.
2. Unless the suspect consents, they should not be taken to the witness' location.
3. The suspect cannot be detained for longer than a reasonable amount of time unless:
   (a) Probable cause to believe the suspect committed the offense has developed during the detention or,
   (b) The suspect after being clearly informed that he need not cooperate, consents to take part in the confrontation.

(c) Officers must maintain impartiality during the confrontation. When presenting a suspect to a witness for identification purposes, an officer should not say or do anything to lead a witness to believe that the suspect has been formally arrested or detained, that he/she has confessed, was found with incriminating items, or that he/she is believed to be the perpetrator. The suspect should not be handcuffed in the witnesses' presence if possible.

(d) If there are several witnesses to a crime, and confrontation of a suspect is feasible and proper under this policy, arrangements should be made for each witness to confront the suspect separately.



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(e) Nothing in this policy bans the common practice of transporting witnesses in police cars to cruise the general area in which a crime has occurred in hopes of spotting the perpetrator and arranging a confrontation.

(f) In emergency circumstances, such as when a witness is in danger of death or blindness, or when a suspect is in danger of death, an immediate confrontation may be arranged if medical authorities permit. In these situations, time and location limitations contained in this policy may be waived. When the suspect will be hospitalized for a lengthy period, and is not in danger of death, then it is proper to follow the informal identification procedure. Document or record the confrontation as thoroughly as possible.

(g) No person has the right to have an attorney present at any confrontation procedure. The only exception to this is defendants who have been formally charged.

440.6.2 PHOTOGRAPHIC LINE-UPS

The use of photographs to identify criminal suspects is permissible when a "live" identification procedure is impractical, (there is no suspect, there is a suspect, but no PDC to arrest him/her, the suspect cannot be found, or the suspect refuses to cooperate, or if suspects of the same general appearance are unavailable for a physical lineup).

(a) Whenever a witness makes a positive identification from a photograph and probable cause to arrest the suspect is thereby established, photographs should not be displayed to other witnesses if they will later view the suspect at a physical line-up.

(b) The use of a "mug book" is appropriate when there is not particular suspect. To assure an accurate "mug book" identification, a reasonable number of photographs should be shown to a witness even if the suspect is selected almost immediately.

(c) When there is no suspect and the use of the "Mug Book" has been or is likely to be unsuccessful, a non-photographic pictorial representation (freehand sketch or Identi-kit) may be used. The sketch, composite, or photograph should be displayed to any other witness, if a definite I.D. has not been made.

(d) Photographic displays may be used after the arrest of the suspect when a physical lineup is impractical for one of the reasons specified in this policy.

(e) Whenever a photograph depicting a definite suspect is displayed to a victim or eyewitness, it should be arranged at random with at least five, (recommended) or more photographs of different person. The person depicted in the photographs along with the photographs themselves (if several are used) must be of substantially similar appearance. However if a photograph of a proper physical line-up that includes the suspect is available, it may be displayed by itself without any other photographs.

(f) An adequate record of each photograph shown must be made. Photographs must be preserved so that they can be reconstructed at trial, and the "Mug books" should be accurately described in the event they are needed for trial.



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(g) No person has a right to have an attorney present at any pictorial identifications procedure, whether it takes place before or after an arrest.

440.6.3 PHOTOGRAPHIC LINE-UP PROCEDURES

Investigators shall utilize a sequential line-up method when showing photographic lineup's to witnesses. In this method, the investigator will obtain a minimum of five (six is recommended) or more photographs. Each photograph will be of the same size and quality. Investigators will number the back of each photograph, but not place the photographs into a display. Each subject in the photographs shall have the same general characteristics.

(a) Investigators will audio or video tape the identification process.

(b) Investigators will begin the process by reading the following to the viewer(s):

1. You will be asked to look at a group of photographs. The fact that the photographs are shown to you should not influence your judgment. You should not conclude or guess that the photographs contain the picture of the person who committed the crime. You are not obligated to identify anyone. It is just as important to free innocent persons from suspicion as to identify guilty parties. Please do not discuss the case with other witnesses nor indicate in any way that you have identified someone.

(c) Whenever practical, detectives will utilize the "double blind" method in presenting photo lineups. This method dictates that the case detective will ask a colleague who has no knowledge of the investigation and no knowledge of the suspect or placement of the suspects photograph in the lineup, present the lineup to the witness. It is recognized that there will be incidents where another investigator is not available , however detectives shall make every effort to utilize this method when possible.

(d) Witnesses will not be told whether the suspect has been arrested or whether the photograph of the suspect appears in the lineup.

(e) Each Photograph will be shown individually to the witness. If the witness asks to see a photograph again, all of the photographs will be shown again.

(f) Detectives should have the witness indicate how certain they are with any identification made. The witness should be asked to sign or initial the back of the photograph representing the suspect, and the number of the photograph will be documented in the police report.

(g) All photographs used in the lineup will be submitted to evidence.

440.6.4 PHYSICAL LINE-UPS

(a) When physical lineups are held, Officers should adhere to the following:

1. The line-up should take place as soon as possible after the arrest of a suspect. Line-up arrangements (contacting viewers, obtaining innocent participants, arranging for a lawyer when appropriate) should be completed prior to the arrest whenever



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possible and prior to viewing photographs of the suspect, if conducted after arrest or indictment.

2. A defendant has the right to an attorney for any line-up connected with an offense for which he/she was arrested for or charged with, and to have an attorney appointed for this purpose if he cannot afford one, if the line-up is held following the start of criminal proceedings against him/her. Officers shall advise the suspect(s) of this right and the following:

   (a) The suspects must be told they have a right to an attorney present to observe the line-up, and if they cannot afford one, one will be provided to them free of charge; and that the line-up will be delayed for a reasonable time after the attorney is notified, in order to allow the attorney to appear.

   (b) If the suspect already has an attorney retained or appointed and invokes the right to have the attorney present, the suspect must be allowed to notify the attorney about the planned line-up and the offense involved.

   (c) If the suspect has no attorney but wants one to attend the line-up, and states he/she can afford one, they must be allowed a reasonable time to retain an attorney.

   (d) If the suspect wants an attorney but states they cannot afford one, the officer conducting the line-up should contact the Justice Court to provide a free attorney for the suspect.

   (e) A line-up should be delayed for a reasonable time while waiting for an attorney to appear following notification.

3. A suspect who is entitled to an attorney at a line-up may waive their right, provided they read or have read to them, and signs a waiver for an attorney at a line up statement. The suspect may also make this waiver verbally to more than one person present, so long as it is recorded, and the suspect was advised of the full effect of waiving the right. The precise words of the suspect's statement shall be made part of the investigative file.

4. Even after criminal proceedings have been commenced against a suspect, he/she does not have a right to an attorney at a line-up relating to other offenses which have not been formally charged against the suspect.

(b) In some cases holding a physical line-up may not be practical. Some of the reasons that may lead an investigator to not pursue a physical line-up include:

   (a) Lack of suitable persons (appearance, size, race, age, etc) to include in the line-up group.



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(b) The witness knows the identity of the suspect before the offense occurred or learns their identity without police assistance after the offense, or the prospective viewer has had an opportunity to identify the suspect in an earlier confrontation procedure.

(c) The suspect is in custody at a place too far from the witness.

(d) There is no witness willing or able to view a line-up.

(e) The suspect threatens to disrupt the line-up

### 440.6.5 ROLE OF ATTORNEYS AT LINE-UPS

The suspect shall be allowed to consult with their attorney prior to the line-up procedure. The attorney may make suggestions but may not control or obstruct the procedure. Any suggestions the attorney makes about the procedure should be considered and recorded. Those suggestions which would render the procedure more consistent with these rules should be implemented. The attorney should be permitted to be present when a witness states their conclusion about the line-up. However the attorney should be instructed to remain silent during both the line-up and the giving of witness conclusion.

The attorney may speak with any witness after the procedure; if the witness agrees to speak with the attorney. A prosecutor should be present if a defendant's attorney is involved in the proceedings. A witness taking part in a line-up procedure may be told they are under no obligation to speak with the suspect's attorney, but that they are free to speak with them if they wish. The Witness' name and address will not be revealed to the attorney without their consent. All information pertaining to an investigation that is legally obtainable by the defense will be given to the defense by the County Attorney's Office.

Where probable cause does not exist, or where otherwise desirable, a court order may be sought to compel the cooperation of a suspect in appearing for a line-up.

### 440.6.6 PHYSICAL LINE-UP PROCEDURES

All line-ups should be video recorded and individual photographs taken of all participants. The line-up will consist of at least four persons in addition to the suspect. Persons placed in the line-up should have approximately similar physical characteristics. Factors such as age, height, weight, hair length and color, and physical build should be considered. Sex and race should be the same for all participants, except in unusual cases where the characteristic is difficult to determine (e.g., female impersonator, Oriental suspect who looks Native American).

(a) The suspect can be chose their initial position in the line-up and be allowed to change positions after each viewing. The sequential line-up format will be adhered to. In this format, suspects will walk to an area visible to the witness individually. The witness will look at each individual separate and not all of the subjects at one time. If the witness asks to see an individual again, all subjects will be walked in front of the witness individually again.

(b) Officers should not do or say anything to distinguish the suspect from the other line-up participants. Detectives will make every attempt to use the "double blind" method by asking



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a colleague not associated with the case or familiar with the suspect to conduct the lineup. This will help alleviate any bias on the part of the investigator. It is recognized that there will be incidents where another investigator is not available; however detectives shall make every effort to utilize this method when possible.

(c) The non-suspects in the line-up should be instructed to conduct themselves in a manner not to identify the actual suspect.

(d) The suspect can be instructed to utter specific words, make gestures, or assume a particular pose if the viewer or detective so desires. All participants should do whatever reasonable act is required of the suspect.

(e) If the witness describes the suspect as wearing a distinctive item of clothing, and the item (or something similar) is in police custody, the suspect can be compelled to wear the item. Each participant must don the clothing in the order of their appearance.

(f) A suspect who refuses to participate in a line-up or to perform as required, shall be informed they have no right to refuse and that evidence of their refusal may be used against them at trial. A record of the precise words of refusal should be made for subsequent use. A recording or video tape is preferable.

(g) If the suspect continues their refusal they should not be forced to participate in the line-up, the investigator should contact, the County Attorney's Office for further direction.

440.6.7 "INFORMAL" IDENTIFICATION PROCEDURES

"Informal" Identification procedures may be used when a suspect is not in custody, either because they have not been charged with the offense under investigation or because they have been released on bond or their own recognizance. It may also be used when a suspect is hospitalized for extended treatment under non-emergency circumstances. In most circumstances a photographic lineup is preferable to utilizing the following techniques:

(a) Single Locale - a witness may be taken to a single locale, where the suspect is likely to appear, provided the locale is a place where a large number of people of physical characteristics roughly similar to the suspect are likely to be or pass by at random. This technique can be used when the suspect is known or unknown, but is believed to frequent the locale chosen for viewing.

(b) Multiple locales- The witness may be taken to five or more similar locations, at one of which the suspect is believed to be. This technique should be used when no single locale is likely to meet the requirement of having multiple subjects present.

(c) A detailed record of any informal procedure must be made. Such a record should include:

1. The precise location of any observation,
2. The approximate number of people similar in description to the suspect that were viewed,



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3. The time the identification was made,
4. The suspect's reaction, if he/she became aware that he/she was being observed, and
5. The witness' reaction upon seeing the suspect.



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# Criminal Intelligence Systems

## 442.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Flagstaff Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 442.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 442.2 POLICY

The Flagstaff Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 442.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

### 442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Section. Any



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supporting documentation for an entry shall be retained by the Records Section in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Section are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

#### 442.3.2 DISPOSITION OF RECORDS

This policy does not establish a criminal gang intelligence database as maintained by the Flagstaff Police Department. Department Officers are authorized to forward information to the Department of Public Safety, which may or may not be included in a criminal gang intelligence databases for use by members of the State Gang Taskforce. Any such database must be compliant with 28 CFR. § 23.20 regulating criminal intelligence systems. Employees must obtain the requisite training before accessing any such database.

It is the responsibility of AZDPS to determine whether a report, GMIC Card or FI contains information that would meet the criteria for entry into their Department-approved intelligence database. Validation and purging of gang intelligence databases is the responsibility of the program administrator of the gang intelligence database maintained by the State Gang Task Force.

### 442.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved CIS only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of CIS entries.

#### 442.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Section or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, field interview (FI) forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.



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(d) May include information collected from publicly available souces or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

442.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged or entered in an authorized criminal intelligence system, as applicable.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

## 442.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Officer to train members to identify information that may be particularly relevant for inclusion.

## 442.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

## 442.7 CRIMINAL STREET GANGS

The Detective Section supervisor should ensure that there are an appropriate number of department members who can:



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(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with identification of criminal street gangs, criminal street gang members and patterns of criminal gang activity.

(b) Coordinate with other agencies in the region regarding criminal street gang crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

### 442.8 TRAINING

The Training Officer should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.



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# Shift Supervisors and Watch Sheets

## 444.1 PURPOSE AND SCOPE

Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with Department policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant or Sergeant heads each watch.

## 444.2 DESIGNATION AS ACTING SHIFT SERGEANT

In most instances when a patrol lieutenant is not on duty, the senior qualified sergeant shall be designated as acting Shift Supervisor. This policy does not preclude designating a less senior sergeant or corporal as an acting Shift Supervisor when operational needs require or training permits.

## 444.3 WATCH SHEETS

Shift Sergeants are responsible for the collection of pertinent information from officers to be listed on the watch sheet. They will ensure the information is correct and appropriate, and is disseminated electronically at the end of their shift. Watch sheets allow the oncoming shifts to be informed in a timely manner of what occurred on the previous shifts. The timely completion and dissemination of watch sheets will enable faster, directed patrol efforts towards problem areas.

The following incidents will be documented on the watch sheet:

- Major Incidents
- Major Arrests
- Burglaries (location, MO, time frame and suspect information)
- DUI arrests (Locations and BAC %)
- 30 day impounds
- Operation 40 or ROPE arrests
- Any intelligence related information
- Administration spot fires(current events, city damage reports, complaints, etc..)

All watch sheets will be saved to the "W" drive in the current folder \\fpdds1\watchsheet$.

Watch sheets will be saved in the following format (date squad shift): 01012014 F-SQUAD GRAVE



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# Mobile Audio Video

## 446.1 PURPOSE AND SCOPE

The Flagstaff Police Department has equipped marked patrol cars with Mobile Video Recording (MAV) systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

### 446.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV technician** - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

## 446.2 POLICY

It is the policy of the Flagstaff Police Department to use mobile audio and video technology to more effectively fulfill the department's mission and to ensure these systems are used securely and efficiently.

## 446.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Flagstaff Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.



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## 446.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit's emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

### 446.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Communications Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Family violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons



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(d) Any other contact that becomes adversarial after the initial contact, in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

### 446.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

### 446.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

### 446.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, peace officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene



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investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

### 446.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Sergeant. Approved requests should be forwarded to the MAV technician for processing.



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In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

## 446.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation indicating that the incident was recorded.

## 446.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of 180 days and disposed of in compliance with the established records retention schedule.

### 446.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

### 446.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Flagstaff Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

## 446.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and vehicle and device manufacturer recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer's transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.



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(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

446.8.1 ADDITIONAL DAILY USE CONSIDERATIONS

Sixty percent of the effectiveness of a good video is the audio. If an officer leaves his VLP (system microphone) in the car or does not turn it on, the MAV is only 40% effective. When one cannot hear what an officer is saying to the public, it opens that officer up to all sorts of accusations that cannot be effectively argued.

(a) If an officer leaves the AM/FM radio playing in the car, the in-car microphone picks up the music and it is heard on the video. This is distracting to the viewer and can hurt your courtroom testimony. Jurors will hear the music, and they may form a perception of the action on the video based on that music or pay less attention to what is on the video altogether. This may also give the impression that the officer is less than professional in his/her duties.

(b) Many times, there are suspects in the back seat of a patrol car and if the AM/FM radio is playing, it makes it difficult to hear what they are saying to each other or themselves. This is valuable evidence that is therefore not collected. VLP microphones are designed to sync with the DVR in each car and in order to do that, the officer must place the microphone in the docking station between the front seats. This is not simply a battery charging port. It is the only way the microphone can communicate to the DVR and know in what car it is located. This microphone should be placed into the docking station at the end of each shift. If you find that the microphone is not working, first ensure that the on/off switch is in the "on" position and re-sync the microphone by placing it into the docking station and wait for it to stop blinking. This should take only a few seconds. The VLP must be turned on with the switch on the back in order to work. These microphones are most effective when they are carried in the officer's shirt pocket or on the front of the utility belt in the clip holder provided with each unit and the effectiveness is greatly reduced if carried in a pant pocket or the rear of the utility belt.

(c) MAV cameras provided with these units are quite sensitive. There is a feature called "Night Watch" (NW on the camera back) and this feature is designed for situations where there is little to no light only and at night only. If this feature is used in normal night conditions, you will experience a choppy and almost frame-by-frame picture as opposed to a smooth video. Please be certain to turn off the Night Watch feature when your shift is over or when daylight occurs. If the Night Watch Feature is left on during the day, it will damage the camera. This causes an effect similar to looking straight into the sun and no video will be captured.



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(d) When setting up the camera, there should be only the extreme front edge of the hood and push bar visible so as to reduce reflection of lights from the hood into the camera.

(e) If an officer is not comfortable with making a traffic stop with the left hand offset, he/she should align the camera to the right enough to capture the stop vehicle in the picture and as much view to the right of it as possible. This allows for FSTs and other out of vehicle activity.

(f) When a video is complete, officers should designate what category it is. Arrest, DUI, Domestic, Citation, No Citation etc. (See manual quick reference guide provided in each unit) this will allow for easier location of the video for a DVD burn or for prosecutors to locate it for review of the case. This also tells the server when it is to be purged per retention schedules.

(g) If for any reason the video is not required and the overhead emergency lights have activated it, (beginning of shift check out, funeral escort, etc) simply reach up and push the stop button to turn off the record function. If this is not done, there will be worthless video uploaded to the server. This type of so-called junk video is clogging up the server and not allowing the important videos to be saved.

(h) There have been many incidents where a MAV has not had time to transfer the video, due to officers trading cars immediately upon the end of shift. Officers should be certain that the file transfer is complete prior to beginning of the shift. Sometimes a unit is parked with a full card and has not had enough time to transfer completely. If the car is driven away prior to file transfer, the card will become full and no video can be captured. It takes approximately 20 minutes to upload a full card from a MAV in the parking lot. The MAV system is a valuable tool for law enforcement and can greatly reduce our court time and complaints on officers. Please try to adhere to the procedures outlined when operating the systems.

### 446.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, degaussing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected the MAV technician:

1. Ensures it is stored in a secured location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field.

1. Maintaining a record of issued media.



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(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

**446.10 TRAINING**

All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.



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# Mobile Digital Computer Use

## 448.1 PURPOSE AND SCOPE

The Mobile Digital Computer (MDC) accesses confidential records from the State and national databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

## 448.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Shift Sergeant.

### 448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### 448.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

### 448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the police radio or through the MDC system. Shift Supervisors may prefer their Officers to verbally transmit all activities for safety and accountability.



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Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC.

448.2.4 EMERGENCY ACTIVATION ON MDC

If the emergency button is depressed on the MDC, the dispatcher will call the officer and ask whether the officer needs assistance. If the officer answers that no additional assistance is required all officers will resume normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available officers to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit as an emergency call response.

(b) Notify the Shift Supervisor of the incident without delay.

Officers not responding to the emergency call shall refrain from transmitting on the radio until there is a Code 4, unless they are also handling an emergency.

## 448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC

Whenever reasonably possible, officers will not use units with malfunctioning MDCs. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the Communications Center to record all information that will then be transmitted verbally over the police radio.

(a) When damage to any MDC or keyboard is discovered in the course of routine use, or an MDC is intentionally damaged, the officer shall immediately report the damage to the on-duty supervisor. The circumstances of the damage shall be further documented on an Officer's Report and routed through the chain of command to the Deputy Chief.

(b) Officers encountering a damaged MDC component or causing damage shall not attempt to repair, replace or re-attach any component, but immediately report the circumstances as required. Failure to report damage or attempting to repair components that cause further damage will be cause for disciplinary action.

(c) When an operator encounters a problem with an MDC, basic troubleshooting procedures should be followed. This includes verifying the unit is locked in the docking station, the antenna is connected, there is power available and the unit is powered on. The final step should be a cold shutdown and startup. A member of the FPD first line support team should then be contacted to assist with troubleshooting. Technical support may be called at anytime during normal business hours (8-5) Monday through Friday. If the first line support group member verifies a hardware, network or configuration problem, they should notify the LEAF Technology team via the Work Order system. In the event there is a complete network failure, a Technology team member should be contacted immediately. Other than a complete



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network failure, the Technology team will respond on normal business days between 6am and 6pm.

(d) The technology team will be responsible for troubleshooting all problems on the laptop side of the docking station after a first echelon group member encounters a problem beyond their training. Problems that are determined to be exclusive of the actual laptop will be forwarded to the appropriate vendor for further resolution.

(e) The FPD Property Coordinator will be responsible for coordinating all vehicle installations and for issuing keyboards, USB hubs and other related items. Whenever the Property Coordinator installs a new MDC or changes the vehicle assignment of an MDC, the technology team shall be notified in writing. The Patrol Sergeant assigned as the MDC trainer will issue new and replacement USB storage devices (thumb drives).

#### 448.3.2 BOMB CALLS

When investigating reports of possible bombs, officers will turn off their MDCs. Operating the MDC may cause some devices to detonate.

### 448.4 MDC CARE

Officers will minimize exposure of the MDC and electronic components to excessive heat during the summer months and direct sunlight at all times. Placement of items on the screen or touching the screen with sharp objects is prohibited. Officers shall take extreme care concerning liquids in and about the components located in the passenger compartment.

Officers shall not attempt to alter the MDC's configuration or performance, or experiment with the system's peripheral components. Officers will not attempt to disable the Automatic Vehicle Location function in any way, including covering the AVL antenna with metal objects. Incidents of unauthorized tampering will be cause for disciplinary action.

Officers will ensure the MDC is completely powered down and close the MDC lid prior to the end of shift.

#### 448.4.1 MDC SECURITY

Use of the MDC terminals will be in compliance with the FPD/DPS Security agreement. Access to and dissemination of ACIC/NCIC information shall follow all applicable ACJIS/FPD guidelines.

(a) ACIC/NCIC information on the MDC screen shall always be protected so that no one other than the officer can view it.

(b) Officers will not allow unauthorized persons to view the MDC screen, including non-law enforcement personnel participating in a ride-along.

(c) If the MDC is out of the vehicle, it will not be left unattended, nor will officer access ACIC/NCIC information via the MDC when out of the vehicle in an unsecured location.

(d) Prior to using the MDC the vehicle should be parked in a position that minimizes public view.

(e) When the police vehicle is unoccupied, the MDC screen will be closed.



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# Use of Audio/Video Recorders

## 450.1 PURPOSE AND SCOPE

The Flagstaff Police Department has authorized its sworn members to use portable recorders while on-duty. These recorders are intended to assist officers in the performance of their duties by providing an unbiased record of a contact. It is not mandatory that officers record every contact even if they have access to a recorder.

### 450.1.1 DEFINITIONS

Definitions related to this policy include:

**Documentation -** Audio recordings of non-criminal matters to include routine traffic stops, consensual contacts, field interviews, etc...

**Evidentiary -** Audio in which an interview related to a criminal offense has been recorded. This includes DUI arrests, use of force by officers, resisting arrest, vehicle searches, domestic violence calls, pursuits,, etc.. These recordings contain information that may be of value for case investigation, prosecution or any other criminal proceeding and shall be safeguarded and handled as any other form of evidence.

**Portable recorder** - Any compact device used for the recording of audio or audio and video data.

## 450.2 OFFICER RESPONSIBILITIES

Any officer assigned to uniformed or plain clothes duty may use a portable recorder any time the officer believes that such a device may be beneficial to the situation. The mere possession of a recording device by an officer does not mandate that he or she use it on all contacts. The officer has discretion as to when they feel the recorder may be beneficial.

It is recommended at the beginning of each shift or contact, the officer should record his/her name, badge number and the current date and time. At the conclusion of each shift/contact, the officer shall record the ending date and time regardless of whether any activity was recorded during the shift/contact.

Each officer shall be responsible for maintaining his/her own or department issued recorder. All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders. Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

## 450.3 MEMBER RESPONSIBILITIES

Members of the Department are encouraged to activate their recorders any time the member reasonably believes a recording of an on-duty contact with a member of the public may be of future benefit.



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(a) At no time should an member jeopardize his/her safety in order to activate a recorder or change the recording media.

(b) Members of the Department are prohibited from utilizing Department owned recorders and recording media for personal use.

(c) No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or during a criminal investigation when authorized by the Chief of Police or designee.

(d) Custodial interrogations should be recorded, see the Investigation and Prosecution Policy for further details .

450.3.1 RECORDING OF COMMUNICATIONS

Officers may use a recorder to record wire or oral communications in compliance with a court order (ARS § 13-3012). Upon expiration of the order, the officer designated in the court order shall provide the issuing judge all documents and other information pertaining to the communications pursuant to state law. Intercepted communications shall be maintained in their entirety, without editing or alterations, and shall not be destroyed without a judge's order.

## 450.4 EMERGENCY INTERCEPTION OF COMMUNICATIONS

An officer may conduct an emergency interception of wire or oral communications if (ARS § 13-3015):

(a) The officer reasonably determines that an emergency situation exists that involves immediate danger of death or serious physical injury to any person and requires a communication be intercepted,

(b) Grounds to ultimately obtain a valid warrant exists and the officer has been specially authorized in writing by the attorney general or county attorney to intercept the communication (ARS § 13-3010).

## 450.5 ACTIVATION OF THE AUDIO RECORDER

Recordings of any portion of a contact in a criminal matter, or that contain information that may be of value for case investigation, prosecution or any other criminal or civil proceeding, shall be safeguarded and handled as any other form of evidence. Recorded digital media shall be recorded to a CD-R disk. The CD-R disk will be marked with the case number and entered into evidence. The entire contact will be transferred to the CD-R disk. Officers shall not edit any portion of the recorded content. The CD-R will be secured in evidence as soon as reasonably possible.

The officer may also store a working copy in a drive on a Departmental computer. It is recommended they organize the file/folder by month and date.

(a) The officer shall note in any related report that the recording has been placed into evidence.

(b) Recording media placed into evidence shall be retained through the final disposition of the related criminal case.



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450.5.1 SURREPTITIOUS USE OF THE AUDIO RECORDER

Arizona law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (ARS § 13-3012).

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee.

## 450.6 PROHIBITED USE OF PORTABLE RECORDERS

Recorded files may be reviewed in any of the following situations:

- By a supervisor investigating a specific act of officer conduct.
- Upon approval by a supervisor, any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- By the person who originally recorded the incident.
- Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
- By the media with permission of the Chief of Police or a designee.
- In compliance with a proper public records request unless an authorized exception exists.



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# Bicycle Patrol Tactic

## 454.1 PURPOSE AND SCOPE

The Flagstaff Police Department has established the Bicycle Patrol tactic for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas. A bicycle's quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

## 454.2 POLICY

Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events. Its mobility and visibility in the community are hallmarks of its usefulness and are intended to support or supplement existing patrol operations.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the chain of command.

## 454.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are proficient with the handling and use of bicycles will be approved to utilize them as necessary. Factors to be considered in these assignments are as follows:

(a) Recognized competence and ability as evidenced by performance.

(b) Special skills or training as they pertain to the assignment.

(c) Good physical condition.

(d) Willingness to perform duties using the bicycle as a mode of transportation.

## 454.4 TRAINING

Participants in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Bicycle patrol officers may be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.



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### 454.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt, with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

### 454.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger. Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "Police" decal affixed to each side of the crossbar or the bike's saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front and rear lamps and a siren/horn. Lamps and reflectors must meet legal requirements.

(a) Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bags sufficient to carry the necessary equipment for handling routine patrol calls, including report writing, vehicle storage and citations.

(b) Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, equipment information and use manuals. These items are to remain with/on the bicycle at all times.

(c) Each bicycle shall be equipped with a steady or flashing blue warning light that is visible from the front, and a flashing red light visible at the rear of the bicycle.

(d) Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

(e) If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to property control. Each bicycle will have scheduled maintenance twice yearly, to be performed by a Department-approved repair shop/technician.

(f) At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.



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(g) Electric patrol bicycle batteries shall be rotated on the assigned charger at the end of each tour of duty. During prolonged periods of non-use, each officer assigned an electric bicycle shall periodically rotate the batteries on the respective chargers to increase battery life.

(h) Officers shall not modify the patrol bicycle, remove, modify or add components except with the express approval of a supervisor or in the event of an emergency.

(i) Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

### 454.7 OFFICER RESPONSIBILITIES

Officers are not exempt from operating the bicycle in compliance with Arizona law while performing their routine duties unless in response to an emergency call or situation (ARS § 28-815 and ARS § 28-624). Officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment (ARS § 28-817).



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# Foot Pursuit Policy

## 458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

### 458.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of Department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Department personnel.

## 458.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. However, this decision must be continuously reevaluated in light of the circumstances presented at the time.

(a) Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

(b) Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place Department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

(c) If circumstances reasonably permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

1. Containment of the area.
2. Canine search (by another agency).
3. Saturation of the area with patrol personnel.
4. Aerial support.



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5. Apprehension at another time, when the identity of the suspect is known or there is information available that would likely allow for later apprehension and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

### 458.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

(a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.

(b) When the officer is acting alone.

(c) When two or more officers become separated, lose visual contact with one another or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.

(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.

(g) When the officer loses radio contact with the Communications Center or with backup officers.

(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

(l) The officer or a third party is injured during the pursuit, requiring immediate assistance and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.



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(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to Department personnel or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

## 458.4 RESPONSIBILITIES IN FOOT PURSUITS

### 458.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

(a) Unit identifier.

(b) Location and direction of travel.

(c) Reason for the foot pursuit.

(d) Number of suspects and description.

(e) Whether the suspect is known or believed to be armed.

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be implemented and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Communications Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

### 458.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize nonessential radio traffic to permit the involved officers maximum access to the radio frequency.



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Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with Department policy, based upon available information and his/her own observations.

458.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever reasonably possible. The supervisor does not, however, need to be physically present to exercise control over the pursuit. The supervisor should continuously assess the situation in order to ensure the foot pursuit is conducted within established Department guidelines.

The supervisor should terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor should promptly proceed to the termination point to direct the post-pursuit activity.

458.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, the Communications Center personnel shall, as soon as practicable, notify the field supervisor and provide available information. In addition, the Communications Center personnel are also shall:

(a) Clear the radio channel of non-emergency traffic.

(b) Repeat the transmissions of the pursuing officer if needed.

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

(d) Relay all pertinent information to responding personnel.

(e) Contact additional resources as indicated.

(f) Coordinate response of additional resources to assist with the foot pursuit.

## 458.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum:

(a) The reason for initiating the foot pursuit.

(b) The identity of involved personnel.

(c) The course and approximate distance of the pursuit.

(d) Whether a suspect was apprehended as well as the means and methods used.

    1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(e) Any injuries or property damage.



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Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may advise the initiating officer that he/she need not complete a supplemental report in conjunction with the report normally required to document the incident.



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# Homeless Persons

## 464.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Flagstaff Police Department recognizes that members of the homeless community are often in need of special protection and services. The Flagstaff Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following policy when serving the homeless community.

### 464.1.1 POLICY

It is the policy of the Flagstaff Police Department to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

## 464.2 HOMELESS COMMUNITY LIAISON

The Chief of Police has designated the Selective Enforcement Squad Supervisor to act as the homeless liaison Officer. The responsibilities of the homeless liaison Officer include the following:

(a) Maintain and make available to all Department employees a list of assistance programs and other resources that are available to the homeless.

(b) Meet with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

  1. Proper posting of notices of trespass and clean-up operations.
  2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property Procedures Policy and other established procedures.

(e) Oversee or arrange for clean-up operations conducted by this department involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.



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## 464.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter, Intake Triage Unit, and counseling referrals in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

### 464.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of our community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder and if so proceed in accordance with the Vulnerable Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution even when a homeless victim indicates he/she does not desire prosecution.

## 464.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the



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arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the Department homeless liaison Officer. When practicable, requests by the public for clean-up operations of a homeless encampment should be referred to the homeless liaison Officer.

Officers may dispose of abandoned property of no value through environmental services.

## 464.5 MENTAL ILLNESSES AND MENTAL IMPAIRMENTS

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person for an emergency admission to a mental health facility unless facts and circumstances warrant such a detention.

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

## 464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can affect the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.



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# Civil Matters

## 465.1 PURPOSE AND SCOPE

Officers are frequently called the scene of civil disputes (Repossessions, Landlord/tenant Disputes, Civil Standbys, Serving Civil Processes, and Child Custody Disputes), where no crime has been committed. The presence of officers at such scenes is primarily to preserve the peace and to prevent a crime from occurring; it is not to give legal advice. Officers should avoid becoming unnecessarily involved in civil disputes and should advise all parties to seek legal advice.

### 465.1.1 SELF-HELP REPOSSESSIONS

A.R.S. § 47-9503 provides that a creditor, who has transferred collateral to a debtor and maintains a security interest in the collateral, has the right on default to take possession of the collateral. If the creditor can take possession of the collateral without a breach of the peace, the creditor can proceed without a court order. This type of repossession (self-help repossession) is only valid if it is done with the consent of all the parties involved. If the repossession cannot be accomplished under these conditions, the creditor must obtain a court order to effect repossession.

If a creditor requests an officer accompany them and stand by to keep the peace when they make repossession, and the creditor does not have a court order granting him possession of the collateral, the officer can not assist in the self-help repossession in any way - including a stand by to keep the peace. Under state and federal law, the mere presence of a uniformed officer is enough to make the self-help repossession non-consensual. Once state action is established by the presence of a law enforcement officer at a self-help repossession, the officer and department could be held accountable for a civil rights violation.

In the event that an officer is requested to stand-by and keep the peace (Civil Stand-by) during a self-help repossession, the officer will advise the creditor that they may pursue the repossession without judicial process only if this can be done without breaching the peace. The officer will also inform the creditor, that without a court order, the officer cannot accompany the creditor while he makes the repossession. Should the creditor feel that a breach of the peace might occur, they should be encouraged to obtain a court order. Once a court order is obtained, the officer is permitted to be present at repossession for the purpose of keeping the peace.

If an officer is aware of a self-help repossession that is or will be taking place, and believes that a breach of the peace might occur, he shall remain stationed in the area (preferably in the patrol car) and will, at no time, accompany the creditor on the premise. If a breach of the peace should occur, the self-help repossession is no longer valid. Officers will take the necessary steps to restore the peace. Officers are permitted to be present at a court ordered repossession for the purpose of keeping the peace. Officers will document all incidents on long or short form report.

### 465.1.2 LANDLORD/TENANT DISPUTES

Under the Landlord-Tenant Act (ARS 33-1301), disputes between a renter and a landlord are civil in nature. In police calls for service, officers will investigate to determine if a criminal offense has occurred. If no criminal offense has occurred, officers will attempt to arbitrate the dispute. This has



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been difficult in the past as information has been very vague and general. The officer's primary responsibility in calls of this nature is to keep the peace.

Officers are cautioned to be careful while giving advice and information in these matters, and should advise the parties involved to consult an attorney for further advice if there is difficulty reaching a solution.

Officers should document such calls with a DC-1 or DC-2 "Civil Matter." Documentation of these calls is important as violent criminal actions can often be the result of a civil disagreement. If there is the possibility of violence, officers should notify their supervisors.

If more clarification is needed, officers should refer to a supervisor or the most recent Training Bulletin on Landlord Tenant Laws and Innkeeper Liens.

### 465.1.3 CIVIL STANDBYS

Citizens call for standbys for many different reasons, to exchange custody of children, to pick up belongings from a residence, to terminate employees, etc.

The role of the police officer is to ensure the situation does not turn criminal. Emotions are often very high during these standbys and the tendency for officers to give advice should be guarded. A short form report can be taken on most of these calls, unless a criminal violation occurs.

### 465.1.4 SERVICE OF COURT PAPERWORK

### 465.1.5 RECORDS RESPONSIBILITIES

(a) Upon receiving documents from City Court, Records Clerks will log all orders of protection and injunctions against harassment on the "Order of Protection Service and Tracking Log" located in Records. Clerks will include their name and date on the log.

(b) Clerks will enter information on the document into the Records computer civil file as "pending." When the document has been served, the status will be changed to "served."

(c) Records Clerks will then enter a call for service into the computer as a priority 5. The address of service should be included in the description field in order for dispatch to assign the call to the proper beat officer. Records personnel will list the plaintiff's name and the court number for the order of protection in the complainant field for tracking purposes.

(d) When the service address is out of our City or State, contact the law enforcement agency in that jurisdiction to confirm assistance and obtain their fax number for service via fax. Record the fax date and time on the "Order of Protection Service and Tracking Log."

(e) When an order of protection has been served, record it as served on the "Order of Protection Service and Tracking Log," change the status in computer to "served," enter expiration date (one year from date of service) and make a copy of the affidavit or certificate of service. Attach this copy to the Flagstaff PD copy and forward this to the Records Supervisor. Forward the original to City Court.



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(f) Records personnel will check the "Un-served Orders" in-basket located at the Records counter daily. They will enter these orders into the computer for another officer to be dispatched for the attempt to serve.

465.1.6 RECORDS SUPERVISOR RESPONSIBILITIES

(a) The Records Supervisor will be responsible for monitoring the "Orders of Protection Service and Tracking Log" to assure Records Clerks are appropriately recording receipt and disposition of court orders.

(b) The Records Supervisor will conduct an audit once a week on all orders of protection and injunctions against harassment to assure all documents are accounted for.

(c) The Records Supervisor will assist in locating a good address for service when court orders are returned by Patrol. If a correct address is located, the court order will be re-entered as a call for service and an officer will be dispatched.

(d) Un-served court orders will be retained for one year. The Records Supervisor will maintain a file of un-served court orders. This file will be kept in dispatch.

465.1.7 SHIFT SUPERVISORS RESPONSIBILITIES

(a) The early Day Shift Supervisor will check Court Service paperwork (subpoenas) at the beginning of each shift and assign paperwork to personnel during briefing. He or she will log all court paperwork assigned (summons and subpoenas) on the Summons and Subpoena Service Log kept in the briefing room (see attached example).

(b) Subsequent Shift Supervisors (swing, overlap, etc.) will receive un-served summons and subpoenas from officers and assure attempts to serve paperwork continue.

(c) Shift Supervisors will review court service when reviewing reports and hand log all court documents served (including subpoenas, orders of protection and orders of injunction) at the bottom of the case-listing log. The served paperwork will be turned into records with checked off reports.

465.1.8 OFFICERS RESPONSIBILITIES

(a) Officers will receive summons and subpoenas for service from the Shift Supervisor in briefing. They will be dispatched to serve orders of protection or injunctions against harassment.

(b) Officers will attempt to serve the paperwork at the given address. If service is made, officers will notify dispatch that service was successful and provide dispatch with the plaintiff's name. Officers will complete the necessary service notification and turn the paperwork in to the Shift Supervisor with the remainder of their reports.

(c) If service is not made, but the address is valid, officers will place the un-served order of protection in the basket marked "Un-served Orders" located at the Records counter.



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(d) If service is not made and the officer determines the address is not valid, he/she will document their attempts and findings in a DC2 report. The original DC2 will be turned in to the Shift Supervisor. A copy of the DC2 will be attached to the order of protection or injunction and given to the Records Supervisor.

(e) If the Records Supervisor locates a new address for service, the order will be re-entered as a call for service. If the new address is found to be invalid, the officer will file a supplemental report to the original DR (a copy will still be attached to the order) and again forward to the Records Supervisor.

(f) Officers will be held strictly accountable for all court paperwork they are assigned.

(g) Additional considerations regarding child custody disputes:

1. Upon the dissolution of marriage most courts will issue a custody order to the parents. Officers should request to see the custody order and make a decision based on the most recent order. Officers need to make sure the order is signed by a judge and/or stamped by the court.

2. If the dispute is over a child born out of wedlock the mother is the legal custodian until paternity can be established. Officers are encouraged to consult ARS 13-1302.

465.1.9 DISPATCH RESPONSIBILITIES

(a) Dispatchers will record the plaintiff's name in the complainant location when an officer notifies them an Order has been served.

(b) Dispatchers will assist in providing orders of protection from the file located in Dispatch when an officer contacts a defendant after hours.



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# Chapter 5 - Traffic Operations



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# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on collision data, enforcement activity records, traffic volume and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Flagstaff Police Department. Information provided by the Arizona Department of Transportation (ADOT) is a valuable resource for traffic collision occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of collision-causing violations during periods of increased incidence and at the locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All officers shall maintain high visibility while working general enforcement, especially at locations where there is a high incidence of collisions.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance. The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions.

### 500.3.1 WARNINGS

Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant.



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500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) The court contact information

500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the citation is properly directed to the court with jurisdiction in which the violation occurred (ARS § 28-1552 and ARS § 28-1558).

500.3.4 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. Issuing a citation and releasing a violator when they have valid identification and a known address is appropriate. When it becomes apparent after explanation that a violator refuses to sign a criminal citation, the shift supervisor will be called and will give the violator a final opportunity to sign before he/she is booked. When citing/ arresting someone for criminal traffic of a serious nature, a full physical arrest may be more appropriate. In these cases direction should be sought from the shift supervisor. These cases usually deal with, but are not limited to (ARS § 28-121):

(a) Negligent homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit and run resulting in serious injury or death.

(d) Hit and run resulting in damage to any vehicle or property.

## 500.4 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR § 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.4.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be



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exposed to the hazards of approaching traffic or construction and recovery equipment (23 CFR § 634.3). Examples of when high-visibility vests should be worn include traffic control duties, collision investigations, lane closures and while at disaster scenes, or any time high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as an officer.

500.4.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Officer should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

## 500.5 MOTORCYCLE TRAFFIC UNIT

The primary objective of the motorcycle officers is to reduce the number of accidents occurring in the City of Flagstaff by preventing or reducing the commission of violations that have been identified as primary accident causes.

The specific duties consist of providing enthusiastic and consistent directed traffic enforcement and the primary investigation of traffic accidents when available.

500.5.1 MOTORCYLE PROCEDURE

(a) Radio Designators - Officers assigned to motorcycle traffic units will use the alpha call designator T-TOM followed by a geographic designator denoting beat assignment. (I.E., TOM-40-TOM-41, etc.).

(b) Selection - Officers will be selected by an approved process and will successfully complete an approved training program.

(c) Assignment - Motorcycle traffic units will be assigned to a day or swing shift supervisor. A Patrol Lieutenant may assign motorcycle traffic units to selective enforcement details and other tasks deemed necessary.

(d) Motorcycle and Equipment - Each officer assigned to a motorcycle traffic enforcement unit will be equipped with the following, in addition to the basic equipment provided to all commissioned officers:



Adoption Date: 2014/08/15
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1. A police motorcycle equipped with a radio, emergency equipment and emergency lights.
2. A specific radar unit for the officer's exclusive use.

(e) Uniform and Equipment - The uniform and equipment required for the motorcycle officer will comply with the uniform policy.

(f) Take Home Policy - Motorcycle traffic enforcement officers are permitted to store their assigned motorcycle at their homes. The following guidelines must be adhered to in order to retain this privilege:

1. A garage or shed completely enclosing the motorcycle is required.
2. The motorcycle will be ridden only on duty in full uniform, unless assigned to training or maintenance, in which case the officer will wear a class "B" utility uniform complete with his or her department issued firearm and identification.
3. Proper warm up procedures will be followed prior to putting the motorcycle into service. Precautions will be taken to minimize disturbance to the neighborhood.
4. Upon leaving his or her residence for duty, the officer shall notify dispatch of his or her availability and will be responsible for taking appropriate enforcement action as required.

(g) Repair and Maintenance - Assigned officers are responsible for the appearance of both uniform and equipment.

1. Officers will be allowed two hours of on duty time per month for the purpose of cleaning the motorcycle.
2. Officers are responsible for ensuring their motorcycles are in good running condition and are taken to the proper location for repairs and maintenance. Repairs and maintenance will be scheduled in such a way as to maximize patrol availability.
3. Officers will make daily inspections of oil, gas, tires and mechanical condition.

(h) Inclement Weather - Inclement weather or other environmental factors that prevent the safe operation of the motorcycle will be assessed by the shift supervisor and motorcycle officers. The supervisor will assign the officers to other duties if conditions are determined to be unsafe by either the officers or supervisor. The primary consideration will be officer safety in regard to conditions.

### 500.5.2 MOTORCYCLE DEPLOYMENT

Deployment of motorcycle traffic units will be based on information regarding the frequency of accidents, traffic violations and DUI offenses. The assigned officers and their supervisors will be responsible for analyzing this information and developing enforcement plans on a weekly basis. A Patrol Lieutenant will review and approve all selective enforcement traffic programs.



Adoption Date: 2014/08/15
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(a) Input will be obtained from citizen complaints, Block Watches, computer data bases and beat managers.

(b) Motorcycle traffic enforcement officers will focus efforts toward reducing those violations that are the primary accident causes as identified from their research.

(c) Motorcycle traffic enforcement officers may be assigned to participate in other selective duties such as parades or DUI enforcement road blocks, at the discretion of a Patrol Lieutenant.

(d) Motorcycle officers will concentrate their activities on main arterial streets unless authorized by a Patrol Lieutenant to perform a special operation on a secondary street system.

(e) Motorcycle traffic enforcement units may respond to a priority call as a back-up unit when other units are unavailable.

(f) The motorcycle traffic enforcement unit will respond to calls for service when calls are holding and the response is approved by the shift supervisor.

(g) Police motorcycle units will only become involved in a pursuit as the initiating unit. The motorcycle will relinquish the pursuit to the first available marked unit and will safely withdraw.

(h) Motorcycle traffic enforcement units will not respond code three to calls for service or accidents unless under extreme life-threatening circumstance, and will always respond at safe and prudent speeds.



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# Funeral Processions

## 501.1 PURPOSE AND SCOPE

To advise all sworn personnel of the proper protocol while handling funeral processions within the city.

### 501.1.1 OFFICER RESPONSIBILITIES

(a) Officer are reminded to drive cautiously while conducting the funeral escort.

(b) While conducting traffic control during funeral processions officers will attempt to wear their departmental required campaign hat.

(c) As the procession passes by the traffic point, officers will snap to salute the hearse vehicle and remain in that position until the vehicle carrying the family also passes their traffic point. Officers who do not have thier campaign hats will place their hand over their heart as the hearse and family pass to show respect.

(d) Motor officers are exempt from wearing the campaign hat due to not having a place to secure them while on the motorcycle.

### 501.1.2 SUPERVISOR RESPONSIBILITIES

All supervisors will ensure that their officers who are assigned to traffic points during funeral escorts are wearing their campaign hat.

Supervisors will monitor escorts and assist when possible.



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# Traffic Collision Response and Reporting

## 502.1 PURPOSE AND SCOPE

The public safety responsibilities of law enforcement include responding to traffic collisions, providing aid and assistance, documentation of the incident and identification of criminal activity. The Flagstaff Police Department prepares traffic collision reports in compliance with Arizona law. As a public service the Flagstaff Police Department makes traffic collision information available to the public.

## 502.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic collision. A traffic collision with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

### 502.2.1 RESPONSE CONSIDERATIONS

An officer responding to and upon arrival at a collision, should consider the following:

(a) The most appropriate route to the incident.

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene.

(c) Potential for involvement of hazardous materials.

(d) Additional support that may be necessary (e.g., traffic control, medical aid, HazMat, ambulance, tow vehicles and airship landing).

(e) Provide first aid to any injured parties if it can be done safely, and obtain medical assistance as necessary.

(f) Provision of traffic control and protection of the scene.

(g) Preservation of roadway evidence.

(h) Clearance of the roadway.

## 502.3 COLLISION INVESTIGATION

Investigation of traffic collisions should include, as a minimum:

(a) Identification and interview of all involved parties.

(b) Identification and interview of any witnesses.

(c) Determination if any crime has occurred and taking appropriate enforcement action.

(d) Identify and protect items of apparent evidentiary value.

(e) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms.



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## 502.4 TAKING ENFORCEMENT ACTION

When investigating a traffic collision, officers will usually issue a traffic citation to the at-fault driver, after a thorough investigation in which physical evidence or independent witness statements indicate that a violation of Arizona law led to the collision. Officers will issue traffic citations at collisions in the following circumstances:

(a) For "no insurance" if the driver cannot produce proof of insurance. If an at-fault driver does not have insurance, the driver will also receive a citation for violations contributing to the collision.

(b) Any case involving intoxication or impairment by a driver.

(c) Any injury collision.

(d) Any fatality collision (following review by the County Attorney's Office).

(e) Any at scene collision involving significant property damage.

(f) Any hit and run collisions.

Incidents involving more serious violations, such as driving under the influence of drugs or alcohol, vehicular manslaughter or other felonies, shall be enforced immediately. If a driver subject to enforcement is admitted to a hospital, a supervisor shall be contacted to determine the best enforcement option.

Officers should use discretion when determining whether to issue a traffic citation on certain collisions. Officers may elect not to issue a citation in the following circumstances:

(a) Slow speed collisions (i.e.,snow related incidents), where a collision occurred even in the event of extreme care and slow speed on the part of the driver and where minor damage has occurred.

(b) Single vehicle collisions where damage occurs only to the at-fault vehicle and no egregious driving behavior is noted.

(c) Late reported vehicle collisions where there is no longer evidence at the scene and/or the vehicles have been moved.

(d) Those situations where the investigator cannot determine fault because of a lack of evidence.

## 502.5 TRAFFIC COLLISION REPORTING

### 502.5.1 OFFICER RESPONSIBILITIES

Department members shall utilize traffic collision reporting forms prepared by the Arizona Department of Transportation (ARS § 28-669). All traffic collision reports taken by members of this department shall be forwarded to the shift supervisor for approval and data entry into the Records Management System.



Adoption Date: 2014/08/15
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Department members who investigate a motor vehicle collision shall complete a written report pursuant to ARS § 28-667(A) and ARS § 28-667(B):

(a) Either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses.

(b) Within twenty-four hours after completing the investigation.

502.5.2 PATROL LIEUTENANT RESPONSIBILITIES
The records manager or his/ her designee will be responsible for;

(a) Monthly and quarterly reports on traffic statistics including collisions to be forwarded to the Uniform Patrol Section Commander or other persons as required.

(b) Maintaining traffic accident reports and immediately forwarding copies to the Arizona Department of Transportation pursuant to ARS § 28-667(C)(5).

## 502.6 REPORTING SITUATIONS

502.6.1 COLLISIONS INVOLVING DEATH TO DRIVERS
An officer who investigates an accident that involves the death of one or more drivers or a passenger shall promptly notify the county medical examiner (ARS § 28-668(A)).

If a county medical examiner is not available, the investigating officer shall notify and secure a licensed physician or a person acting under the authority of a licensed physician to draw a sufficient sample of blood or other bodily substance for determining the alcohol concentration (ARS § 28-668(B)). The investigating officer shall forward the sample to the Arizona DPS crime laboratory for analysis.

502.6.2 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision on a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Section Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.6.3 TRAFFIC COLLISIONS WITH POLICE DEPARTMENTOFFICE EMPLOYEES
When an employee of this department, either on- or off-duty, is involved in a traffic collision within the jurisdiction of the Flagstaff Police Department and it results in a serious injury or fatality, the Shift Sergeant with Duty Commander approval may request the Arizona Department of Public Safety or other outside agency complete an investigation and report. The term serious injury is defined as any injury that may result in a fatality.



Adoption Date: 2014/08/15
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502.6.4 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Patrol Lieutenant or Shift Sergeant may request assistance from the Arizona Department of Public Safety or other outside agency for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

### 502.7 NOTIFICATION OF PATROL LIEUTENANT
In the event of a serious injury or death-related traffic collision, the Shift Supervisor shall notify the Duty Commander to relate the circumstances of the traffic collision and seek assistance. The Shift Supervisor may assign an investigator or motor officer to investigate the traffic collision.



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# Vehicle Towing and Release Policy

## 510.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Flagstaff Police Department and under the authority of ARS § 28-872 and ARS § 28-3511. Officers will make every possible effort to ensure that vehicles and their contents are cared for in a reasonable manner. In all towing situations officers will ensure corresponding DR or event numbers are placed on all bills, invoices, etc. This order does not apply to those cases where a vehicle is towed as a result of an owner's request.

## 510.2 RESPONSIBILITIES

The responsibilities of those employees storing or impounding a vehicle are as follows:

### 510.2.1 COMPLETION OF VEHICLE IMPOUND AND INVENTORY REPORT

Department members requesting towing and storage of a vehicle shall do both of the following (ARS § 28-872(D)):

(a) Provide the tow truck operator with a vehicle impound report signed by the member that includes (ARS § 28-872(D)(1)):

1. The vehicle identification number.
2. A number that identifies this department and the officer ordering the tow.
3. The year, make and model of the vehicle.
4. The license plate number if available.
5. The date and time the vehicle was towed.
6. The address from which the vehicle was towed.
7. The name, address and telephone number, if known, of the registered owner and the primary lien holder of the vehicle to permit the towing company to notify the registered owner or the primary lien holder.

(b) Electronically communicate to the Records Section the following (ARS § 28-872(D)(2)):

1. The name and telephone number of the person towing the vehicle.
2. All the information provided to the tow truck operator.

Records personnel shall promptly record electronically communicated information from the completed vehicle impound report as prescribed by the Arizona Department of Public Safety (DPS) including entry into the National Insurance Crime Bureau (NICB) Impound/Stored Vehicle File (ARS § 28-872(F)). Following entry, the form should be forwarded to the Shift Sergeant for approval.



Adoption Date: 2014/08/15
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Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or for information should inquiries be made.

### 510.2.2 REMOVAL OF VEHICLE DISABLED IN A TRAFFIC COLLISION

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, the contract tow company shall be requested by the Communications Center.

If the owner is incapacitated or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision. The officer shall request the dispatcher to call the contract tow company. The officer will then conduct an inventory and store the vehicle using a Vehicle Impound and Inventory Report.

### 510.2.3 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

### 510.2.4 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, dispatch shall promptly telephone the specified towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the contract tow company. Dispatch personnel shall promptly enter pertinent data from the impounded vehicle into the computer.

### 510.2.5 30 DAY IMPOUNDS

Officers will use the current "30 day impound" tow sheets when impounding a vehicle under Arizona Revised Statutes § 28-3511.

(a) Sergeants will make note of all 30 day impounds on their daily watch sheets.

(b) Notice of the impound and storage must be mailed (or, in the case of the owner it may be personally delivered), within three working days after impoundment to the owner, lien holder, or other person(s) with an interest in the vehicle. These other persons are typically described as "lien holders" on the MVD computerized registration. Officers will be responsible for mailing, or in the case of the owner, delivering, the Notification of Impound and Storage. Officers will use the form letters provided in the patrol report writing room. The letters will be sent via regular U.S. mail, although a copy to an owner may be personally delivered.

(c) A copy of the Notification of Impound and Storage should be forwarded to the patrol lieutenant before the end of the officer's shift.



Adoption Date: 2014/08/15
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### 510.3 TOWING SERVICES

The City of Flagstaff periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this policy shall require the Department to tow a vehicle.

### 510.4 TOWING AT ARREST SCENES

(a) In cases where the driver has fled and a vehicle is to be held as necessary evidence or is to be seized for forfeiture, the officer will inventory and tow. An explanation for the seizure will be given in the report.

1. Vehicles seized for forfeiture will be towed to the City Yard and an evidence sheet filled out.
2. Vehicles held as evidence or for processing as evidence will be towed to the appropriate location for processing and an evidence sheet filled out. If available vehicle keys will be entered into evidence and documented on an evidence sheet.
3. All vehicles towed as evidence or as forfeiture will have the exact location of the storage facility on the evidence sheet and the DR number noted on the billing sheet. Any vehicle to be held for an extended period of time should be stored in the City yard.

(b) In arrests such as DUI's, other traffic offenses and non-traffic related offenses, officers will move the vehicle from the roadway to a safe parking spot and temporarily secure it. The owner/driver will be given the following options:

1. Releasing the vehicle to a responsible party of their choice at the scene. A responsible party shall be construed as someone with a valid driver's license and someone who is not under the influence of alcohol or drugs. Careful attention should be given to the ability of a person to make a rational decision as to who the vehicle should be released to. A severely intoxicated person may not be able to make this rational decision.
2. Calling a responsible person of their choice to take custody of the vehicle and to have it removed within two hours of the call. The call will be made prior to the completion



Adoption Date: 2014/08/15
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of the booking process and a responsible party confirmed by the arresting/booking officer. The R/P shall be told the keys to the vehicle can be picked up from the officer.

3. The officer will make it clear to the owner/driver that the department's responsibility ends when the vehicle is released to a third party. The name and the address of the person taking custody of the vehicle shall be noted on the officer's report, both in the body and in the appropriate space on the arrest sheet.

4. If the owner/driver refuses or is incapable of selecting one of the above stated options or cannot find an R/P to take custody of the vehicle within departmental guidelines, it shall be towed as soon as possible upon completion of the booking process.

### 510.4.1 RECOVERED STOLEN VEHICLES

Officers recovering stolen vehicles will do as follows:

(a) Advise Criminal Investigations so they may process the vehicle if necessary.

(b) The assigned officer or detective will work with dispatch personnel to remove the vehicle form the stolen vehicle system.

(c) Within 48 hours of recovering a stolen vehicle or receiving notification that a vehicle reported stolen through this department has been recovered, the officer or assigned investigator shall make a reasonable and good faith effort to notify the victim of the recovery. The notice must specify when the recovering law enforcement agency expects to release the vehicle to the owner and where the owner may pick up the vehicle.

(d) Upon recovery of a vehicle reported stolen to another agency, the assigned investigator or dispatch should promptly inform the agency that the vehicle is recovered, where it is located and when it can be released to the owner.

(e) On local stolen vehicles, the assigned investigator should contact the owner to come to the scene and claim the vehicle. If the vehicle is disabled, the officers should give the local owner their choice of towing services. Local stolen vehicles WILL NOT be towed if at all possible.

(f) Officers shall inventory, tow, and impound ALL NON-LOCAL stolen vehicles, that cannot be released to their owner within a reasonable time. .

### 510.4.2 ABANDONED VEHICLES

When an officer receives a report of, or discovers a NON-TRAFFIC HAZARD abandoned or inoperable vehicle on any city street or city or commercial property, the officer will:

(a) Take a report. The report will contain the location of the vehicle, license number, VIN, and other pertinent facts.

(b) Tag the offending vehicle with the provided tag on the driver's window.

(c) Run a registration check to determine the owner's name and address.

(d) Verify that the vehicle is not stolen and note this in the report.



Adoption Date: 2014/08/15
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(e) Make a reasonable attempt to contact the owner (especially if local) to remove the vehicle in lieu of towing. Time and date of contact will be noted in the report.

(f) The Records Department will forward all abandoned vehicle reports to the Parking Control Officer. This person will be responsible for having the vehicle removed.

(g) The reporting officer has the responsibility to follow up and ensure the vehicle is removed in a timely manner using whatever resources are appropriate.

510.4.3 SNOW ORDINANCE TOWS
Before towing a vehicle under the snow removal ordinance, officers will:

(a) Ensure the vehicle is on a dedicated city street and actually an obstruction to the snowplow. Officers should give owner/driver all benefit of doubt, i.e. if the vehicle is half on and half off the street, or if all effort has been taken to park the vehicle off the street - DO NOT TOW.

(b) If time permits, make a reasonable attempt to contact the owner and have them move the vehicle.

(c) When it becomes necessary, ticket, inventory if possible, and tow by the appropriate contract tow service.

(d) Complete a departmental report with full information, i.e. the vehicle make, license number, color and location.

510.4.4 DEPARTMENT OR OTHER CITY OWNED
When a Department or other City owned vehicle becomes disabled and requires towing, a tow truck will be called from the appropriate contract tow service, after notifying the City Vehicle Shop.

The officer having the City vehicle towed will submit an interdepartmental incident report to his supervisor.

510.4.5 TRAFFIC HAZARDS
If a vehicle is an immediate threat to safety, i.e. abandoned in roadway, blocking traffic, etc., and the owner is not readily available, officers will:

Provide traffic control as required, inventory and tow by the contract tow service, without delay. Attempt to contact the owner and advise them of the reason for towing and the location where the vehicle was towed to.

Complete proper departmental reports.

510.4.6 PRIVATE PROPERTY TOWS
Citizens requesting officers to tow vehicles from private property will be referred to the City Vehicle Abatement Office. Officers will not order or dispatch tow trucks for the above stated purpose.

**510.5 VEHICLE INVENTORY**
A detailed written inventory shall be completed on all vehicles towed by any officer of this department. This inventory shall be conducted to protect the Flagstaff Police Department and



Adoption Date: 2014/08/15
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the City from claims of stolen, lost, or vandalized property, as well as protecting Flagstaff Police Department personnel from possible injuries from dangerous items.

(a) Once it has been determined according to this policy or at the direction of a supervisor that a vehicle is to be towed, the officer will first request that a tow truck be dispatched to their location. Once a tow truck has been requested, the officer will then begin an inventory of the vehicle and its contents.

(b) A complete inventory shall be made of all vehicle contents, including the contents of all containers and compartments found within the vehicle. The inventory will include documentation of serial numbers, make and model numbers, color and other identifying marks.

(c) When inventorying vehicles, officers shall use keys to open a locked trunk or glove compartment. If keys are unavailable, instructions shall be obtained from a supervisor as to the method to be used in opening the locked trunk or glove compartment. Officers shall take special care not to damage any property in the course of attempting to gain access to locked containers or compartments.

(d) Officers shall complete the vehicle inventory section designated "remarks" on the vehicle inspection/disposition form (tow sheet). All personal property, including that found in containers within the vehicle, shall be documented in this section.

(e) Officers shall also list the registered owner's name and address in the remarks section of the vehicle inspection/disposition form.

(f) Items of obvious value, such as cash, jewelry, guns and high value electronics, will be placed into evidence for safekeeping. This should be noted on the evidence sheet.

### 510.6 SECURITY OF VEHICLES AND PROPERTY

Vehicles may be searched when one or more of the following conditions are met:

(a) When probable cause to search the vehicle exists

(b) When it is reasonable to believe that the vehicle contains evidence of the offense for which the occupant was arrested

(c) With consent of the operator

(d) Incident to an arrest if the occupant of the vehicle has not been secured and remains within reaching distance of the passenger compartment

(e) To make a limited search for weapons when reasonable suspicion exists that a suspect is dangerous and the suspect may gain immediate control of a weapon

(f) Under emergency circumstances not otherwise enumerated above

(g) Pursuant to a valid search warrant



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# Vehicle Impound Hearings

## 512.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to ARS § 28-3514.

## 512.2 NOTICE

Within three business days after immobilization or impoundment, excluding weekends and holidays, the Investigating officer shall mail or personally deliver notice of immobilization or storage to the owner of the vehicle.

The notice of immobilization or storage shall include all of the following information:

(a) A statement that the vehicle was immobilized or impounded.

(b) The address and telephone number to contact at this department regarding the immobilization or storage.

(c) The name, address and telephone number of the entity that will provide an immobilization or post storage hearing.

(d) The location of the place of storage and a description of the vehicle including the manufacturer, model, license plate number and mileage of the vehicle if available.

(e) A statement that in order to receive an immobilization or post storage hearing the owner, the spouse of the owner, the owner's agent or the person identified in the department's records as having an interest in the vehicle shall within ten days after the date on the notice either:

1. Request an immobilization or post storage hearing by contacting this department in person or in writing or by filing a request with the justice court.

2. Paying the prescribed fee pursuant to ARS § 22-281.

## 512.3 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Flagstaff Police Department, a hearing will be conducted upon the request of the owner or operator of the vehicle to determine if probable cause existed for the removal and placement of the vehicle.

The vehicle owner, spouse of the owner or other person having an interest in the vehicle shall have an opportunity for a single post storage hearing for the release of the vehicle by either this department or a justice court but not both (ARS § 28-3514(I)).

The hearing shall be conducted within five business days, excluding weekends and holidays, after the Department receives the request (ARS § 28-3514(F)). The hearing officer must be a person other than the person who directed the storage or impound of the vehicle.

The post storage hearing may be (ARS § 28-3514(A)):



Adoption Date: 2014/08/15
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(a) Conducted within this department's jurisdiction.

(b) Conducted telephonically.

(c) Transferred to a law enforcement agency in the jurisdiction in which the owner, spouse of the owner, the owner's agent or any person identified as having an interest in the vehicle resides.

512.3.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone, within 10 days of the date appearing on the notice (ARS § 28-3514(G)). The Patrol Lieutenant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing.

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a mediation or reduction of the period the vehicle is impounded.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer may make reasonable adjustments to the impound period, storage or assessment fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be at the Department's expense.

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded to the appropriate Section Commander. The hearing officer will recommend to the appropriate Section Commander that the fees



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paid by the registered or legal owner of the vehicle in question or the owner's agent be reimbursed by the Department.



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# Impaired Driving

## 514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 514.2 POLICY

The Flagstaff Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Arizona's impaired driving laws.

### 514.2.1 DUI INVESTIGATIONS INVOLVING JUVENILES

During an investigation of a DUI where the driver is a juvenile, if it is determined that blood or urine will need to be pulled for the investigation, the Officer will obtain a search warrant for the sample regardless of whether the juvenile consents to the collection of the sample or not.

## 514.3 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (ARS § 28-1321):

(a) The arresting officer has reasonable grounds to believe the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or drugs.

(b) The arresting officer has reasonable grounds to believe the person is under 21 years of age and has any amount of alcohol in his/her body.

(c) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal.

(d) An officer has reasonable grounds to believe that the person was involved in a traffic accident that resulted in death or serious physical injury and has probable cause to believe that the person caused the accident (ARS § 28-673).

### 514.3.1 BREATH SAMPLES

The Patrol Lieutenant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Patrol Lieutenant.

### 514.3.2 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples (ARS § 28-1388). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.



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Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

#### 514.3.3 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, Flagstaff Police Department case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

### 514.4 REFUSALS

When a person refuses to provide a chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (ARS § 28-1321).

(b) Audio-record the admonishment and the response when it is legal and practicable.

(c) Document the refusal in the appropriate report.

#### 514.4.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of suspension upon the person and take possession of any state-issued license or permit to operate a motor vehicle that is held by that person. If the person's license is surrendered, the officer shall issue the person a 15-day temporary driving permit. If the person's license or permit is not surrendered, the officer should include the reason why in his/her report (ARS § 28-1321).

#### 514.4.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test and:

(a) A search warrant has been obtained (ARS § 28-1321); or

(b) If the officer has probable cause to believe that the person has violated the state's impaired driving laws and a sample of blood, urine or other bodily substance has been taken from that person for any reason, the officer may request a portion of that sample for analysis (ARS § 28-1388).



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514.4.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.

    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

    2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.

    3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

## 514.5 ARREST AND INVESTIGATION

514.5.1 STATUTORY WARNING

An officer arresting a person for DUI shall provide the person with the mandatory statutory warning provided by ARS § 28-1321(B).

514.5.2 ADDITIONAL TESTING

The person tested shall be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of the person's own choosing to administer a test or tests, in addition to any administered at the direction of an officer (ARS § 28-1388).



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### 514.5.3 RESULTS FROM HEALTH CARE INSTITUTION

An officer who has reasonable grounds to believe that a person is DUI may request a copy of any written or electronic report of the person's blood alcohol concentration that is in the possession of a health care institution (ARS § 28-1390).

### 514.5.4 IGNITION INTERLOCK DEVICE

A person arrested for DUI, who is also under a previous court order to have a certified ignition interlock device (IID) on his/her motor vehicle, shall submit to any test chosen by an officer (ARS § 28-1464).

### 514.5.5 OFFICER RESPONSIBILITIES

The arresting officer shall file a certified report of a person's refusal, the surrendered license and copies of the notice of suspension and temporary permit with the Arizona Department of Transportation (ADOT) within five days. The certified report shall contain (ARS § 28-1321):

(a) The officer's reasonable grounds to believe that the arrested person was driving or in actual physical control of a motor vehicle:

  1. While under the influence of intoxicating liquor or drugs.
  2. Or was under 21 years of age and had alcohol in his/her body.

(b) The manner in which the person refused to submit to the test or tests.

(c) That the person was advised of the consequences of refusal.

### 514.5.6 ORDER OF SUSPENSION

If a person refuses to submit to a test, the officer shall, on behalf of ADOT, serve an order of suspension on the person. The order of suspension is effective 15 days after the date it is served and shall be accompanied by printed forms that the person can use to request a hearing regarding the suspension. The order shall notify the person that (ARS § 28-1321; ARS § 28-1385):

(a) He/she may submit a written or online request for a hearing.

(b) The request for a hearing must be received by ADOT within 15 days after the date of the notice, or the order of suspension will become final.

(c) The person's license or permit to drive or right to apply for a license or permit will be suspended.

(d) The person's driving privilege may be reinstated following the period of suspension only if the person completes alcohol or other drug screening.

(e) Unless the person has surrendered his/her license or permit, the person's request for a hearing will not be accepted without a certifying statement that the license or permit is lost or destroyed.



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514.5.7 PRELIMINARY TESTS
An officer who has reasonable suspicion to believe that a person is in violation of ARS § 28-1381 (DUI) or ARS § 28-1382 (extreme DUI) may request that the person submit to a preliminary breath test before arrest (ARS § 28-1322).

514.5.8 QUALITY ASSURANCE
This department shall utilize a quality assurance program, conducted by quality assurance specialists or operators, regarding devices used to determine alcohol concentration and shall generate records of periodic maintenance of those devices, pursuant to AAC § R13-10-104.

## 514.6 RECORDS SECTION RESPONSIBILITIES
The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

## 514.7 ADMINISTRATIVE HEARINGS
The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to ADOT.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers called to testify at an administrative hearing should document the hearing date and the ADOT file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Section should forward this to the prosecuting attorney as part of the case file.

## 514.8 TRAINING
The Training Officer should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Officer should confer with the prosecuting attorney's office and update training topics as needed.



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# Traffic Citations

## 516.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the collection of data, the procedure for dismissal, correction and voiding of traffic citations.

## 516.2 RESPONSIBILITIES

Employees of this department shall use the state of Arizona uniform traffic ticket and complaint form for traffic complaints (ARS § 28-1557(A)).

The Records Section shall be responsible for the issuance and accounting of all traffic citations provided to employees of this department pursuant to ARS § 28-1557(C).

Citations will be kept in a secure location and issued to officers by Records Section staff. Officers will sign for the citation books when issued and the Records Section will maintain a receipt for each book issued.

Officers shall return to the Records Section (ARS § 28-1558(D)):

(a) Each traffic citation issued to an alleged violator of a traffic law or ordinance.

(b) Copies of each traffic citation that is spoiled or on which any entry has been made and not issued to an alleged violator.

### 516.2.1 DATA COLLECTION

Records should maintain information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(a) The race or ethnicity of the individual detained.

(b) Whether a search was conducted and, if so, whether the person detained consented to the search.

Records should submit an annual report to the City of all traffic citations for conducting monthly audits as required pursuant to ARS § 28-1560(B).

## 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued. Any request from a recipient to dismiss a citation shall be referred to the Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may request the Uniform Patrol Section Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate prosecutor with a request for dismissal. All recipients of traffic citations whose request for dismissal has been denied shall be referred to the appropriate court.



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Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request the prosecutor to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Uniform Patrol Section Commander for review.

Only the court has the authority to dismiss a citation that has been deposited with a court (ARS § 28-1558(B)).

### 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been fully completed or where it is completed but not issued. Officers may also void citations that have been soiled or otherwise damaged. All copies of the citation shall be presented to a Patrol Lieutenant with a memorandum outlining the reason for the dismissal. The lieutenant will be able to approve the voiding of the citation. The memorandum, citation and copies shall then be forwarded to Records for retention.

### 516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation should either request it be dismissed or voided and issue a new one. If in court and the officer notices an error on the citation, he/she should advise the prosecutor/court of the error and request it to be amended.

### 516.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with Records.

Upon separation from employment with this department, all employees who were issued traffic citation books shall return any unused citations to Records.

### 516.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Arizona law.

### 516.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.



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# Disabled Vehicles

## 520.1 PURPOSE AND SCOPE

Law enforcement and other public agencies may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

## 520.2 OFFICER RESPONSIBILITIES

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer or other department member to respond as soon as practicable.

## 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by Department personnel will be contingent on the time of day, the location, the availability of Department resources and the vulnerability of the disabled motorist.

### 520.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

### 520.3.3 TOWING OF DISABLED VEHCILES

If a vehicle is an immediate threat to safety, i.e. abandoned in roadway, blocking traffic, etc., and the owner is not readily available to move the vehicle, officers will:

- Provide traffic control as required.
- Attempt to contact the owner
- If the owner cannot be contacted inventory and tow by the contract tow service.
- Make arrangements to advise the owner of the reason for towing and the location where the vehicle was towed to.
- Complete proper departmental reports.

## 520.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.



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# Abandoned Vehicle Violations

## 524.1 PURPOSE AND SCOPE

This policy provides procedures for the removal, recording and storage of vehicles abandoned in violation of abandoned vehicle laws, under the authority of ARS § 28-4834.

### 524.1.1 DEFINITIONS

Definitions related to this policy include:

**Abandoned Vehicle** - A vehicle, trailer or semitrailer that is subject to registration, whether lost, stolen, abandoned or otherwise unclaimed and that has been abandoned on a public highway, public property or elsewhere, including private property. Evidence that a vehicle was left unattended for a period of 48 hours within the right-of-way of any highway, road, street or other public thoroughfare or for a period of 72 hours on public or private property or elsewhere is prima facie evidence of abandonment (ARS § 28-4801).

## 524.2 TAGGING AND TOWING ABANDONED VEHICLES

When an officer receives a report of, or discovers a NON-TRAFFIC HAZARD abandoned or inoperable vehicle on any city street or city or commercial property, the officer will:

(a) Take a report. The report will contain the location of the vehicle, license number, VIN, and other pertinent facts.

(b) Tag the offending vehicle with the orange abandoned vehicle sticker on the driver's window.

(c) Run a registration check to determine the owner's name and address.

(d) Verify that the vehicle is not stolen and note this in the report.

(e) Make a reasonable attempt to contact the owner (especially if local) to remove the vehicle in lieu of towing. Time and date of contact will be noted in the report.

Records will forward all abandoned vehicle reports to the Parking Control Officer. This person will be responsible for having the vehicle removed. The reporting officer has the responsibility to follow up and ensure the vehicle is removed in a timely manner using whatever resources are appropriate.

### 524.2.1 VEHICLE STORAGE

Any vehicle in violation shall be towed and stored by the authorized towing service and a vehicle inventory and tow sheet shall be completed by the officer authorizing the storage of the vehicle as specified in the Vehicle Towing and Release Policy. Stored vehicles shall be entered into the National Insurance Crime Bureau (NICB) Impound/Stored Vehicle File (ARS § 28-872(F)).



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# Chapter 6 - Investigation Operations



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# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges. Criminal investigation consists of two distinct and yet closely interrelated phases: the initial investigation and the follow-up investigation.

## 600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

(a) Care for the injured and make a preliminary determination if a crime has been committed by completing, at a minimum, the following:

1. An initial statement from any witnesses or complainants.
2. A cursory examination for possible evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., investigators or scene processing) assistance is necessary and request assistance as required.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or Shift Sergeant.
4. Interview all available victims, informants, complainants, witnesses and suspects.
5. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
6. Collect any evidence.
7. Take any appropriate law enforcement action.
8. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

## 600.3 RECORDING OF CUSTODIAL INTERROGATIONS

Any custodial interrogation of a person who is suspected of having committed any violent felony offense should be electronically recorded (audio/video or both as available) in its entirety, as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.



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Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the County Attorney and the Criminal Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or different format, provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should continue to prepare written summaries of custodial questioning and investigative interviews and continue to obtain written statements from suspects when applicable.

## 600.4 PERSONS WITH COMMUNICATIONS DISABILITIES

Upon the arrest of a person with a communications disability and before interrogation or the taking of his/her statement, the officer, shall make a qualified interpreter available to assist with communications (ARS § 12-242(C)).

## 600.5 FOLLOW-UP INVESTIGATIONS

Follow-up investigations on all felony cases are evaluated and assigned by the Detective Supervisor based upon caseload, case assignment and an evaluation of case solvability factors. The follow-up investigation is an extension of the initial investigation. The purpose of the follow-up is to provide additional investigation in order to affect the arrest of an offender and/or recover stolen property. Basic activities of the follow-up investigation include:

(a) Identification and apprehension of the offender.

(b) Arrange for the collection, preservation, analysis and evaluation of evidence to include dispatch tapes and any audio or video evidence if relevant.

(c) Recovery of stolen property.

(d) Interviewing of victims and witnesses.

(e) Interrogation of suspects.

(f) Determining if other crimes may have been committed by the suspect.

(g) Recording of information obtained.

(h) Preparation of case for court presentation.

(i) To give the victim a point of contact at the Department should further evidence be found.

### 600.5.1 CASE SOLVABILITY FACTORS

(a) The patrol officers will be responsible for conducting and completing the follow up investigation of all non-criminal calls for police service and for misdemeanor crimes except:

1. Found Bodies



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2. Suicides
3. Missing Persons

(b) Follow-up by patrol officers will be required on all cases that are not closed by arrest or an early case closure (ECC) at the time of the initial report. An ECC may only be used when at the time of the initial report there are no leads available for the patrol officer to follow-up.

(c) Within thirty (30) days of initial receipt of non-closed cases, the reporting officer will re-contact the complainant either in person, by phone or by mail. The officer will advise the complainant regarding the progress of the investigation and ask whether there is additional information available.

(d) Each supervisor will regularly run "cases past due" computer reports and furnish them to their patrol officers. It is each supervisor's responsibility to ensure that the proper follow-ups are made.

(e) Patrol officers will handle all misdemeanor follow-up; detectives will handle felony follow-up. If a detective refers a case back to patrol, he/she will contact the complainant and advise him/her why it is not being handled as a felony and which patrol officer will be assigned. The detective will inform the officer of the status and furnish him/her with a copy of the report. It will then be the patrol officer's responsibility for follow-up.

(f) In each case where follow-up is required, the officer taking the report will give the complainant a his/her business card or the victim's rights form if applicable with the DR number on it. Cases where follow-up calls are required include, but are not limited to, the following:

1. All Felonies (Detectives)
2. Thefts
3. Runaway Juveniles
4. Assaults
5. Criminal Damage
6. Hit and Run Accidents
7. Lost/Missing Persons

(g) Officers are not relieved of follow-up procedures and responsibilities in domestic violence cases.

(h) Detectives shall have the overall responsibility for conducting follow-up investigations of felony offenses.

(i) The investigation should be follow-up in nature and not a repetition of the activities of the preliminary investigator.



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(j) Investigations of certain offenses are of sufficiently complicated nature or contain a sufficient degree of immediacy to warrant the assignment of investigators to the scene of the offense or an arrest made for the offense to immediately begin a follow-up investigation.

1. Detectives shall be notified by shift supervisors of crimes or arrests and report to the scene for:
   - (a) All found bodies and deaths when no doctor is in attendance.
   - (b) Sexual offenses.
   - (c) Critical injury assaults.
   - (d) Robberies of commercial institutions.
   - (e) Burglaries where there is physical violence or a significant monetary loss.
2. The decision to call out or cancel a detective rests with the shift supervisor.
3. In offenses other than those listed above, investigative personnel need not report to the crime scene unless they feel it is warranted or ordered by a supervisor.
4. Upon the arrival of the detective, the patrol officer shall relinquish responsibility for the investigation unless otherwise instructed. The assigned patrol officer shall be required to obtain adequate information to properly complete a report. He/she shall be responsible for the completion of the original offense report.
5. The field supervisor will coordinate with the detective to provide crime scene assistance. Detectives will obtain the patrol supervisors permission before assigning patrol officers. The detective will release the officer(s) from the scene as soon as possible.
6. In cases when a detective does not respond to the scene and assume control of the investigation, uniform officers are encouraged to work all available leads and conclude the case if time and workload permits.
7. Upon receipt of any case, the detective will:
   - (a) Contact and interview the victim and/or reporting party as soon as possible, but no later than five (5) days after the assignment of the case.
   - (b) Contact and interview all witnesses, investigative leads, and suspects in a timely fashion. During interviews of listed subjects, the detective will strive to identify additional witnesses and investigative leads.
   - (c) Further process the scene to include if necessary: still photographs, video, crime scene diagrams, measurements and conduct other forensic tests and examinations as necessary.
   - (d) Have a canvas search of the surrounding neighborhood conducted when necessary.



Adoption Date: 2014/08/15
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(e) Obtain a search warrant when necessary.

(f) Collect and properly package all evidence.

(g) Document persons and activities as it relates to the crime scene in the subsequent detective supplemental report.

(h) The detective will be aware of all evidence collected in reference to each investigation. He/she will see that each item is properly collected, packaged and submitted in accordance with policy.

(i) The detective will ensure that each item of evidence has been submitted for any forensic tests, examination or comparison that is available. The detective will monitor progress of each examination and see that the submission and results are accurately listed in the detective supplemental report.

(j) The detective will strive to recover any stolen property. He/she will see that restitution is sought whenever appropriate.

(k) When investigating suspects or crimes of a repetitive nature, the detective will make every effort to identify and solve any related crimes.

8. The detective supplemental report will be an accurate, thorough and up-to-date account of all tasks undertaken by the detective during the investigation. The first detective supplemental report will be turned into the Detective Supervisor no later than 30 days after the assignment of the case. If the case remains pending, additional pages of the report will be turned into the Detective Supervisor no later than 60 days after assignment. A third supplemental report will be filed no later than 90 days after assignment of the case. No cases will be held pending for longer than 90 days after assignment, unless the case has been reviewed and its pending status approved by the Detective Supervisor and Criminal Investigation Lieutenant. The status code on assigned pending felony cases will not be changed until the supporting supplemental report has been reviewed and approved by the Detective Supervisor and Criminal Investigation Lieutenant.

9. On wanted persons entries and cancellations, the assigned detective will make the following determinations:

(a) Has the initial officer entered any person, vehicle, or piece of property into NCIC or ACIC?

(b) Has the initial officer placed an "attempt to locate" on vehicles, persons, or property with local agencies, statewide or nationwide?

(c) The detective is ultimately responsible for the timely and accurate NCIC and ACIC entry or broadcast on any wanted subject, vehicle or property. He/She is also ultimately responsible for the timely NCIC/ACIC removal or ATL cancellation of located subjects, vehicles or property.



Adoption Date: 2014/08/15
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(d) When assigned to a case that has been cleared by arrest by the initial reporting officer, the detective will provide the County Attorney with all necessary reports and forms on the following work day. Refer to the procedural policy regarding the submission of cases.

600.5.2 COLD CASE REGISTER

The Department shall maintain a confidential cold case register for offenses including homicides and felony sexual offenses that have remained unsolved for more than one year. As reasonably practicable, cold cases shall be revisited periodically for new information.

Maintenance of the cold case register and proper notification of the victim, victim's family or appropriate representative shall be in accordance with Arizona law (ARS § 13-4271).

600.5.3 THEFT NOTIFICATION WEBSITE REGISTRATION

The Detective Section supervisor shall ensure that this department is registered with the free theft notification website and reports stolen items via the website to recycling operations and other law enforcement agencies within a one hundred mile radius of a theft (ARS § 44-1641.02; ARS § 44-1641.05).

## 600.6 MODIFICATION OF CHARGES FILED

Employees are not authorized to recommend to the County Attorney, City Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the County Attorney's Office or City Attorney's Office only as authorized by a Section Commander or the Chief of Police or a designee.

## 600.7 TRAINING

Officers shall receive training in preliminary investigations prior to assignment to any investigative duties. Officers assigned to any follow-up or advanced investigations, or upon assignment to investigations, shall have completed training in follow-up investigations.

## 600.8 PHOTOGRAPHIC IDENTIFICATION OF SUSPECTS

When practicable, the employee composing and the employee presenting the photo lineup should not be directly involved in the investigation of the case. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

The following precautions should be taken by any employee presenting a photographic lineup:

(a) The person of interest or suspect in the photo lineup should not stand out from the other persons depicted in the photos.



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(b) At no time prior to, during or after the presentation of a photographic lineup should it be suggested to a witness that any person depicted in the lineup is a suspect or was in any way connected to the offense.

(c) The employee presenting the photographs to a witness should not know which photograph depicts the suspect.

(d) The employee presenting the photographs to a witness should do so sequentially (i.e., showing the witness one photograph at a time) and not simultaneously. The witness should view all photographs in the lineup.

(e) The position of the suspect's photo and filler photos should be placed in a different random order for each witness.

(f) In order to avoid undue influence, witnesses viewing a photographic lineup should do so individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the photographic lineup with other witnesses.

(g) An admonishment should be given to each witness that the suspect's photograph may or may not be among those in the lineup and that the witness need not make an identification.

The procedure employed and the results of any photographic lineup should be documented in the case report. A copy of the photographic lineup presented to the witness should be included in the case report. Witness comments of how certain he/she is of the identification or non-identification should also be quoted in the appropriate report.



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# Sex Crime Victims' Rights

## 602.1 PURPOSE AND SCOPE

This policy will establish a procedure by which the identity of sex crime victims can remain private, and will provide the victim with information regarding other rights afforded by The Victims' Bill of Rights Ariz.Const. Art. 2 § 2.1 and ARS § 13-4401 et seq.

## 602.2 INVESTIGATION CONSIDERATIONS

### 602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the location of the victim confidential.

The Department shall withhold public access to address and employment information that would reveal the location of a victim or alleged victim of criminal sexual conduct.

### 602.2.2 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex offense shall inform the victim of the following rights:

(a) Provide to the victim, or designated representative, a Victims' Rights Form (ARS § 13-4405, ARS § 13-4403).

(b) If the sexual crime involves domestic violence, provide the victim in writing with rights, procedures and resources for the protection of the victim (ARS 13-3601(J)).

(c) To request that the Department withhold public access to information that would reveal the location and personal information of the victim.

(d) Provide information regarding the nearest crisis intervention service, crime victim assistance program or other resource.

(e) To be informed of and participate in the prosecution process if an offender is charged, including the right to request restitution.

## 602.3 MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIMS

Officers investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim, request a medical examination of the victim.

If a sexual assault is not reported within 96 hours of the offense, the Department may still request a medical examination of the victim provided consent is given by the victim or a person authorized to act on behalf of the victim.



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## 602.4 TITLE OF REPORTS FOR SEXUAL ASSAULTS WHEN NO CRIMINAL CHARGES ARE REQUESTED

According to federal guidelines, victims of sexual assault should be afforded an opportunity to seek services and not participate in a police investigation. In order to accommodate this NACASA may, on occasion, offer services to include a medical exam and securing evidence in a rape kit from victims of a sexual assault who wish to remain anonymous to law enforcement. In these cases, NACASA personnel will know the victim's name and will determine the proper jurisdiction of the event. If the incident occurred in Flagstaff, NACASA personnel will be contacting the Flagstaff Police Department to respond and secure the rape kit as evidence.

### 602.4.1 REPORT TITLE

(a) Since the victim is not interviewed and the elements of the crime of sexual assault cannot be determined by law enforcement, the reports written must have a special title to prevent them from being reported in the department's and city's crime report.

(b) When officers complete their report and the victim is unwilling to speak to or be identified by law enforcement, officers should title their reports as "VAWA" (Violence Against Women Act). No criminal code should be listed in the report. This will allow Records to track these reports if the victim later wishes to pursue charges or the location of the incident can be determined.

(c) According to NACASA there is no "anonymous" reporting system due to language in the statute dealing with "material injury". NACASA is mandated to report all incidents to law enforcement. When a victim goes to NACASA for an exam and does not want law enforcement involvement, they call this a "non-report" sexual assault. The victim's name will be written on the rape kit. When picking up a "non-reporting" sexual assault kit from NACASA officers need to make sure they do not list the victim's name in their report.

(d) Officers should also be aware if a victim is intoxicated they cannot be taken to NACASA because they cannot conduct an exam or get consent from an intoxicated victim. NACASA should not be contacted under these circumstances.

(e) Officers are reminded to contact Victim Witness Services on all reported sexual assault investigations, even if the victim declines police involvement.



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# Confidential Informants

## 608.1 PURPOSE AND SCOPE

In many instances a successful investigation cannot be conducted without the use of confidential informants. To protect the integrity of the Flagstaff Police Department and the officers using informants it shall be the policy of this department to take appropriate precautions by developing sound informant policies.

### 608.1.1 DEFINITIONS

**Category I Informants -** Individuals who agree to provide information or perform tasks in lieu of prosecution for criminal offenses or as a result of a plea bargain.

**Category II Informants -** Individuals who agree to provide information or perform services in the furtherance of a criminal investigation which could result in a monetary payment.

**Category III Controlled Sources -** Civic minded non-criminal individuals who provide data or services and are willing to testify in court proceedings if required.

**Category IV Confidential Sources -** Civic minded non-criminal sources of information including employees of other non-police governmental agencies who wish to remain anonymous and provide information on a frequent or infrequent basis. Confidential sources will normally not appear in court proceedings and confidentiality will be maintained.

**Category V Fugitive Sources -** Individuals who provide information concerning a particular wanted person for a monetary payment.

## 608.2 INFORMANT FILE SYSTEM

The designated Criminal Investigations supervisor and Lieutenant shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

### 608.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. an informant number which shall be comprised of the last two digits of the calendar year, followed by the control officer's I.D. number, followed by a sequential number which begins with #1 at the first of each calendar year(Example: 96 5555 3).

An informant history shall be prepared to correspond to each informant file and include the following information:

(a) Informant's name and/or aliases.

(b) Date of birth.

(c) Physical description: height, weight, hair color, eye color, race, gender, scars, tattoos or other distinguishing features.

(d) Current home address and telephone numbers.



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(e) Current employer, position, address(es) and telephone numbers.

(f) Vehicles owned and registration information.

(g) Places frequented.

(h) Informant's photograph.

(i) Evidence that a criminal history check has been made.

(j) Briefs of information provided by the informant and his/her subsequent reliability. If an informant is determined to be unreliable, the informant's file will be marked as "Unreliable."

(k) Name of officer initiating use of the informant.

(l) Signed informant agreement.

(m) Update on active or inactive status of informant.

The informant files shall be maintained in a secure areas within the criminal investigations section. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant and minimize incidents that could be used to question the integrity of investigators or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, the Criminal Investigations Lieutenant, and the Criminal Investigations Supervisor or their designee.

### 608.3 USE OF INFORMANTS

An officer contemplating the use of a subject as a Category I or II informant shall obtain approval from his/her immediate supervisor and Lieutenant. Upon approval of the immediate supervisor, the officer will contact the Detective Supervisor.

(a) The Detective Sergeant will search existing records to ensure that the subject has not been previously listed as an informant.

(b) The control officer will fill out an informant identification record and conduct a record search for any prior criminal history or pending warrants.

(c) The control officer shall within ten days of obtaining an informant number, forward the informant identification record and the original copies of all documentation to the Detective Supervisor to be placed in the Informant File. A photograph of Category I informants will be included in the identification record.

(d) Controlled Sources, Confidential Sources, and Fugitive Sources do not require an informant control number.

(e) Parole/probationary informants may be utilized with permission of the parole/probation officer, the Criminal Investigations Lieutenant and the Operations Deputy Chief. Some jurisdictions may require further restrictions.



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(f) Prior approval by the prosecutor is required to utilize a Category I informant. Category I informants who fail to fulfill their agreement shall be prosecuted on the original charges.

(g) The respective supervisor shall be responsible for ensuring that documentation concerning reliability, activity, and payments are entered into the informant file.

(h) At such time that it is determined that an informant is unreliable, it shall be the control officer's responsibility to document this unreliability with an updated informant form submitted to the supervisor in charge of the file.

(i) Whenever the status of an informant changes (i.e., address, physical characteristics, etc.), or the informant becomes inactive, the control officer shall forward an updated informant form to the appropriate Supervisor.

(j) The investigations supervisor will review and purge their respective informant files at least once per year.

608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 years is prohibited. The use of any juvenile informant between the ages of 13 and 17 is only authorized with written consent of the parent or guardian, as well as the written approval from the Criminal Investigations Lieutenant or above.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party, and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition or criminal charge against the juvenile.

## 608.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the Department Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

608.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Flagstaff Police Department shall knowingly maintain a social relationship with a confidential informant while off-duty, or otherwise become intimately involved with a confidential informant. Members of the Flagstaff Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following requirements must be adhered to:

(a) Officers shall not withhold the identity of an informant from their superiors.

(b) Identities of informants shall otherwise be kept confidential.



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(c) Criminal activity by informants shall not be condoned.

(d) Informants shall be told they are not acting as police officers, employees or agents of the Flagstaff Police Department and that they shall not represent themselves as such.

(e) The relationship between officers and informants shall always be ethical and professional.

(f) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of a criminal investigations supervisor.

(g) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of a criminal Investigations supervisor. Officers may meet informants alone in an occupied public place such as a restaurant. When contacting informants for the purpose of making payments officers shall arrange for the presence of another officer whenever reasonably possible.

(h) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

## 608.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

### 608.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The amount of assets seized
- The quantity of the drugs seized
- The informant's previous criminal activity
- The level of risk taken by the informant
- Other factors that may motivate the informant

A criminal investigations supervisor will discuss the above factors with the Criminal Investigations Lieutenant and arrive at a recommended level of payment that will be subject to the approval of the Chief of Police or a designee. The amount of payment will be based on a percentage of the current market price for the drugs or other contraband being sought, not to exceed 15 percent.

### 608.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount for services rendered.



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(a) When both assets and drugs have been seized, the confidential informant shall receive payment based upon overall value and the purchase price of the drugs seized not to exceed a maximum of $150,000.

(b) A confidential informant may receive a cash amount for each quantity of drugs seized whether assets are also seized, not to exceed a maximum of $30,000.

608.5.3 PAYMENT PROCESS

A check shall be requested, payable to the case agent. The case number shall be recorded justifying the payment. The signatures of the Chief of Police or a designee and the Assistant City Manager or a designee are required for disbursements over $500. The disbursement of money shall be handled in accordance with established State law and City Policies, Ordinances and protocols. Payments of $500 and under may be paid in cash out of the Expense Petty Cash Fund. The Criminal Investigations Lieutenant will be required to sign the voucher for amounts under $500.

The Expense Petty Cash Fund is a petty cash fund managed by the Criminal Investigations Lieutenant in compliance with the Cash Handling Security and Management Policy. These funds shall be maintained in a locked cash box secured in a locked cabinet, desk or drawer in the Metro Narcotics Task Force supervisor's office. This office will be secured whenever it is unoccupied.

To complete the transaction with the confidential informant the case agent shall have the confidential informant initial the cash transfer form. The confidential informant will sign the form indicating the amount received, the date and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Flagstaff Police Department case number shall be recorded on the cash transfer form. A copy of the form will be kept in the confidential informant's file.

If the payment amount exceeds $500, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case.

608.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

If funds distributed exceed $600 in any reporting year the confidential informant should be provided an IRS 1099 Form (26 CFR § 1.6041-1), unless such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3).

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on tax returns as #other income,# and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.



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608.5.5 AUDIT OF PAYMENTS

At least once every six months the Chief of Police or a designee shall conduct a thorough audit of all informant funds for accountability and security of the funds. The funds petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process.



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# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

### 610.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 610.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 610.4 EYEWITNESS IDENTIFICATION FORM

The Detective Section supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.



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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

## 610.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### 610.5.1 PHOTOGRAPHIC AND LIVE LINEUP CONSIDERATIONS

When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to suspect to avoid causing him/her to unreasonably stand out.

In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.



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The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

### 610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.



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(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

### 610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.



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# Brady Material Disclosure

## 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called #*Brady* information#) to a prosecuting attorney.

### 612.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** - Information known or possessed by the Flagstaff Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 612.2 POLICY

The Flagstaff Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Flagstaff Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

## 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.



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### 612.4 DISCLOSURE OF PERSONNEL INFORMATION

If a member of this department is a material witness in a criminal case, a person or persons designated by the Chief of Police shall examine the personnel file and/or internal affairs file of the officer to determine whether they contain *Brady* information. If *Brady* information is located, the following procedure shall apply:

(a) In the event that a motion has not already been filed by the criminal defendant or other party, the prosecuting attorney and department member shall be notified of the potential presence of *Brady* material in the member's personnel file.

  1. The prosecuting attorney or department counsel should be requested to file a motion in order to initiate an in camera review by the court.

  2. If no motion is filed, the supervisor should work with counsel to determine whether the records should be disclosed to the prosecutor.

(b) The Custodian of Records shall accompany all relevant personnel files during any in camera inspection to address any issues or questions raised by the court.

(c) If the court determines that there is relevant *Brady* material contained in the files, only that material ordered released will be copied and released to the parties filing the motion.

  1. Prior to the release of any materials pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such materials to the involved case and requiring the return of all copies upon completion of the case.

(d) If a court has determined that relevant *Brady* information is contained in the member's file in any case, the prosecutor should be notified of that fact in all future cases involving that member.

The person or persons designated by the Chief of Police should periodically examine the personnel files and/or internal affairs files of all officers who may be material witnesses in criminal cases to determine whether they contain *Brady* information. The obligation to provide *Brady* information is ongoing. If any new *Brady* information is identified, the prosecuting attorney should be notified.

### 612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### 612.6 TRAINING

Department personnel should receive periodic training on the requirements of this policy.



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# Chapter 7 - Equipment



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# Department-Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for Department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Department property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Department, all issued equipment shall be returned and documentation of the return signed by a supervisor.

### 700.2.1 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Department property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any Flagstaff Police Department-issued property or equipment assigned for their use.

1. A supervisor receiving such a report shall conduct an appropriate investigation and direct a memo to the appropriate Section Commander that shall include the result of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

2. A review by the staff to determine whether misconduct or negligence was involved should be completed.

(b) The use of damaged or unserviceable Department property should be discontinued as soon as practicable and, if appropriate and approved by the staff, replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor. Employees will notify Property Control.



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## 700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties requires prior written approval by the Chief of Police or appropriate Section Commander. The employee should submit for approval the description of personal property the employee has requested to carry, the reason for its use and the term of its use. Personal property of the type routinely carried by persons not performing law enforcement duties that is not a weapon are excluded from this requirement.

### 700.3.1 DEFINITIONS

Definitions related to this policy include:

**Personal Property -** Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Uniform Regulations Policy.

### 700.3.2 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor receiving such a report shall make an appropriate investigation and direct a memo to the appropriate Section Commander that shall include the result of his/her investigation and whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

Upon review by the staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police, who will then forward the claim to the Finance Department.

The Department will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

### 700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

## 700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.



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(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the City of Flagstaff, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee shall submit a written report before going off-duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Section Commander.



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# Personal Communication Devices and Related Electronics

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

## 702.2 POLICY

The Flagstaff Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

## 702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to



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investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

### 702.4 OTHER PERSONAL VEHICULAR RELATED ELECTRONICS

The use of personal or portable electronic devices such as compact disc players, satellite radio receivers, televisions or similar entertainment devices is prohibited in department vehicles. Employees are only authorized to utilize those entertainment devises which come as standard equipment on the department vehicle (i.e. AM. / FM radio).

Officers are reminded that their vehicles are, for all intents and purposes, an office in which they meet and deal with the public. It is recognized the working environment should be one which supports the employee and his/her preferences when possible, but should also be professional.

Officers are reminded that the Department is responsible for what is aired over the public safety radio frequencies and these channels can be monitored by the FCC as well as the general public by scanners.

The ability to choose specific types of music, which may be offensive to civilians or arrestees, opens the officer to potential allegations of racial or other discrimination and abuse of authority. It is deemed in the best interest of the employee not to present this opportunity for these forms of allegations by listening to public radio stations only, with no control over the musical selections broadcast. If employees are in a department vehicle which is equipped with a cassette tape player or compact disc player, they are reminded of the need to be discrete and considerate in the music or other forms of entertainment they choose.

### 702.5 DEPARTMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

### 702.6 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.



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(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(g) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers of the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

### 702.7 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.



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(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Officers are prohibited from taking pictures, video or making audio recording or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Employees will not access social networking sites for any purpose that is not official department business.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

### 702.8 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

### 702.9 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### 702.10 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.



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The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available



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# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, maintained, refueled and present a clean appearance. Unreported damage to equipment can endanger personnel and create unwarranted liability for the department.

## 704.2 DEFECTIVE VEHICLES

When a Department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Officers will report any damage or malfunction that occurs to the vehicle or observed while they are responsible for it to their immediate supervisor, property control, and post it on the vehicle sign-out board.

### 704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair. Officers shall report the problems in writing to Property Control and post it on the vehicle sign out board.

### 704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, including rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation, should be removed from service and subjected to a safety inspection as soon as reasonably possible. Officers shall report their concerns in writing to Property Control and post it on the vehicle sign out board.

### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the armory prior to the vehicle being released for maintenance, service or repair.

### 704.2.4 ADDITIONAL VEHICLE USE SPECIFICATIONS

(a) A vehicle marked "do not drive", "out-of-service" or "P.M. scheduled" will not be used without confirming with Property Control that the vehicle is in useable condition.

(b) Property Control will be primarily responsible for ensuring necessary repairs are made on patrol vehicles. All requests for repairs at the City Shop are then routed through the shop's service advisor. City mechanics are not to be contacted directly.

(c) Officers who have vehicles assigned specifically to them will go through Property Control for all repairs and maintenance. The officers will be responsible for scheduling with Property Control the required preventive maintenance.

(d) A supervisor will be assigned by the Patrol Lieutenant to perform weekly vehicle inspections.

(e) Volunteers and civilian personnel using City vehicles will adhere to all these regulations.



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## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

### 704.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 20 emergency road flares
- 2 sticks yellow crayon or chalk
- 1 roll crime scene barricade tape
- 1 first aid kit and trauma kit
- 1 blanket
- 1 fire extinguisher
- 1 hazardous materials emergency response handbook
- 1 fingerprint collection kit
- Stop Sticks
- Ballistic Shield
- Inflated spare tire, jack and lug wrench

### 704.3.2 UNMARKED VEHICLES

An employee driving an unmarked Department vehicle shall ensure that, at minimum, the equipment listed below is present in the vehicle:

- 20 emergency road flares
- 1 roll crime scene barricade tape
- 1 first aid kit
- 1 blanket
- 1 hazardous waste disposal bag
- 1 hazardous materials emergency response handbook
- 1 fingerprint collection kit

## 704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank.



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Vehicles shall only be refueled at an authorized location.

### 704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers on patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of the shift. Confidential documents should be placed in a designated receptacle provided for the shredding of this material.

### 704.6 CIVILIAN EMPLOYEE USE

Civilian employees using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian employees shall also prominently display the #out of service# placards or light bar covers at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.



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# Vehicle Use

## 706.1 PURPOSE AND SCOPE

This policy establishes a system of accountability to ensure City-owned vehicles are used appropriately. For the purposes of this policy, #City-owned# includes any vehicle owned, leased or rented by the City.

## 706.2 POLICY

The Department provides vehicles for official business use and may assign take-home vehicles based on its determination of operational efficiency, economic impact to the Department, tactical deployments and other considerations.

## 706.3 USE OF VEHICLES

City-owned vehicles shall only be used for official business and, when approved, for commuting to allow members to respond to department-related business outside their regular work hours.

Members shall not operate a City-owned vehicle at any time when impaired by drugs and/or alcohol.

Any member operating a vehicle equipped with a two-way communications radio, MDC and/or a GPS device shall ensure the devices are on and set to an audible volume whenever the vehicle is in operation.

### 706.3.1 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

### 706.3.2 UNSCHEDULED USE OF VEHICLES

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Shift Sergeant of the reasons for use and a notation will be made on the shift roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

### 706.3.3 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.



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706.3.4 CRIMINAL INVESTIGATIONS DIVISIONMAJOR VEHICLES
Criminal Investigations Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Criminal Investigations Division supervisor. Criminal Investigations Division members shall record vehicle usage via the sign-out log maintained in the Division. After-hours use of Criminal Investigations Division vehicles by members not assigned to the Criminal Investigations Division shall be recorded with the Shift Sergeant on the shift roster.

706.3.5 AUTHORIZED PASSENGERS
Members operating City-owned vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle.

706.3.6 PARKING
Except when responding to an emergency or other urgent official business requires otherwise, members driving City-owned vehicles should obey all parking regulations at all times.

City-owned vehicles should be parked in their assigned stalls. Members shall not park privately owned vehicles in any stall assigned to a City-owned vehicle or in any other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

706.3.7 INSPECTIONS
The interior of any vehicle that has been used to transport any person other than a member should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee the transporting officer shall search all areas of the vehicle that are accessible by the person before and after the person is transported.

706.3.8 PRIVACY
All City-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

**706.4 ASSIGNED VEHICLE AGREEMENT**
Members who have been assigned a take-home vehicle may use the vehicle to commute to the workplace and for department-related business. The member must be approved for an assigned vehicle by his/her Division Commander and shall agree to the following:

(a) City-owned vehicles shall not be used for personal errands or other personal business unless approved by a supervisor for exceptional circumstances. The member may be required to maintain insurance covering any commuting or personal use.

(b) Vehicles shall be locked when not attended.



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(c) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed from the interior of the vehicle and properly secured in the residence (see the Firearms and Qualification Policy regarding safe storage of firearms at home).

(d) When the member will be away (e.g., on vacation) for periods exceeding one week the vehicle shall be stored in a secure garage at the member's residence or at the appropriate department facility.

(e) All department identification, portable radios and equipment should be secured.

Members are cautioned that under federal and local tax rules, personal use of a City-owned vehicle may create an income tax liability to the member. Members should address questions regarding tax consequences to their tax adviser.

The assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles may be changed at any time and/or permission to take home a vehicle may be withdrawn at any time.

### 706.5 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported through the member's chain of command.

### 706.6 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside of the jurisdiction of the Flagstaff Police Department, an officer should avoid becoming directly involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and the Law Enforcement Authority Policy).

Officers may render public assistance, e.g. to a stranded motorist when deemed prudent.

Officers shall, at all times while driving a marked City-owned vehicle, be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

### 706.7 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of the assigned vehicles.

Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage. It is the assigned member's responsibility to ensure that his/her assigned vehicle is available for the maintenance schedule.



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Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with policy.

706.7.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or removal of any equipment or accessories shall be made to the vehicle without written permission from the Division Commander.

706.7.2 POST ACCIDENT TESTING

(a) After every traffic collision involving a city employee operating a city vehicle or piece of equipment, the employee must immediately report the incident to their supervisor. In certain circumstances the driver will be required to submit to an alcohol and controlled substance screen as soon as possible but no later than eight hours from the time of collision. If any of the below listed events occur, the test must be performed by the employee:

1. The collision results in a fatality.
2. The City employee receives, or will be receiving, a moving traffic citation for the collision.
3. The collision results in injury to any person requiring immediate medical attention away from the scene of the collision.
4. If one or more of the vehicles involved incurs disabling damage requiring the vehicle be transported from the scene by a tow truck or other motor vehicle.

(b) The employee will be driven by their supervisor to the testing location. If the employee cannot provide a test sample within such time period as a result of serious injury sustained during the collision, the employee must subsequently authorize a release to the Workplace Compliance Officer of medical records that would indicate a BAC or the presence of controlled substances in their system. For further information please refer to the alcohol and controlled substances directives located in appendix D of this manual.

1. Per City policy, if an employee refuses to submit to the screen, their employment will be terminated.
2. If the employee is suspected of being under the influence of a substance, the employee will be driven home after the testing by their supervisor and will receive pay for their remaining shift.
3. If there is no suspicion indicating any substance being in the employee's system, the employee may finish their assigned shift but will not be allowed to operate a motor vehicle or any piece of city equipment.
4. The employee cannot operate any city vehicle or piece of machinery until the alcohol and drug screen test results are returned.

Testing will be conducted at Concentra during their business hours. For after-hours testing, the employee will be taken to the Flagstaff Medical Center. The City will pay for all testing and has



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accounts set up at both of these locations. Time spent traveling to and taking the tests will be recorded as time worked.

### 706.8 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also the Traffic Collision Response and Reporting Policy).

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the City's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Shift Sergeant. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.



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# Cash Handling, Security and Management

## 710.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and ensure the public trust.

## 710.2 PETTY CASH FUNDS

Employees designated as fund managers and authorized to maintain and manage petty cash funds are the Chief of Police, the Detective Lieutenant, the Narcotics Unit Supervisor, the Payroll Administrative Assistant and Chief's Administrative Assistant. These persons may delegate this responsibility to another person in their absence. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices, receipts and expense reports by the fund manager.

## 710.3 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and other appropriate forms and each person participating in the transaction shall sign the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice. Transactions not documented by a receipt, invoice or cash transfer form require an expense report.

## 710.4 PETTY CASH AUDITS

The manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate Petty Cash Audit by those persons involved in the transfer.

A separate audit by the Chief of Police or the City should be completed on a random date approximately once each year on each petty cash fund.

## 710.5 ROUTINE CASH HANDLING

Members of the Department authorized to routinely handle cash as part of their assignment are property officers, records clerks, and the Narcotics Unit supervisor. Routine cash handling shall be pursuant to their specific policies (see the Confidential Informants and Property Procedures Policies).



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### 710.6 OTHER CASH HANDLING

Members of the Department who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as reasonably practicable, verify the amount of cash, summon a supervisor to verify their accounting, and process the cash as safekeeping, evidence or found property. Cash in excess of $1,000 requires immediate notification of a supervisor as well as special handling, verification and accounting by a supervisor. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry.



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# Chapter 8 - Support Services



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# Crime Analysis and Criminal Intelligence

## 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting its tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

## 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and probation records
- Computer Aided Dispatch data
- Open source data

## 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

## 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.



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## 800.5 CRIMINAL INTELLIGENCE

Information gathering is a fundamental and essential element in the all-encompassing duties of any law enforcement agency. When acquired, information is used to prevent crime, pursue and apprehend offenders, and obtain evidence necessary for conviction. It is the policy of the Flagstaff Police Department to gather information directed toward specific individuals or organizations when there is reasonable suspicion (as defined in 28 CFR, Part 23, Section 23.3 c) that these individuals or organizations may be planning or engaging in criminal activity. Intelligence information will be gathered with due respect for the rights of those involved, and disseminated only to authorized individuals as defined. While criminal intelligence may be assigned to specific personnel within the department, all members of the Flagstaff Police Department are responsible for reporting information that may help identify criminal conspirators and perpetrators.

It is also the policy of the Flagstaff Police Department to adopt the standards of the Commission on Accreditation for Law Enforcement Agencies (CALEA) for intelligence gathering, specifically that: If an agency performs an intelligence function, procedures must be established to ensure the legality and integrity of its operations, to include:

(a) Procedures for ensuring information collected are limited to criminal conduct and relates to activities that prevent a threat to the community;

(b) Descriptions of the types or quality of information that may be included in the system;

(c) Methods for purging out-of-date or incorrect information; and

(d) Procedures for the utilization of intelligence personnel and techniques.

The policy contained herein is intended to remain at all times consistent with the current language of 28 CFR, Part 23.

### 800.5.1 DEFINITIONS

**Criminal Intelligence** - Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.

**Strategic Intelligence** - Information concerning existing patterns or emerging trends of criminal activity designed to assist in criminal apprehension and crime control strategies, for both short- and long-term investigative goals.

**Tactical Intelligence** - Information regarding a specific criminal event that can be used immediately by operational units to further a criminal investigation, plan tactical operations and provide for officer safety.

**Threshold for criminal intelligence** - The threshold for collecting information and producing criminal intelligence shall be the "reasonable suspicion" standard in 28 CFR, Part 23, Section 23.3 c.

**Crime Analyst** - The primary responsibility of the Crime Analyst will be to analyze crime data and other information for the purpose of identifying crime trends, high crime areas, and potential criminal threats, and then publish those findings in the form of Intelligence Briefs. The Crime



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Analyst will be a Patrol Officer position assigned to the Criminal Investigations (CI), who will report directly to the CI Lieutenant.

**Intelligence Briefs -** It will be the responsibility of the Crime Analyst to periodically produce reports in the form of Intelligence Briefs which will contain information on specific criminal, strategic, and tactical intelligence. These Intelligence Briefs will be approved by the CI Lieutenant prior to dissemination.

800.5.2 STANDARDS AND ACCOUNTABILITY

Information gathering in support of the intelligence function is the responsibility of each member of the Flagstaff Police Department. The intelligence function is often confronted with the need to balance information-gathering requirements for law enforcement with the rights of individuals. To this end, members of the Flagstaff Police Department shall adhere to the following:

(a) Information that implicates, suggests implication or complicity of any public official in criminal activity or corruption shall be immediately reported to the Chief of Police.

(b) Information gathering for intelligence purposes shall be premised on circumstances that provide a reasonable suspicion (as defined in 28 CFR, Part 23, Section 23.3 c) that specific individuals or organizations may be planning or engaging in criminal activity.

(c) Investigative techniques employed shall be lawful and only so intrusive as to gather sufficient information to prevent criminal conduct or the planning of criminal conduct.

(d) The intelligence function shall make every effort to ensure that information added to the criminal intelligence base is relevant to a current or on-going investigation and the product of dependable and trustworthy sources of information. A record shall be kept of the source of all information received and maintained by the intelligence function.

(e) Information gathered and maintained by the Flagstaff Police Department for intelligence purposes may be disseminated only to appropriate persons for legitimate law enforcement purposes in accordance with law and procedures established by the Flagstaff Police Department. A record shall be kept regarding the dissemination of all such information to persons within this or another law enforcement agency.

(f) Officers shall not retain official intelligence documentation for personal reference or other purposes but shall submit such reports and information directly to the Crime Analyst.

(g) Information gathering using confidential informants as well as electronic, photographic, and related surveillance devices shall be performed in a legally accepted manner and in accordance with procedures established for their use by the Flagstaff Police Department.

Primary responsibility for the direction of intelligence operations; coordination of personnel; and collection, evaluation, collation, analysis, and dissemination of intelligence information is housed in Criminal Investigations, under direction of the CI Lieutenant. The CI Lieutenant shall ensure compliance with the policies, procedures, mission, and goals of the Flagstaff Police Department.



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### 800.5.3 COMPILING INTELLIGENCE

(a) Intelligence investigations/files may be opened by the Crime Analyst with sufficient information and justification. This includes but is not limited to the following types of information:

1. subject, victim(s) and complainant as appropriate; summary of suspected criminal activity;
2. anticipated investigative steps to include proposed use of informants, photographic, or electronic surveillance;
3. resource requirements, including personnel, equipment, buy/flash monies, travel costs, etc;
4. anticipated results; and
5. problems, restraints or conflicts of interest.

(b) The intelligence function shall establish and maintain a process to ensure that information gathered is subjected to review and analysis to derive its meaning and value. Where possible, the above-described process should be accomplished by professionally trained analysts. Upon receipt of information in any form, the Crime Analyst shall ensure that the following steps are taken:

1. Where possible, information shall be evaluated with respect to reliability of source and validity of content. While evaluation may not be precise, this assessment must be made to the degree possible in order to guide others in using the information. A record shall be kept of the source of all information where known.
2. Reports and other investigative material and information received by the Flagstaff Police Department shall remain the property of the originating agency, but may be retained by the Flagstaff Police Department. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given to another agency except with the consent of the originating agency.
3. Information having relevance to active cases or that requires immediate attention shall be forwarded to responsible investigative or other personnel as soon as possible.
4. Analytic material shall be compiled and provided to authorized sources as soon as possible where meaningful trends, patterns, methods, characteristics, or intentions of criminal enterprises or figures emerge.

### 800.5.4 FILE STATUS AND SECURITY

(a) Intelligence file status will be classified as either "open" or "closed," in accordance with the following:



Adoption Date: 2014/08/15
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1. **Open** - Intelligence files that are actively being worked will be designated as "Open." In order to remain open, officers working such cases must file intelligence status reports covering case developments at least every 180 days.
2. **Closed** - "Closed" intelligence files are those in which investigations have been completed, where all logical leads have been exhausted, or where no legitimate law enforcement interest is served. All closed files must include a final case summary report prepared by or with the authorization of the lead investigator.

(b) Intelligence files will be classified in order to protect sources, investigations, and individual's rights to privacy, as well as to provide a structure that will enable the Flagstaff Police Department to control access to intelligence. These classifications shall be re-evaluated whenever new information is added to an existing intelligence file.

1. **Restricted** - Restricted intelligence files include those that contain information that could adversely affect an on-going investigation, create safety hazards for officers, informants, or others and/or compromise their identities. Restricted intelligence may only be released by approval of the CI Lieutenant or the Chief of Police to authorized law enforcement agencies with a need and a right to know.
2. **Confidential** - Confidential intelligence is less sensitive than restricted intelligence. It may be released to agency personnel when a need and a right to know has been established by the CI Lieutenant or his designate.
3. **Unclassified** - Unclassified intelligence contains information from the news media, public records, and other sources of a topical nature. Access is limited to officers conducting authorized investigations that necessitate this information.

(c) All restricted and confidential files shall be secured, and access to all intelligence information shall be controlled and recorded by procedures established by the CI Lieutenant.

1. Informant files shall be maintained separately from intelligence files.
2. Intelligence files shall be maintained in accordance with state and federal law.
3. Release of intelligence information in general and electronic surveillance information and photographic intelligence, in particular, to any authorized law enforcement agency shall be made only with the express approval of the CI Lieutenant and with the stipulation that such intelligence not be duplicated or otherwise disseminated without the approval of the Flagstaff Police Department's CI Lieutenant.
4. All files released under freedom of information provisions or through disclosure shall be carefully reviewed.

The CI Lieutenant is responsible for ensuring that files are maintained in accordance with this General Order and include information that is both timely and relevant. To that end, all intelligence files shall be audited and purged on an annual basis as established by the CI Lieutenant through an independent auditor.



Adoption Date: 2014/08/15
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When a file has no further information value and/or meets the criteria of any applicable law, it shall be destroyed. A record of purged files shall be maintained by the Crime Analyst.



Adoption Date: 2014/08/15
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# Communication Operations

## 802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

### 802.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

Flagstaff Police Department radio operations shall be conducted in accordance with (FCC) procedures and guidelines.

## 802.2 COMMUNICATION OPERATIONS

This organization provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This organization provides access to the 9-1-1 system with a single emergency telephone number.

This organization has two-way radio capability providing continuous communication between the Communications Center and officers.

### 802.2.1 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit, record and share as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Involvement of weapons, drugs and/or alcohol
- Location of incident reported
- Identification of any officer assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service



Adoption Date: 2014/08/15
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- Disposition or status of reported incident

## 802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other officers know the status of officers, their locations and the nature of their cases.

### 802.3.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. When calling the Communications Center or another unit, the calling unit should state the call sign of the called unit followed by their own call sign, then pause for the called unit to reply. Employees initiating communications with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.



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# Property and Evidence

## 804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

### 804.1.1 PROPERTY AND EVIDENCE SECTION SECURITY

The Evidence Section shall maintain secure storage and control of all property necessitating custody by the Department. A record will be maintained by the technician establishing a chain of custody for all property, including destroyed or auctioned items. The evidence technicians report to the Special Services Supervisor and are responsible for the security of the Evidence Section. Evidence Section access cards and keys are maintained only by the evidence technicians and the Special Services Supervisor. The evidence keys shall not be loaned to anyone and shall be maintained in a secure manner.

Any individual entering the Evidence Section other than the evidence technicians must be accompanied by an evidence technician or the Special Services Supervisor and sign in and out on the logbook giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

## 804.2 DEFINITIONS

Definitions related to this policy include:

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes the following types of property:

- Property obtained by the Department for safekeeping, such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

**Found Property** - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

**Property Release Form -** This form will be used mainly by detectives to advise on felony cases completed and the authorization to release property. The form will be completed by an officer assigned to a misdemeanor case upon final disposition of the case or when requested to do so by the Evidence Technician.

**Disposition Request Form** - This form will be used by the Evidence Technician for notifying officers of evidence that need dispositions.



Adoption Date: 2014/08/15
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**Scientific Analysis Report -** This form will be sent from the lab to the Police Department. The form will be forwarded to the investigator assigned to the case. This lab report, or a copy, must be placed with the original report by the officer assigned to the case.

### 804.3 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room, along with the evidence label. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken (ARS § 12-944).

Any property seized by an officer with or without a warrant shall be safely kept for as long as necessary for the purpose of being produced as evidence (ARS § 13-3941(A) and ARS § 13-3941(C)). Seized property held as evidence shall be returned to its rightful owner unless subject to lawful detention or ordered destroyed or otherwise disposed of by the court (ARS § 13-3941(D)).

Where ownership can be established as to found property that has no apparent evidentiary value, such property may be released to the owner without the need for booking. The property documentation must be completed to document the release of property not booked. The owner shall sign the documentation acknowledging receipt of the item.

All evidence items in the following categories must be secured in separate evidence envelopes:

- Handguns
- Ammunition
- Semi-automatic weapon magazines
- Drugs/paraphernalia
- Money
- Jewelry

An NCIC inquiry shall be made on the following kinds of items by the officer preparing the evidence voucher or evidence sheet:

- Firearms
- Articles with serial numbers
- Electronics
- License plates
- Bicycles



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### 804.3.1 PROPERTY BOOKING PROCEDURE

All property or evidence found or seized, will be placed in an evidence locker during the shift it is seized. The ILEADS Evidence Collection module will be utilized when placing items into evidence. In the event the ILEADS Evidence Collection module is unavailable, all personnel will use the procedure set forth for entering evidence manually. Employees booking property shall observe the following guidelines:

(a) Complete the computerized property vouchers and labels, describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.

(b) The officer shall mark each item of evidence with initials and date.

(c) Items too small to mark, or that will be damaged, degraded or devalued by marking, should be individually packaged, labeled and the package marked with initials and date.

(d) Complete an evidence/property tag or bar code label and attach it to each package or envelope in which the property is stored.

(e) Place the case number in the upper right corner or in the appropriate field of the evidence/property tag.

(f) The original evidence voucher or evidence sheet will be signed by the officer and placed in the same locker as the item, but not inside the evidence envelope. A copy of the evidence voucher or evidence sheet will also be signed by the officer and will accompany the original report.

(g) When the property is too large to be placed in an evidence locker, the item may be temporarily stored in any department supply room or other location that can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed evidence label placed into a numbered evidence locker indicating the location of the property.

### 804.3.2 CONTROLLED SUBSTANCES

Firearms seized as evidence or for safekeeping shall be logged into evidence in the following manner:

(a) Firearms that are taken into evidence and need to remain loaded for processing must be tagged and clearly labeled as loaded. The evidence voucher or evidence sheet must indicate the loaded condition of the firearm. Use the provided portable gun safe when logging a loaded handgun into evidence.

(b) Firearms not in need of subsequent processing should be unloaded, with the ammunition placed in a separate envelope. In addition, a plastic zip-tie should be threaded through the firearm's chamber and out of either the barrel or handle. The plastic zip-tie should then be secured or fastened. The magazine, if applicable, should be placed in another envelope, separate from the ammunition and the firearm.



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(c) Firearms seized as a result of a domestic violence investigation or criminal offense should not be given a "safekeeping" designation on the evidence voucher or evidence sheet.

804.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify the immediate supervisor or the Shift Sergeant. The Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property and evidence technician is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Biological evidence (bodily fluids such as blood, saliva, semen stains, hairs, tissues) shall be air-dried and then placed in cold storage. They will be packaged with biological warning stickers.

1. Clothing that is wet or bloody will be placed in the drying cabinet in the Evidence Drop Room for air drying. When completely dry, it will be packaged in paper bags or corrugated boxes for storage.

2. Officers placing items in the drying locker will use a new unused hanger for hanging clothing. This hanger will be placed into evidence with the clothing once the garment is dry. New unused hangers can be found in the room adjacent to the drying locker.

3. Evidence technicians or officers who removed items from the drying locker will assure the mesh walls of the locker are wiped clean utilizing the bleach solution in the drying room.

4. To avoid cross contamination, officers will package clothing items separately in individual paper bags.

5. Known blood samples from a Sexual Assault Kit, will be packaged separately from the rest of the Sexual Assault Kit, and then secured in the Evidence Drop Room refrigerator. The rest of the Sexual Assault Kit will be secured in the Evidence Drop Room freezer. The evidence voucher or evidence sheet will be placed in the Evidence Drop Slot Locker. In the event there is no room available in the Evidence Drop Room freezer, the Sexual Assault Kit will be placed in a dry locker.

6. Urine, liquid blood samples, and blood collection kits will be placed in the refrigerator located in the Evidence Drop Room. The evidence voucher or evidence sheet will be



Adoption Date: 2014/08/15
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placed in the Evidence Drop Slot Locker. The Evidence Technician will later secure the samples within the evidence room storage areas.

7. Officers who use swabs for obtaining buccal samples or other evidence shall be responsible for maintaining custody while the swab dries. Officers should document in detail how the swab was dried and efforts made to ensure no contamination occurs during the drying process. Officers shall place the swab in an evidence swab box, and secure it prior to logging it into evidence.

8. Blood on non-porous surfaces (plastic, metal, etc.) should be kept in dry storage and not be placed in a freezer.

9. In the event an item with biological evidence is too large for the Evidence Drop Room freezer or refrigerator, or there is no room in the Evidence Drop Room freezer or refrigerator, the item can be secured in an evidence locker.

(b) When a vehicle is impounded or seized and is to be held as an item of evidence or for processing, an evidence voucher or evidence sheet will be filled out by the officer.

1. The original evidence voucher or evidence sheet will go to an evidence locker. The original tow sheet will be attached to the crime report.

2. One copy of the tow sheet will go to the towing company.

3. One copy of the tow sheet will be attached to the original evidence voucher or evidence sheet and will contain the reason for the hold and any other investigative information.

(c) Seized vehicles that need to be processed (search warrant, evidence processing, etc.) will be impounded in a designated location at the Police Department. All other seized vehicles will be towed directly to a designated area at the City Warehouse Impound Lot. Keys to the vehicle will be logged as a separate item of evidence.

1. The officer will tag the impounded vehicle with a metal evidence tag provided in the Evidence Drop Room, preferably on the driver's side windshield wiper arm.

(d) Wet batteries, gasoline powered equipment or articles which may create damage, a hazard or similar problem in evidence lockers or Evidence Drop Room shall be placed outside the Police Department building in the evidence bicycle rack area.

(e) Bicycles, shopping carts, vehicle tires, wheels, newspaper vending machines or other large items shall be secured in the designated areas. Metal property tags will be securely attached to each item with the report number assigned.

(f) All cash shall be counted in the presence of another officer and the envelope initialed by both officers. A supervisor shall be contacted for cash in excess of $1,000. The supervisor shall also witness the count, and will initial and date the property documentation and specify any additional security procedures to be used.



Adoption Date: 2014/08/15
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(g) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures should clearly indicate storage requirements on the property labels.

(h) Items that are potential biohazards shall be appropriately packaged and marked to reduce the risk of exposure or contamination.

(i) Undeveloped film or digital prints will be handled as any other item of evidence. Undeveloped film will be placed in a small size evidence envelope and affixed with a barcode label. The envelope does not need to be sealed with evidence tape. The exposed rolls will then be placed in evidence lockers provided.

(j) All 35 mm film is developed to negatives only; prints will be made upon request. The submitting officer will note on the evidence voucher or evidence sheet if prints are necessary. Photo files will be maintained within the evidence section. Requests for photos, prints of negatives or copies will be made through the Evidence Technician. No officer will pick up prints from the photo lab without authorization from the Evidence Technician.

(k) City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

## 804.4 PACKAGING OF PROPERTY

It will be the responsibility of each officer to properly care for all evidence and other seized or found property he/she comes into possession of while in the line of duty. No officer or member of this department will keep evidence in his/her own possession or convert it to personal use. Any unnecessary deviation from this order will result in disciplinary action.

When initially collecting evidence at a crime scene, officers shall mark or label each item at the time it is seized or received. All evidence items in envelopes, boxes, bags and other containers will be sealed with tape. The officer will then write his/her initials on the tape starting on the item's surface, extending across the tape, and back onto the item. Other items will be sealed when possible. A separate envelope or container shall be used for each item category.

### 804.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container that is appropriate for its size. Knife boxes should be used to package knives, handgun boxes should be used for handguns and syringe tubes should be used to package syringes and needles.

### 804.4.2 PACKAGING CONTROLLED SUBSTANCES

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in an evidence locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances and drug paraphernalia. When conducted, the results of this test shall be included in the officer's report.



Adoption Date: 2014/08/15
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Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the evidence room. The officer shall initial the sealed envelope and the initials covered with evidence tape. Controlled substances shall not be packaged with other property.

The officer shall weigh the suspected narcotics or dangerous drugs in the container in which it was seized. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and on the property label. The package shall be initialed and dated by the packaging officer.

804.4.3 RIGHT OF REFUSAL

The evidence technician has the right to refuse any piece of property that is not properly documented or packaged. Should the evidence technician refuse an item, he/she shall maintain secure custody of the item in a temporary property locker and inform the supervisor of the submitting officer.

## 804.5 RECORDING OF PROPERTY

The property and evidence technician receiving custody of evidence or property shall create a property control card for each piece of property received. The property voucher will be the permanent record of the property in the Property and Evidence Section.

A property logbook shall be maintained and a unique property number created for each piece of property received. The logbook shall record by property number, the date received, case number, tag number, item description, item location and date disposed. A unique property number shall be obtained for each item or group of items from the logbook. This number shall be recorded on the property tag and the property voucher.

Any changes in the location of property held by the Flagstaff Police Department shall be noted in the property logbook.

804.5.1 MANUAL EVIDENCE ENTRY

In the event that the ILEADS Evidence Collection module is unavailable, items will be entered into Evidence manually. An evidence sheet will be completed by the officer and placed with the evidence in an evidence locker. When a manually entered item has been placed into evidence, the Evidence Technician will enter the item into ILEADS at the earliest opportunity.

(a) The following will be filled out on the evidence sheet:

1. DR number and date.
2. Officer's name and badge number who collected the items.
3. Name of suspect or arrestee, address and telephone number.
4. Criminal charge or incident description (including a misdemeanor or felony designation).
5. Check only one box which designates the evidence as misdemeanor or felony, or found property.



Adoption Date: 2014/08/15
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6. If the property is found or recovered, it will be noted.
7. Owner's name, address, and phone number. In those cases where there is a large amount of property seized with multiple owners, a separate evidence sheet should be utilized, listing each owner's property separately.
8. Name, address, phone number of the finder, if found property.
9. Note whether property belonged to a deceased person or was obtained on a search warrant.
10. The date and time the items were placed into evidence. The Evidence Technician will then use this date and time to record the start of the chain of custody in ILEADS.

## 804.6 PROPERTY CONTROL

Each time the evidence technician receives property or releases property to another person, he/she shall enter this information in the ILEADS Module. Officers desiring property for court shall contact the evidence technician at least one day prior to the court day.

### 804.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry in ILEADS or on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or investigator.

(a) Request for analysis for items other than controlled substances shall be completed on the appropriate forms and submitted to the property and evidence technician. This request may be filled out any time after booking of the property or evidence.

(b) When evidence is needed for court or other purposes, the responsible officer will notify an evidence technician at least twenty-four hours in advance so that arrangements for locating and signing out evidence can be made.

(c) When requesting photographs, Officers/Detectives should note that all 35 mm film is developed to negatives only, and prints will be made only upon request. The requesting Officer/Detective should allow at least forty-eight hours for the request to be processed by the photo lab. Digital media will be processed by the detective or officer assigned to the case.

(d) Any officer checking out evidence for court will return it to the Evidence Technician or evidence lockers as soon as the case is completed. The officer is not to fill out another evidence voucher or evidence sheet when returning the evidence. If the evidence was retained by the court, the officer must immediately notify the Evidence Technician. The chain of custody will then be updated, indicating the evidence has been released to the court.

(e) Evidence signed out or examined by officers will be returned to the Evidence Technician or signed back into the evidence locker and properly resealed. Always preserve the original seal of evidence tape when opening an evidence envelope or container. The record of transfer of the physical evidence will include the following:



Adoption Date: 2014/08/15
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1. Date and time of transfer.
2. The receiving person's name and functional responsibility.
3. The reason for the transfer.
4. A copy of the DPS Laboratory Analysis Request when evidence is transferred to the crime lab.

(f) Items of evidence stored by the police department will be within the designated secure evidence areas. Only authorized personnel will be allowed into any evidence area. Any person entering any area must sign in and out on the appropriate forms and be accompanied by the Evidence Technician or a Command Officer.

(g) Evidence items which cannot be processed for latent fingerprints by the officer at the crime scene must be properly packaged and protected from any movement or action that might contaminate the prints. The package and the evidence voucher or evidence sheet must be clearly labeled as "Preserve for Prints."

(h) Any item that is a biohazard (due to blood, urine, etc.) and is too large to be placed in a bag, box, or other container, shall be sealed in kraft paper to the extent that the item will not contaminate other evidence or pose a hazard for personnel handling the item.

(i) Beer kegs, taps, and alcoholic beverage containers seized as evidence in misdemeanor crimes (other than DUI and domestic violence related crimes), may be photographed by the officer and then disposed of pursuant to this General Order. The photographs will then be entered into Evidence.

(j) The duplication of video and/or audio recordings for the purpose of further investigation or for the County Attorney's use is the responsibility of the Detective assigned to the case.

### 804.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

Misdemeanor case property that requires laboratory analysis will be secured as prescribed. The officer requesting analysis will fill out the DPS Laboratory request form completely and place the form in the designated drop slot locker. Requests for crime lab analysis on items from felony cases will be completed and submitted by Criminal Investigations. All items to be sent to the DPS Lab must be submitted through the evidence system. Items will not be taken directly to the lab by individual officers without prior approval of the evidence technician.

### 804.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the evidence voucher, stating the date, time and to whom it was released.

The evidence technician shall obtain the signature of the person to whom property was released, and the reason for release. Any employee receiving property shall be responsible for such property



Adoption Date: 2014/08/15
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until it is properly returned to the Evidence Section or released to another authorized person or entity.

The return of the property should be done as soon as the case is completed, and recorded on the evidence voucher, indicating date, time and the person who returned the property.

### 804.6.4 AUTHORITY TO RELEASE PROPERTY

The evidence technician shall not release any property without a signed authorization from an appropriate authorized member of the Department. The assigned Detective with approval of the County Attorney's Office shall authorize the disposition or release of all felony evidence and property coming into the care and custody of the Department.

For property in custody of the Department for investigatory or prosecutorial purposes and owned by a victim or witness, an evidence technician shall, upon the request of the owner:

(a) Provide a list describing the property unless such release would seriously impede an investigation.

(b) Return the property expeditiously unless the property is required as evidence.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner of the property.

### 804.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of safekeeping, found property or evidence not needed for an investigation.

(a) Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or investigator and must conform to the items listed on the property label or must specify the specific item to be released. Release of all property shall be properly documented.

(b) With the exception of firearms and other property specifically regulated by statute, safekeeping and found property will be held for a minimum of 30 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If an owner of property submits a written request, the property may be held for a longer period within reason (ie; owner is in custody). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.



Adoption Date: 2014/08/15
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(c) An evidence technician shall release found and/or safekeeping property upon proper identification being presented by the owner for which an authorized release has been received. The owner shall also pay any costs incurred by the agency, including costs for advertising or storage. A signature of the person receiving the property shall be recorded on the original property documentation. After release of all property entered on the evidence voucher, the voucher shall be forwarded to Records for filing with the case. If some items of property have not been released, the property voucher will remain with the Evidence Section.

(d) Records personnel will release property kept in safekeeping.

(e) Upon release or other form of disposal, the proper entry shall be recorded in all property documentation and logs.

### 804.6.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this department shall be restored to the owner (ARS § 13-3941). Such property may be released from law enforcement custody when the following are satisfied:

(a) Photographs of the property are filed and retained by the Evidence Section.

(b) Satisfactory proof of ownership of the property is shown by the owner.

(c) A declaration of ownership is signed under penalty of perjury.

(d) A receipt for the property is obtained from the owner upon delivery.

(e) The property is not required as evidence in any criminal action.

If stolen or embezzled property is not claimed by the owner within six months after the conviction of the person for such theft or embezzlement, the property shall be disposed of as specified in ARS § 13-3942.

### 804.6.7 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.

All parties should be advised that their claims are civil. In extreme situations, legal counsel for the Department may be asked to file an interpleader in court to resolve the disputed claim.

### 804.6.8 RELEASE AND DISPOSAL OF FIREARMS

A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 or ARS § 13-3101.

If a firearm is temporarily seized at a domestic violence incident under ARS § 13-3601, it may not be released for at least 72 hours or longer if the prosecutor files a notice of intent to retain or if ordered by a court. Prior to release, the Property and Evidence Section shall inform the handling



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investigator that a request to release the firearm has been received. The handling investigator shall, as soon as is reasonably possible, notify the victim of the request. Once the victim has been notified, the investigator will contact the Property and Evidence Section to clear the firearm for release.

The Department shall make best efforts for a period of 30 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal consistent with this policy.

### 804.7 DISPOSITION OF PROPERTY

(a) The Evidence Technician will be responsible for coordinating the disposition and/or disposal of all evidence as outlined in this General Order. All reasonable efforts will be made to dispose of property within six months of final disposition and after legal requirements have been met.

1. Evidence related to a misdemeanor crime with no arrests will be retained for one year.
2. Evidence from misdemeanor shoplifting offenses shall be retained by the victim/establishment. The investigating officer shall instruct the victim in the proper manner of marking evidence for identification, and advised to retain evidence until final case disposition, and if a trial occurs, the victim shall be required to take said evidence to court.
3. Officers will impound all evidence related to felony shoplifting cases.
4. Misdemeanor evidence with arrests will be retained until the case has been adjudicated and the 20 day appeal period has elapsed or five years.
5. Felony crime scenes and evidence with arrests (excluding homicide) will be retained until the case has been adjudicated and the appeal period has lapsed.
6. Homicide evidence will be retained indefinitely, regardless of the disposition of the case. For the purposes of this policy, the following offenses (including an attempt to commit one of these offenses) will have no time limitations and the evidence will be retained indefinitely, unless otherwise authorized by the County Attorney's Office:
    (a) Homicide / Manslaughter
    (b) All Felony Sex Offenses
    (c) Terrorism
    (d) Misuse of Public Monies
    (e) Felony Falsification of Public Record



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(f) In addition, if the suspect is unknown, the time limitations for prosecution on the following offenses do not start until a suspect is identified.

7. Evidence obtained for these offenses will be retained for seven years after the date the suspect is first identified:

   (a) Aggravated assault resulting in serious physical injury or involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument.

   (b) Any dangerous crime against children - "Dangerous crime against children" includes any of the following offenses that are committed against a minor who is under 15 years of age:

      1. Child abuse as prescribed in section 13-3623, subsection A, paragraph 1.

      2. Involving or using minors in drug offenses.

      3. Manufacturing methamphetamine under circumstances that cause physical injury to a minor.

   (c) Arson of an occupied structure.

   (d) Armed robbery.

   (e) Burglary in the first degree.

   (f) Kidnapping.

8. Felony evidence will be retained for seven years on all other felony crimes, unless otherwise authorized by the County Attorney's Office. A Disposition Request will be sent to the assigned detective for status on such cases. These forms will be sent through the Detective Supervisor.

9. Evidence for cases involving an active warrant or an unresolved missing person will be retained until the case has been resolved.

10. In cases where the status of a case is reduced from a felony to a misdemeanor by a court or by the designation of the prosecuting attorney, the evidence will be retained for the time period specified for the original felony offense unless the release is approved by the prosecutor.

11. In cases that are unfounded, dismissed, cleared exceptional, or cleared by arrest (provided the case has been adjudicated and is past the appeals period), the assigned detective or officer within 10 days of closing the case will complete a Property Release form for all items of evidence in the case. The Property Release form will be routed directly to the Evidence Section by the case detective or officer.



Adoption Date: 2014/08/15
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12. On receipt of a Property Release form, the Evidence Technician will then dispose or return all evidence associated with the case. When a Property Release form authorizes the release of evidence to the owner, the Evidence Technician will mail a letter to the owner advising them of the release and the procedure for obtaining their property.

13. Unclaimed property can be disposed of in accordance to the procedures specified in this policy for the destruction, converting, or auctioning of property. Notification by mail to the owner that the property is in possession of the Police Department must be made prior to destroying, converting or auctioning the item(s).

14. The Evidence Technician shall do a monthly query to determine which closed and cleared cases do not have a Property Release form completed. The Detective Supervisor will then be notified of the discrepancy.

(b) All Found Property will be handled in the following manner:

1. Found property should be held for a minimum of 30 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction, which may be conducted as an Internet-based auction. If an owner submits a written request, the property may be held for a longer period of time within reason (ie: owner is incarcerated). If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed. Unless the auction is Internet based, property with an estimated value of $500 or more will be advertised in the local print media before it is destroyed or auctioned. The final disposition of all such property shall be fully documented in related reports.

2. Found money that is unclaimed by its true owner at the end of 30 days, may be returned to the finder. Money unclaimed by the finder within 30 business days of certified mail notification will go to the City of Flagstaff General Fund.

3. When addresses of owners are known, a letter will be mailed by the Evidence Technician on the day the property is received to notify the owner that the Police Department is in possession of their property. Additional efforts will be made to determine owners of property if the owner's name is not indicated on the evidence voucher or evidence sheet.

4. If the officer has already notified the owner that their property has been found and is at the Police Department, the officer will indicate that on the evidence voucher or evidence sheet. Officers must direct the property owner to contact the Evidence Section prior to coming to the Police Department to claim it. Secured evidence cannot be released after normal business hours, holidays or Sundays.



Adoption Date: 2014/08/15
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5. Notification by mail to the owner that the property is in possession of the Police Department must still be made prior to destroying, converting or auctioning the item(s). Property that is unclaimed and has a useful purpose to our agency will be inventoried by Property Control after written permission to convert the evidence is obtained by the Deputy Chief of Police or Chief of Police.
6. Only items with reasonable value, such as radios, TV's, camping equipment, reasonable jewelry, tools, tool boxes, etc., will be considered for auction. All other items will be destroyed.

(c) Certain items of evidence will be subject to destruction or disposal. The following items will be destroyed by incineration:

1. Narcotics
2. Dangerous drugs

(d) The following items will be buried at the City Dump:

1. Miscellaneous clothing
2. Drug paraphernalia
3. Identification, checks and other paper material (after being shredded)
4. Any item that cannot be burned

(e) Items to be destroyed by the Bomb Technicians:

1. Ammunition
2. Fireworks
3. Any other explosive or flammable material

(f) Firearms shall be disposed of pursuant to ARS 12-945.

Destruction of property will be performed by the Evidence Technician and a representative designated by the Special Services Supervisor. No evidence or property will be destroyed unless two employees are present and both sign the evidence voucher or evidence sheet. They will inspect the evidence packages for content, quality and evidentiary integrity. All packages to be destroyed will be opened and examined by both employees, matching each item to the evidence voucher or evidence sheet.

The Evidence Technician will submit a list of the property destroyed through the chain of command to the Chief of Police. The Evidence Technician will semi-annually forward a list of all property to be auctioned to Special Services Supervisor. Upon authorization from the Chief of Police, the items will be auctioned in conjunction with the City of Flagstaff's Purchasing Division. When a new Evidence Technician is designated, an inventory audit will be conducted for the purpose of continuity of custody and to negate the need to account for every item of evidence.



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When an officer or investigator will not authorize release, an owner demanding evidence will be referred to the Deputy Chief of Police. If the decision to not release the evidence to the individual is upheld, the owner will have to present a court order to obtain the item(s). A copy of the court order will be filed with the evidence voucher, and a copy to records to be field with the original report.

### 804.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances
- Animals, birds (if not released to an appropriate shelter) and equipment related to their care and containment that have been ordered forfeited by the court.
- Counterfeiting equipment
- Gaming devices
- Obscene matter ordered to be destroyed by the court
- Altered vehicles or component parts
- Controlled substances
- Unclaimed, stolen or embezzled property
- Destructive devices

### 804.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after 30 days or after final disposition of the case, the money is presumed abandoned property and may be disposed as specified in ARS § 12-942.

### 804.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor

(d) Any sexual assault victim

(e) The Criminal Investigations Division supervisor

Biological evidence shall be retained for a minimum period established by law (ARS § 13-4221), the Property and Evidence Section supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed



Adoption Date: 2014/08/15
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after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Criminal Investigations Division supervisor.

All biological evidence related to a homicide or a felony sexual offense that remains unsolved for one year or more after being reported shall be kept for 55 years, even when there are no viable or unexplored investigatory leads (ARS § 13-4221).

Biological evidence related to any homicide may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

The Property and Evidence Section supervisor must ensure that all biological samples are retained in a condition suitable for DNA testing. The Property and Evidence Section supervisor may dispose of bulk evidence and retain probative samples of biological evidence using procedures that do not affect the suitability of the sample for DNA testing. Prior to disposing of any bulk evidence, the Property and Evidence Section supervisor shall obtain approval from the county attorney or Attorney General and make reasonable efforts to provide written notice to the victim (ARS § 13-4221).

### 804.7.4 RECOVERED PAWNED PROPERTY

Procedures to follow for the disposition of property to which both the victim and a pawn shop claim an interest are as follows: In those cases where charges have been filed, the disposition of the property should be determined by the judge who adjudicates the case.

In those cases where no charges have been filed, as soon as the case investigator determines that the property is no longer needed, he/she will notify the Evidence Technician of the property to be released and case number. The following shall apply:

(a) The Evidence Technician will send a letter and Request for Hearing form to both the victim and the pawn shop from which the property was seized. The parties will have 30 days to request a hearing.

(b) If neither party requests a hearing, the property will be returned to the victim without a hearing.

(c) If the victim requests a hearing and the pawn shop does not, the property will be returned to the victim without a hearing.

(d) If the pawn shop requests a hearing and the victim does not, the property will be returned to the pawn shop without a hearing.

(e) If both parties request a hearing, the Evidence Technician will request of the City Attorney's Office in writing that a Motion to Set Hearing in reference the Disposition of Property and Order be filed with the Flagstaff Municipal Court.



Adoption Date: 2014/08/15
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(f) After the hearing, the Assistant City Attorney handling the case will mail or deliver a copy of the Judge's Order in reference the Disposition of Property to the FPD Evidence Technician for property release.

### 804.8 INSPECTIONS OF THE PROPERTY AND EVIDENCE SECTION

(a) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(b) An annual audit of evidence held by the Department shall be conducted by a Section Commander who is not routinely or directly connected with evidence control, as assigned by the Chief of Police.

(c) Whenever a change is made in personnel who have access to the Evidence Section, an inventory of all evidence/property shall be made by an individual not associated with the Evidence Section or function to ensure that records are correct and all evidence and property is accounted for.



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# Records Procedures

## 806.1 PURPOSE AND SCOPE

The Records Manager / Supervisor shall keep the Department Records procedures continuously updated to reflect the procedures being followed. Policies and procedures that apply to all employees of this department are contained in this chapter.

### 806.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records personnel.

Reports are numbered commencing with the letter "P" and last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number P10-00001 would be the first new case beginning January 1, 2010.

## 806.2 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within Records, accessible only to authorized Records personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained as follows:

Patrol is to print the report and have it approved by the Patrol Shift Supervisor. If the report is accessed electronically, the Patrol Shift Supervisor will electronically disseminate the report. They are to verify it is ready to be released by assuring that each page of the report has been properly marked with the stamp that reads " FPD Rel: To Law Enforcement Officer."

If the report is prior to July 2009, the Patrol Officer is to complete a report request form, make a copy of the report and submit it to the Patrol Shift Supervisor for approval. The Patrol Shift Supervisor must verify it is ready to be released by assuring that each page of the report is properly marked with the stamp that reads " FPD Rel: To Law Enforcement Officer." The report request form is to be turned into Records for proper dissemination and filing.

At no time should any personnel with the exception of Records personnel or a supervisor release a police report to the public. Supervisors will ensure proper redaction of personal information prior to release.

### 806.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from Records. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Manager / Supervisor. All original reports including Flagstaff Police Department Reports, Coconino County Sheriff's Department Reports, and Jail Bookings removed from Records shall be recorded on the Report Check-Out Log, which shall constitute the only authorized manner by which an original report may be removed from Records.



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### 806.3 RECORDS MANAGER TRAINING

The Records Manager shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under the Arizona Public Records law (ARS § 39-101, et seq.).

### 806.4 REQUISITION OF SUPPLIES

All sworn personnel in need of citations or parking tickets shall contact Records. The officer will sign the log book indicating the receipt of citations or parking tickets.

Citations and parking tickets will not be available after hours or when records personnel are otherwise not available but may be obtained through memorandum to the Records Supervisor. The request should be fulfilled the following day with the items placed in the officers mailbox. Only Records personnel shall issue citations or parking tickets from the supply room.

### 806.5 RECORDS RETENTION

The current records retention schedule is located in appendix G of this manual.



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# Records Release and Security

## 810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law (ARS Title 39, Chapter 1).

It is the policy of the Flagstaff Police Department to support and promote openness in government by releasing information in a timely and responsible manner. However, it is our obligation to protect the lives and property of the residents of Flagstaff and to ensure that those who stand accused of violating the law receive a fair trial. Against these competing interests, departmental reports will be released upon written request, subject to the guidelines in this order.

This policy does not prevent the Department from making part or all of specific data available to the data subject or the public unless disclosure is expressly prohibited by law or the data is classified as confidential or private, respectively.

### 810.1.1 DEFINITIONS

Definitions related to this policy include:

**Public records** - A record kept by the Department that is created, received or kept in the performance of a duty.

**Records management** - Means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation (ARS § 41-151.14).

## 810.2 PUBLIC REQUESTS FOR RECORDS

The Department shall comply with Arizona law regarding the retention schedule prescribed by the Arizona State Library, Archives and Public Records Administrator, or the Department may establish its own program upon proper approval (ARS § 41-151.14).

The Department will prominently display a sign that contains basic rights of a person who requests public information, the responsibilities of the Department and the procedures, to include the cost of inspecting or obtaining copies.

Requests for information that the Department believes is confidential and wishes to withhold from the public and that is not specifically allowed by statute or judicial decision shall be sent to the City attorney for a decision (see generally ARS § 39-121.02).

Data created by the Department shall be subject to inspection and release pursuant to lawful requests, except pursuant to exemptions established by statute or judicial order. Public requests for data shall be processed as follows:



Adoption Date: 2014/08/15
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### 810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may request access to unrestricted records of this department by submitting a separate written and signed request for each specifically identified record during normal business hours. Requests shall be completed as soon as possible under the specific circumstances of the request and generally no later than five business days. If the request cannot be fulfilled within five business days after the date of request, the Department will notify the requester in writing.

The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Processing of such requests may take up to five days.

(b) The requesting party shall be required to pay in advance any established fee for each record sought, unless the specific documents must be provided at no cost under ARS § 39-127 to crime victims or family of deceased victims.

(c) The Department is not required to create records that do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record.

## 810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

### 810.3.1 GENERAL CASE AND CRIME REPORTS

Reports containing any of the items listed below will not be released :

(a) Victim Information - Victim names are not redacted from reports unless there is fear of retaliation or bullying. Personal information is always redacted unless the report is being released to the victim.

(b) Confidential Information - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public:



Adoption Date: 2014/08/15
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1. Analysis and conclusions of investigating officers may also be exempted from disclosure.
2. If it has been noted in any report that an individual wishes to protect his/her right to privacy under the Arizona Constitution, such information may not be subject to public disclosure.

(c) General Information - Absent statutory exemption to the contrary or other lawful reason to deem data from reports confidential, information from unrestricted agency reports shall be made public upon proper request.

(d) Suspect Requests- If a defendant has not been contacted by the investigating officer/ detective, a report should not be released to them.

The Department shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals whose information is protected pursuant to Arizona law.

### 810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives including attorneys shall be referred to the County Attorney, City Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals as prescribed by law.

### 810.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports and related supplemental reports shall be considered confidential and subject to release only to other law enforcement agencies, involved individuals and their authorized representatives.

A traffic collision report shall be released to those persons authorized pursuant to ARS §



Adoption Date: 2014/08/15
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28-667(C)(6) who provide two or more of the following items in addition to any fee required:

(a) The date of the collision.

(b) The specific address or the highway or street.

(c) The name of any person involved in the collision.

(d) The report number.

810.3.4 OTHER REDACTION CONSIDERATIONS

General Redaction. Redaction is the removal of sensitive or harmful information found in the report.

A. Copies requested by Criminal Justice Agencies and Authorized Non-Criminal Justice Agencies (Appendix A) are provided without any redaction.

B. Copies provided to Unauthorized Non-Criminal Justice requestors will be redacted. This includes citizen requests, attorneys, insurance companies, report copy services, and private investigators (with the exception of accidents in some cases – see Accident Report Redaction below).

Redaction Process.

Information is redacted by blacking out the information, either through the drawing tool bar on PDF documents, or by blacking out the information on hard copies with a black grease marker. If a marker is used, the form will be recopied; otherwise the information will still be visible through the marker. DO NOT white out or erase information to be redacted. It must be clear that the redaction has occurred. This type of blacking out is the only acceptable form of redaction. All redaction should have a professional clean appearance.

Standard information to be redacted:

1. Date of Birth (DOB).
2. Social Security Numbers (SSN)
3. Driver's License (DL) numbers
4. Street number of the Address
5. Home and business address information on all victims. The



Adoption Date: 2014/08/15
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address can be left un-redacted if it is the location of occurrence (i.e. domestic at residence), if the victim is the requestor, or parent/legal guardian of a juvenile victim and not the suspect in the report. If the relationship to the parties in the report is unknown, it will be fully redacted.

6. Names of Victim Advocate employees, if listed.
7. Names of victim businesses do not need to be redacted.

Redaction of Juvenile Information.

All juvenile reports will be redacted to include the standard redaction guidelines, all identification including the name(s), address, entire DOB and phone numbers of the juvenile. To include the juvenile's personal identifying information, we also redact any information that would assist with identifying a juvenile such as parent's name, juvenile's school, associates, any identifying activities, and/or any family members.

Redaction of Sexual Assault/Abuse Reports.

In addition to the standard redaction, all identification including the name, address and phone numbers of sexual assault/abuse victims, both adult and juvenile will be redacted. This includes address, telephone number, and last name information of family members that is the same as the victims. This information can be left un-redacted if the requestor is the victim, or parent/guardian of the victim listed in the report.

Redaction of Medical Information.

Any notation of medical history to include physical and mental illnesses, injuries, treatment and medications are redacted. This would not include injury observation by police personnel in accidents and assaults.

Redaction of Criminal History Record Information.

References to criminal dispositions and convictions will be redacted. This does not include reference to prior FPD investigations and arrests; however, references to other agency investigations will be redacted.

Redaction of Arrest / Booking Records. Standard redaction applies to Arrest/Booking records with the addition of all next of kin information.



Adoption Date: 2014/08/15
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SUPERVISORY REVIEW. Felony reports, fatal accidents, and reports with suspects are to be reviewed by a supervisor prior to release. The supervisor and/or the investigating officer may further redact the report.

### 810.3.5 PERSONNEL RECORDS

Personnel records, medical records and similar records which would involve personal privacy shall not be made public.

Peace officer personnel records are deemed confidential and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (ARS § 39-123). However, limited information in employee disciplinary files may be disclosed to the public as allowed by law (ARS § 39-128).

The identity of any officer subject to any criminal or administrative investigation should not be released without notification to the involved officer, the Chief of Police or as allowed or required by law.

## 810.4 OTHER RECORDS

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of court or evidentiary rules relating to privilege.

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure.

Any record which was created exclusively in anticipation of potential litigation involving thisdepartment shall not be subject to public disclosure.

A non-record as defined by law may, if not otherwise prohibited by law, be destroyed at any time by the Chief of Police or a designee without being scheduled for destruction.

### 810.4.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).



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## 810.5 SUBPOENA DUCES TECUM

Any Subpoena Duces Tecum or discovery request should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

## 810.6 RELEASED RECORDS TO BE STAMPED

Each page of any record released to any party shall be stamped in ink with a Department stamp identifying the individual or agency to whom the record was released.

## 810.7 PRIVACY AND SECURITY OF RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.

### 810.7.1 DESTRUCTION OF SENSITIVE RECORDS

All records such as offense reports, arrest reports, juvenile records or other sensitive records will be placed in in the proper bins. The secure bins will be transported to SCA by the Property Control Coordinator. The Property Control Coordinator will escort the sensitive records through every step of the destruction process. SCA will provide a certificate of destruction to the Property Control Coordinator upon completion. In the event the SCA destruction process is unavailable, the Property Control Coordinator will witness the shredding of the documents by another entity.

## 810.8 DESTRUCTION OF SENSITIVE RECORDS

All records, such as offense reports, arrest reports, juvenile records or other sensitive records scheduled for destruction will be placed in the proper bin. The secure bins will be transported to SCA Tissue Facility by the Property Control Coordinator and will be escorted through every step of the destruction process. SCA Tissue Facility will provide a certificate of destruction to the Property Control Coordinator upon completion.



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# Criminal History Record Information (CHRI)

## 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Flagstaff Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Flagstaff Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 812.2 POLICY

Members of the Flagstaff Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to (ARS § 41-1750; AAC § R13-1-204):

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), the Arizona Criminal Justice Information System (ACJIS), Arizona Department of Transportation (ADOT) records and Arizona Law Enforcement Telecommunications System (ALETS).

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy.

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.



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(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

## 812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Flagstaff Police Department policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution (ARS § 41-1756).

### 812.4.1 CHRI RELEASE PROCEDURES

A DR number must be issued before a computerized criminal history can be run. If there is not a DR already assigned, or if no crime has been committed, a suspicion report will be completed. Officers conducting FPD employment background checks will take an Officer's Information DR number. The criminal history request form must have a valid purpose indicated before the terminal operator makes the inquiry. The following are the only valid reasons:

- Criminal Justice Purpose (suspect in a criminal justice investigation).
- Criminal Justice Employment Background check. No non-criminal justice employment checks will be conducted for any reason.
- For the purpose of releasing firearms.

Authorized Personnel: It will be the responsibility of the computer terminal operator to ensure that criminal histories are released to authorized persons only and that forms are properly completed. Computerized criminal histories will not be released outside of this department without the approval of the Support Services Supervisor or above. In certain cases a computerized criminal history may be run for other agencies using the requesting agency's ORI.

Release Procedures: The requesting officer will complete a criminal history request form, which will include the DR number. Improperly filled out forms will be rejected by the terminal operator.

- The original copy of the face sheet will not be released to anyone or removed from Records.
- Authorized personnel will receive copies of the original face sheet and originals of the returns with a dissemination stamp.
- Patrol officers may receive photocopies of the face sheet and originals of the return which will be returned to Records after review. Detectives may receive a copy to be kept in the case folder. This copy will either be returned to Records or released to the County Attorney.
- Copies returned to Records will be destroyed/shredded.



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## 812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Section to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

## 812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to (AAC § R13-1-201):

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

### 812.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).



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### 812.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination (ARS § 41-1750(E)).



Adoption Date: 2014/08/15
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# Computers and Digital Evidence

## 814.1 PURPOSE AND SCOPE

This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. This policy also establishes procedures for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

    1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    2. If the computer is turned on, contact a department Certified Forensic Computer Examiner for directions. Do not unplug.

    3. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Handle and transport the computer and storage media (e.g., tape, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

    1. Employees should avoid placing computer components in vehicle trunks for transport due to radio frequency interference which could damage components.

(f) Log all computer items into the Property and Evidence Section. Do not store computers where normal room temperature and humidity is not maintained.

(g) At a minimum, officers should document the following in related reports:



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1. Where the computer was located and whether it was in operation.
2. Who was using it at the time.
3. Who claimed ownership.
4. If it can be determined, how it was being used.

(h) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media.

(i) Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g. Apple keyboard and mouse) and necessary for examination of the associated media. Examples are as follows:

1. Printers should be seized if they are an instrument of the crime (i.e. check fraud by printing checks).
2. Software and manuals should be seized as it is impossible to determine that the diskette purporting to contain a standard commercially available software program has not been used to store records/ contraband without examination.
3. Manuals may be necessary to properly operate the computer system in order to accurately obtain and copy the records/contraband authorized to be seized.

### 814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence.

### 814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, disks, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) The Forensic Examination Request Form

(b) Copy of reports involving the computer, including the Evidence/Property sheet.

(c) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation or other legal authority for examination.

(d) A listing of the items to search for (e.g., photographs, financial records, E-mail, documents).

(e) A forensic copy of the media will be made, and subsequent forensic examination of the copy will be conducted by a trained digital forensic examiner.



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### 814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media including hard drives, floppy discs, CDs, DVDs, tapes, memory cards or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage if available.

### 814.4 SEIZING PCDS

Personal communication devices such as cellular phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

### 814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure its integrity and admissibility.

#### 814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.



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### 814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (e.g., smart card, compact flash card or any other media) will stay with the device it was used in. A copy of the media usually in the form of a compact disk (CD) or Digital Video Disk (DVD) shall be brought to the Evidence Section as soon as reasonably possible for submission into evidence.

(b) Officers are authorized to review the data stored on the device that was used to record the data, or they may make a copy in order to complete their reports or conduct follow up. Any copies requested by attorneys, outside agencies, or the public will be generated from the original in evidence by the evidence technicians.

(c) As soon as reasonably possible following the collection of evidence, the camera operator is to burn a copy of the images to a CD, which will be placed into evidence.

(d) Copies of pornographic materials, nudity, deceased persons or other photographs of an inappropriate nature will not be "hard copied" to attach to the report. They will be docuemented verbally in the report and submitted to evidence.

### 814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. The following procedures are to be followed:

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

### 814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) The copy of the original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.



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# Animal Control

## 820.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for Animal Control Officers (ACO) and other Flagstaff Police Department personnel in dealing with calls related to animal control and to set forth procedures regarding animal control services, the handling of injured animals and the abatement of animal nuisances (ARS § 9-499.04).

### 820.1.1 TRAINING

ACOs shall successfully complete the required basic and continuing education animal control courses as approved by the Department.

## 820.2 ANIMAL CONTROL OFFICER RESPONSIBILITIES

The ACO shall be responsible for enforcing local, state and federal laws relating to animals and for appropriately resolving or referring animal violations as outlined in this policy.

Specifically, the ACO is assigned the tasks necessary for the day to day responsibilities and rabies control as regulated by the Department of Health Services (ARS § 11-1003).

The ACO shall be under the operational control of the Uniform Patrol. The Animal Control Officer's assigned working hours will be scheduled by Special Order. During hours when the ACO is on-duty, requests for animal control services shall be assigned by the Communications Center to field officers.

Requests for assistance by the ACO shall be acknowledged and responded to promptly.

## 820.3 OFFICER RESPONSIBILITIES

During hours when the ACO is off-duty, or if the ACO is otherwise unavailable, the following animal-related calls for service will be handled by the appropriate on-duty officer.

Officers may be dispatched to animal-related calls and should take appropriate actions to control the situation until the arrival of an ACO. Due to the hazards of handling animals without proper equipment, responding officers generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of the ACO. The following are examples of when an officer may consider acting before the arrival of the ACO:

(a) When there is a threat to the public safety.

(b) When an animal has bitten someone, officers should take measures to confine the animal and prevent further injury.

(c) When an animal is creating a traffic hazard.

(d) When the owner/handler has been arrested and there is no other alternative placement for the animal.

(e) When an animal is gravely injured.



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820.3.1 ANIMAL CRUELTY COMPLAINTS
Officers shall conduct a preliminary investigation on all reports of animal cruelty and forward the information to the ACO for follow-up. Officers shall not hesitate to take any immediate actions deemed necessary. If immediate action is necessary, officers seizing an animal shall comply with the notice requirements of ARS § 13-4281.

The assistance of an animal control officer may be requested to assist with the investigation when appropriate for the purpose of handling the disposition of any animal associated with the case.

820.3.2 STRAY DOGS
If the dog has a license or can otherwise be identified, the owner should be contacted if reasonably possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued if appropriate. If a dog is taken into custody, it shall be transported to the animal shelter and placed into a holding pen. Officers will ensure the animal has food and water and will fill out the city intake log. All releases from the shelter will be handled by shelter personnel.

820.3.3 ANIMAL BITES TO HUMANS
Officers shall obtain as much information as possible for the case. They will advise the owner that the animal will need to be quarantined. Officers shall instruct the owner of a biting animal that is a pet, farm animal or domesticated wild animal, to keep the animal confined on the property until contacted by the ACO. If the animal is a stray, every reasonable effort shall be made to capture and impound the animal immediately.

820.3.4 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Officers shall obtain as much information as possible regarding the nature of the complaint, the complaining person, owner information (if possible) and location of problem. Officers will also document any actions taken, citations issued, related report numbers, and if a warning notice was left at a residence.

In the event the responding officers cannot fulfill urgent requests for service because the animal is difficult or dangerous to handle, the ACO may be called. If the ACO is unavailable, the patrol supervisor may request the assistance of an animal control officer from an outside agency.

All requests to call in the ACO must be approved by a Shift Supervisor.

## 820.4 DECEASED ANIMALS
Deceased animals that are a traffic or public hazard are to be removed to alleviate the immediate hazard. If not an immediate hazard, the communications center will notify the appropriate department for removal.

For health and sanitary reasons, deceased animals should be placed in a sealed plastic bag prior to placing them in a patrol vehicle. Neither the ACO nor any officer will be required to climb onto or under any privately owned structure for the purpose of removing a deceased animal.



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**820.5 INJURED ANIMALS**

When any injured domesticated animal is brought to the attention of a member of this agency, all reasonable attempts shall be made to contact the owner or responsible handler. When the owner or responsible handler cannot be located and the animal is not an immediate danger to the community, the communications center will notify the animal control officer or the appropriate agency.

In those occasions where the officer is faced with euthanizing a domesticated animal and all reasonable efforts have failed to locate the owner or handler the officer should first consider the following:

1. During business hours contact shall be made with Animal Control Officer, John Marciniak at 853-1232.

2. For after hours officers may contact the Coconino County Humane Society at 526-1076. The Coconino County Humane Society has established a 24 hour, 7 day a week call out policy utilizing their animal ambulance to assist with injured animals. In the event that staff from the Humane Society is not available, ACO John Marciniak may be called after hours at 699-5050.

3. In the event that an officer must euthanize a domesticated animal to end its suffering the above mentioned recommendation will also be followed as well as department policies and procedures.

4. If an animal (domestic or wild) is able to walk and not a danger to the community, it should not be euthanized.

The exceptions to the above are as follows:

(a) When the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

(b) When it is necessary to dispatch a seriously injured or dangerous animal the Shooting Policy shall be followed. The decision to dispose of a seriously injured animal will rest with the on-duty Shift Sergeant or supervisor if notice is possible (ARS § 9-499.04(B)(1), ARS § 13-3107(C)(6)). As always, officers should give careful consideration to their backdrop and the ground surface prior to discharging their weapons. The safety of fellow officers, bystanders and the public is always paramount.

(c) Injured or deceased ranch animals or wildlife should be referred to the appropriate agency as listed by the Arizona Department of Game and Fish, the Bureau of Land Management or the Animal Services Division of the Arizona Department of Agriculture.

(d) When handling dead or injured animals, Department employees shall attempt to identify and notify the owner of the final disposition of the animal.

(e) Each incident shall be documented, at minimum, to include the name of the reporting party and the veterinary hospital and/or person to whom the animal is released. If the ACO is off-duty, the information will be forwarded for follow-up.



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### 820.6 CITATIONS

It should be at the discretion of the handling officer or the field supervisor as to the need for, or advisability of, the issuance of a citation for a violation. The issuance of any citations will be documented in the related police report.

### 820.7 POST-ARREST PROCEDURES

The arresting officer should make a reasonable effort to ensure that animals or pets under a person's care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner's consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.



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# Chapter 9 - Custody



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# Custodial Searches

## 900.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Flagstaff Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of trace evidence from an individual in custody.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of his/her property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of an individual, and the vagina of a female person.

**Strip search** - A search that requires an individual to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus or outer genitalia. This includes monitoring an individual who is changing clothes, where his/her underclothing, buttocks, genitalia or female breasts are visible.

## 900.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 900.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.



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## 900.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Flagstaff Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

### 900.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Flagstaff Police Department identification number and information regarding how and when the property may be released.

### 900.4.2 VERIFICATION OF MONEY

All money shall be counted and verified and the evidence form initialed by another officer prior to submission to evidence. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

## 900.5 STRIP SEARCHES

No individual in temporary custody at any Flagstaff Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.



Adoption Date: 2014/08/15
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(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

900.5.1 STRIP SEARCH PROCEDURES

Strip searches at Flagstaff Police Department facilities shall be conducted as follows (28 CFR 115.115):

(a) Written authorization from the Shift Sergeant shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Shift Sergeant.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.



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8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the member based his/her belief that the person searched was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) A copy of the written authorization should be retained and made available up requrest to the individual or the individual's authorized representative.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Shift Sergeant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controld substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Shift Sergeant authorization does not need to be in writing.

## 900.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following:

(a) No individual shall be subjected to a physical body cavity search without written approval of the Shift Sergeant and only upon a search warrant or approval of legal counsel. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

(b) Only a physician may conduct a physical body cavity search.

(c) Except for the physician conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.



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(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Shift Sergeant's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) A copy of the written authorization shall be retained and should be made available to the individual who was searched or other authorized representative upon request.

**900.7 TRAINING**

The Training Officer shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.



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# Chapter 10 - Personnel



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# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

The employment policy of the Flagstaff shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status or gender, and shall not show partiality or grant any special favors to any applicant, employee or group of employees in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission and Arizona law. The rules governing employment practices for this department are maintained by the City of Flagstaff Department of Human Resources.

## 1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience.

### 1000.2.1 VETERANS' PREFERENCE

Veterans of the armed forces of the United States who are separated from the armed forces under honorable conditions following more than six months of active duty and are candidates for job openings shall receive preference as applicable (ARS § 38-492). Preference points shall be added after the applicant has received a passing score on an entrance exam and qualified for placement on the employment list (AAC § R13-5-303).

**Nondisabled Veteran's Credit -** There shall be added to the examination for employment a credit of five points provided that veteran obtained a passing rating on the examination without the addition of the credit points.

**Disabled Veteran's Credit -** There shall be added to the examination for employment a credit of ten points provided that the disabled veteran obtained a passing rating on the examination without the addition of the credit points. For the purposes of the preference, #disabled person# means a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual or who has a record of such impairment or is regarded as having such impairment.

**Preference for Spouses -** A spouse or surviving spouse of any of the following shall be given a five point preference:

(a) Any veteran who died of a service-connected disability.

(b) Any member of the armed forces who is serving on active duty and who, at the time of application, is listed by the secretary of defense of the United States in any of the following categories for not less than ninety days:

1. Missing in action.
2. Captured in the line of duty by a hostile force.



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3. Forcibly detained or interned in the line of duty by a foreign government or power.

(c) A person who has a total, permanent disability resulting from a service-connected disability or any person who died while the disability was in existence.

1000.2.2 DISABLED PERSONS' PREFERENCE

A disabled person shall be given a preference of five points over persons who are not disabled on an examination for employment if the disabled person earns a passing grade without the preference (ARS § 38-492(B). For the purposes of the preference, #disabled person# means a person who has a physical or mental impairment that substantially limits one or more major life activities of the individual or who has a record of such impairment or is regarded as having such impairment.

**1000.3 STANDARDS**

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The City of Flagstaff Department of Human Resources maintains standards for all positions.

The challenge facing the Department is one of developing a job-valid and non-discriminatory set of policies that will allow it to lawfully exclude persons who do not meet the Flagstaff or State of Arizona hiring standards. AZPOST statutorily prescribe minimum standards for employment and a preemployment investigation of a candidate's background (AAC § R13-4-105).

The following standards have been adopted for public safety applicants:

1000.3.1 OPERATION OF A MOTOR VEHICLE

(a) The ability to possess a valid Arizona driver's license.

(b) The ability to drive safely.

(c) The ability to control a motor vehicle at high speeds.

(d) The ability to operate a motor vehicle in all types of weather conditions.

(e) The following may be disqualifying:

1. Receipt of three or more moving violations within three years or a reckless driving conviction within five years prior to application. Moving violations for which there is a factual finding of innocence shall not be included.

2. Involvement as a driver in two or more chargeable (at fault) collisions within three years prior to date of application.

3. A conviction for driving under the influence of alcohol (DUI or DWI) and/or controlled substances within 10 years preceding the date of application or during the hiring process.



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1000.3.2 INTEGRITY

(a) Refusing to yield to the temptation of bribes, gratuities and payoffs.

(b) Refusing to tolerate unethical or illegal conduct on the part of other law enforcement personnel.

(c) Showing strong moral character and integrity in dealing with the public.

(d) Being honest in dealing with the public.

(e) The following shall be disqualifying:

1. Any material misstatement of fact or significant admission during the application or background process shall be disqualifying, including inconsistent statements made during the initial background interview (Personal History Statement or Supplemental Questionnaire) or discrepancies between this background investigation and other investigations conducted by other law enforcement agencies.

2. Any forgery, alteration or intentional omission of material facts on an official employment application document or sustained episodes of academic cheating.

1000.3.3 CREDIBILITY AS A WITNESS IN A COURT OF LAW

(a) The ability to give testimony in a court of law without being subject to impeachment due to his/her honesty or veracity (or their opposites) or due to a conviction for a felony or crime involving dishonesty or false statement.

(b) The following shall be disqualifying:

1. Conviction of one DUI violation within the preceding five years.

2. Conviction of a second DUI violation.

3. Admission, conviction or adjudication of having committed any act defined as a felony (including felony-misdemeanor offenses) under Arizona law, federal law, the law of another state or the Uniform Code of Military Justice (UCMJ).

4. Admissions or administrative findings of any act while employed as a peace officer (including military police officers) involving lying, falsification of any official report or document or theft.

5. Admissions or conviction of any act of family violence as defined by law, committed as an adult.

6. Admission of any criminal or delinquent act, whether misdemeanor or felony, committed against children including, but not limited to, molesting or abusing children, child abduction, child abuse, criminal sexual conduct or indecent exposure.

7. Any history of work-related actions resulting in civil lawsuits that found against the applicant or his/her employer may be disqualifying.



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1000.3.4 DEPENDABILITY

(a) Having a record of submitting reports on time and not malingering on calls.

(b) A record of being motivated to perform well.

(c) A record of dependability and follow through on assignments.

(d) A history of taking the extra effort required for complete accuracy in all details of work.

(e) A willingness to work the hours needed to complete a job.

(f) The following may be disqualifying:

1. Missing any scheduled appointment during the hiring process without prior permission.
2. Arriving late for any scheduled appointment during the hiring process without making telephone notification as to the reason for the delay.
3. Having been disciplined by any employer, including military, as an adult for abuse of leave, gross insubordination, dereliction of duty or persistent failure to follow established policies and regulations.
4. Having been involuntarily dismissed, for any reason other than layoff, from two or more employers as an adult.
5. Having held more than seven paid positions with different employers within the past four years, or more than 15 paid positions with different employers in the past ten years (excluding military). Students who attend school away from their permanent legal residence may be excused from this requirement as well as other persons with a reasonable explanation for an extensive job history.
6. Having undergone personal bankruptcy more than once.
7. Having current financial obligations for which legal judgments have not been satisfied.
8. Wages currently garnished.
9. Any other history of financial instability.
10. Resigning from any paid position without notice may be disqualifying, except where the presence of a hostile work environment is alleged or other reasonable cause existed.
11. Having any outstanding warrant of arrest at time of application.
12. Pending criminal matters.

1000.3.5 LEARNING ABILITY

(a) The ability to comprehend and retain information.



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(b) The ability to recall information pertaining to procedures, rules or regulations.

(c) The ability to recall information pertaining to laws, statutes and codes.

(d) The ability to learn and to apply what is learned.

(e) The ability to learn and apply the material, tactics and procedures that are required of the position.

(f) The following shall be disqualifying:

1. Being under current academic dismissal from any college or university where such dismissal is still in effect and was initiated within the past two years prior to the date of application.

2. Having been academically dismissed from any AZPOST-certified basic law enforcement academy wherein no demonstrated effort has been made to improve in the deficient areas. Subsequent successful completion of another AZPOST basic law enforcement academy shall rescind this prohibition.

1000.3.6 PERSONAL SENSITIVITY

(a) The ability to resolve problems in a way that shows sensitivity for the feelings of others.

(b) Empathy.

(c) Discretion in applying authority.

(d) Effectiveness in dealing with people without arousing irrational antagonism.

(e) The ability to understand the motives of people and how they will react and interact.

(f) The following may be disqualifying:

1. Having been disciplined by any employer, including the military and/or any law enforcement training facility, for acts constituting racial, ethnic or sexual harassment or discrimination.

2. Uttering any epithet derogatory of another person's race, religion, gender, national origin or sexual orientation.

3. Having been disciplined by any employer as an adult for fighting in the workplace.

1000.3.7 JUDGMENT UNDER PRESSURE

(a) The ability to apply common sense during pressure situations.

(b) The ability to make sound decisions on the spot.

(c) The ability to use good judgment in dealing with potentially explosive situations.

(d) The ability to make effective, logical decisions under pressure.

(e) The following shall be disqualifying:



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1. Admissions of administrative findings or criminal convictions for any act amounting to assault under color of authority or any other violation of federal or state civil rights laws.
2. Admission of administrative conviction or criminal conviction for failure to properly report witnessed criminal conduct committed by another law enforcement officer.

### 1000.4 OFFICER SELECTION PROCESS

(a) Applicants for entry-level officer positions will apply to the City of Flagstaff Department of Human Resources and are required to:

1. Meet qualifications of AZPOST (AAC § R13-4-105) and the Department as required by this policy.
2. Pass an entrance examination.
3. Pass a physical agility test.
4. Obtain an acceptable passing score from a structured oral interview board.

(b) The candidates who pass the above criteria may then be given a conditional offer of employment. They will then be interviewed by the Chief of Police or a designee. The passing candidates will be required to successfully complete the following:

1. A background investigation that meets the requirements of AZPOST (AAC § R13-4-106).
2. A polygraph test process that meets the requirements of AZPOST unless prohibited by law (AAC § R13-4-106).

(c) Candidates who successfully complete the above portions of the hiring process may continue in the process with the possibility of appointment upon the successful completion of the following:

1. Physical examination that meets the standards of AZPOST (AAC § R13-4-107).
2. Drug testing.
3. Psychological testing.
4. Chief of Police final interview.
5. Successful completion of a law enforcement academy (if required) and licensing.

(d) Regular employee status may be granted upon:

1. Successful completion of field training, and
2. Successful completion of probation.



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1000.4.1 LATERAL TRANSFER OFFICER SELECTION PROCESS
Sworn officer applicants (laterals) currently employed full-time with other agencies with a minimum two years full-time law enforcement experience may be deemed to have met various entry requirements and specific steps may be waived at the discretion of the Chief of Police or a designee.

## 1000.5 CIVILIAN SELECTION PROCESS

(a) Applicants for all non-sworn positions will apply to the City of Flagstaff Department of Human Resources and are required to:

1. Meet Department qualifications.
2. Successfully complete an employment examination that totals 100 points.
3. Obtain an acceptable passing score on a word processing test if applicable to the position.
4. Obtain an acceptable passing score from a structured oral interview board.

(b) Candidates meeting Department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

(c)
1. Successfully complete a polygraph test process.
2. Psychological examination
3. Physical examination
4. Drug test
5. Chief of Police final interview.

(d) Regular employee status may be granted upon:

1. Successful completion of training, and
2. Successful completion of probation.

## 1000.6 STAFF AND SPECIALIST POSITIONS

(a) Experienced applicants for management, supervisory positions and for specialists will be considered from both within the Department and from individuals outside the Department for positions such as criminal analysis, crime prevention, identification or other similar positions requiring specialized skills needed by the Department. These individuals must meet, or previously have met, the Department employment criteria for sworn or non-sworn employment, as appropriate to the position. If applicable, the selection process for the position may additionally include:

1. Successfully complete a specialized employment examination that totals 100 points.



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2. Successfully complete an assessment center process.
3. Obtain an acceptable score from a staff interview and/or board.

(b) Candidates meeting Department hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. A background investigation.
2. A polygraph test process.
3. Psychological examination.
4. Physical examination.
5. Drug test.
6. Chief of Police final interview.

(c) Regular employee status may be granted upon:

1. Successful completion of training, and
2. Successful completion of probation.

## 1000.7 TECHNIQUES, TOOLS AND RECORDS

### 1000.7.1 DECEPTION DETECTION DEVICE

When a polygraph is used in the selection process, the operator will be licensed in the use of the instrument.

### 1000.7.2 BACKGROUND INVESTIGATIONS

Background investigations are conducted on all Department employees prior to the final hiring decision. Relevant information regarding the candidate's qualifications, integrity, lawful and unlawful past behavior, previous work performance and driving record, if applicable to the position, is included along with interviews of individuals familiar with the candidate. This information is used to make an informed decision on the candidate's suitability for employment (AAC § R13-4-106).

Background investigations shall be conducted by members of the Department who have been trained in conducting background investigations or in accordance with the Background Investigation Manual adopted by the Department.

### 1000.7.3 RECORDS

All selection materials for those individuals hired, including the background investigation, will be placed in an envelope and filed in the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the records retention schedule.



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All selection materials for those individuals not hired will be maintained for a minimum period established by the records retention schedule.



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# Evaluation of Employees

## 1002.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

### 1002.1.1 DEFINITIONS

**Date of Hire -** A calendar date assigned to an applicant, hired by the Flagstaff Police Department, which signifies the beginning of the career and represents the date of "Annual Merit increase".

**Annual Merit Increase -** An annual pay raise based on the Annual Merit performance evaluation, so long as standard performance is maintained by the employee and the immediate supervisor, through the chain of command, recommends such pay raise.

**Annual Merit Performance Evaluation -** A performance evaluation which covers the subordinates work product for a twelve month period, from their "date of hire".

**Monthly PPR -** Monthly Personnel Performance Record typically filed in a one page report listing the employee's strengths, weaknesses and goals for the following month.

**Probation -** A twelve month period, from the date of completion of the department's Field Training Program, where the employee's s conditions of employment and rights to personnel review board hearings are limited according to City of Flagstaff policy.

**Three Month Probationary Performance Evaluation -** A performance evaluation which covers the subordinates work product for a three month period (90 days), due three months after the completion of the Field Training Program.

**Six Month Probationary Performance Evaluation -** A performance evaluation which covers the subordinates work product for a three month period (90 days), due six months after completion of the Field Training Program or, three months after the completion of the "Three Month Probationary Performance Evaluation".

**Nine Month Probationary Performance Evaluation -** A performance evaluation which covers the subordinates work product for a three month period (90 days), due nine months after completion of the Field Training Program or, three months after the completion of the "Six Month Probationary Performance Evaluation".

**End of Probation / Tenure Status Granted Memorandum -** A departmental memorandum, which is completed by the probationary subordinate's immediate supervisor, authorizing the end of probationary status and granting tenure to the employee. This memorandum is due one year from the date of completion of the department's Field Training Program

## 1002.2 POLICY

The Flagstaff Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion,



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reassignment, discipline, demotion and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

### 1002.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

### 1002.4 FULL-TIME PROBATIONARY PERSONNEL

Personnel must successfully complete the probationary period before being eligible for certification as regular employees. An evaluation will be completed quarterly for all full-time civilian personnel during the probationary period.

Probationary sworn personnel while assigned to field training program will be evaluated daily, weekly and monthly. During the probationary period they will be evaluated quarterly at a minimum.

### 1002.5 FULL-TIME REGULAR STATUS PERSONNEL

Regular employees are subject to three types of performance evaluations:



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**Regular** - An Employee Performance Evaluation shall be completed once each year by the employee's immediate supervisor on or near the anniversary of the employee's date of hire except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**Special** - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (e.g., action plan, remedial training, retraining). The evaluation form and the attached documentation shall be submitted as one package.

1002.5.1 RATINGS
The definition of each rating category is as follows:

**Outstanding -** Actual performance that is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary. The rating of "outstanding" is only available as an overall rating category.

**Above Standard -** Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

**Standard** - Performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Below Standard -** A level of performance less than that expected of a fully competent employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Written comments should be provided through out the evaluation in the appropriate sections. This allows the rater to document the employee's strengths, weaknesses and suggestions for improvement. Any rating under any job dimension marked above or below standard shall be substantiated in the rater comments section.

## 1002.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the recently completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for



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reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Employees may also write comments in the Employee Comments section of the performance evaluation report.

### 1002.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the Division Commander. The Division Commander shall review the evaluation for fairness, impartiality, uniformity and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.

### 1002.8 EVALUATION DISTRIBUTION

The original performance evaluation shall be maintained in the employee's personnel file for the employee's tenure. A copy will be forwarded to the City Department of Human Resources. An additional copy shall be given to the employee if requested.



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# Promotional and Transfer Policy

## 1004.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Flagstaff Police Department.

### 1004.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Successful completion of a testing process, which may include a written test, interview panel, administrative file review, as well as points given for experience and education.

(d) Demonstrates:

1. Emotional stability and maturity.
2. Sound judgment and decision-making.
3. Personal integrity.
4. Honesty.
5. Leadership.
6. Initiative.
7. Ability to confront and/or deal with issues both positive and/or negative.
8. Ability to conform to organizational goals and objectives.

## 1004.2 SWORN NON-SUPERVISORY SELECTION PROCESS

The following positions are considered transfers and are not considered promotions:

(a) Selective Enforcement Squad Member.

(b) Investigator Rotator.

(c) Housing Authority Officer.

(d) Any Task Force Officer

(e) Field Training Officer.

(f) Department Training Officer.

(g) D.A.R.E. Officer.

(h) Narcotics Officer.



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1004.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Off probation.

(b) Has shown an express interest in the position applied for.

(c) Education, training and demonstrated abilities in related areas, such as, enforcement activities, investigative techniques, report writing and public relations.

(d) Must have a minimum of a standard rating for the last two rating periods.

(e) Complete any training required by AZPOST, federal or state law.

## 1004.3 SELECTION PROCESS

The following criteria apply to transfers if there are more applicants than positions available.

(a) A testing process consisting of an interview panel and/or written test.

(b) An administrative review of the employees personnel file and /or recommendations from other supervisors.

(c) Appointment by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

## 1004.4 TRANSFER AND PROMOTIONAL SPECIFICATIONS

Specifications for promotional opportunities are on file with the Flagstaff Department of Human Resources. All promotional opportunities shall be announced by Special Order, which shall provide more specific information regarding resources, qualifications, testing process, etc...

Personnel may be removed from promotional or transfer lists as a matter of negative discipline, subject to review by the Chief of Police.

## 1004.5 SUPERVISOR CERTIFICATE

Within one year of the effective date of assignment, all full-time first-line supervisors should complete a supervisor training course.



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# Grievances

## 1006.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance. The Department's philosophy is to promote free verbal communications between employees and supervisors.

### 1006.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the interpretation or application of any of the following documents:

- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual employee or by an employee bargaining group representative.

Specifically excluded from the category of grievances are the following:

- Complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment.
- Complaints related to allegations of discrimination on the basis of gender, race, religion, ethnic background and other lawfully protected status or activity that are subject to the complaint options set forth in the Discriminatory Harassment Policy.
- Complaints related to state Worker's Compensation.
- Personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in the Personnel Complaints Policy.

## 1006.2 PROCEDURE

Except as otherwise required under an employment agreement, if an employee believes that he/she has a grievance as defined above, the employee shall observe the following procedure:

(a) Attempt to resolve the issue through informal discussion with his/her immediate supervisor. The supervisor shall notify the Department Head so their advice and counsel may be sought.

(b) If after a reasonable period of time, generally no later than five days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with their respective Section Commander.

(c) If a successful resolution is not found with the Section Commander, the employee may request a meeting with the Chief of Police.

(d) If the employee and the Chief of Police are unable to arrive at a mutual solution, the employee shall submit a written statement of the grievance and deliver one copy to the



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Chief of Police and another copy to the immediate supervisor that includes the following information:

1. The basis for the grievance (e.g., the facts of the case).
2. Allegation of the specific wrongful act and the harm done.
3. The specific policies, rules or regulations that were violated.
4. The remedy or goal being sought by the grievance.
5. The employee shall receive a copy of the acknowledgment signed by the supervisor including the date and time of receipt.

(e) The first line supervisor must, within five working days of the filing of the grievance, render a written, dated decision to the employee. This decision will have the written concurrence of the Department Head, and shall indicate the basis for the decision. Copies of this decision shall be sent to the City Manager and the Department Head.

(f) If the employee does not feel the grievance is satisfactorily resolved by the answer, the employee may, within five (5) working days of the date of the formal answer, appeal the decision in writing to the City Manager.

(g) The City Manager shall discuss the grievance with the employee and others involved, and then shall within seven (7) calendar days, render findings which shall be final.

### 1006.3 EMPLOYEE REPRESENTATION AND RIGHTS

Employees are entitled to have representation during the grievance process. The representative may be a fellow employee or other representative upon approval of the Chief of Police. The representative shall act as an observer only and cannot make statements or ask questions.

In addition to any administrative procedures available to the employee regarding the filing appeals complaints or grievances any employee may institute and action in a civil court to obtain redress of grievances.

### 1006.4 PUNITIVE ACTION

At no time will punitive action be taken against an employee for exercising any rights during the grievance procedure.

### 1006.5 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Assistant City Manager's office to monitor the grievance process.



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### 1006.6 GRIEVANCE AUDITS

The Training Officer shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Training Officer shall record these findings in a memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Training Officer should promptly notify the Chief of Police.

### 1006.7 JUDICIAL RELIEF

Any employee or representative may, after exhausting the internal grievance procedure, and, if applicable, arbitration, apply to the proper court for judicial relief as allowed by contract or law.



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# Anti-Retaliation

## 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

## 1008.2 POLICY

The Flagstaff Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.



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### 1008.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

### 1008.5 SUPERVISOR RESPONSIBITILES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.



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### 1008.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

### 1008.7 WHISTLE-BLOWING

Arizona law protects members from retaliation for disclosing information to the appropriate person or entity when the member has a reasonable belief that this department is violating or will violate the state Constitution or state law, or is engaging in abuse of authority or gross waste of monies (ARS § 23-1501; ARS § 38-532).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

### 1008.8 RECORDS RETENTION AND RELEASE

The Records Manager shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

### 1008.9 TRAINING

The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.



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# Reporting of Employee Convictions

## 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

## 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS

Arizona and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; ARS 13-3101(A)(7)(d)).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1010.3 CRIMINAL ARRESTS

Any sworn employee shall promptly notify his/her immediate supervisor in writing if a firearm used by the employee as part of his/her assigned duties has been confiscated as a result of involvement in a domestic violence incident pursuant to ARS § 13-3601(C) (see Policy 320.8).

## 1010.4 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Arizona (AAC § R13-4-105(A)(6)).

Upon conviction of a felony committed by any peace officer, the state shall revoke their certified status (AAC § R13-4-109(C)).

Even when legal restrictions are not imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by a member of this department may prohibit him/her from carrying out law enforcement duties such as being temporarily or permanently prohibited from carrying a firearm.

### 1010.4.1 COURT ORDERS

All employees shall promptly notify the department if they are part of any court order. Court orders or failure to comply with certain subpoenas or warrants may require suspension of their peace officer certificate (AAC § R13-4-109).

## 1010.5 REPORTING PROCEDURE

All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of



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retired officers) in writing of any past or current criminal arrest or conviction regardless of whether the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining court order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on paid or unpaid administrative leave, reassignment and/or termination.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.



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# Drug- and Alcohol-Free Workplace

## 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

## 1012.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

## 1012.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Shift Sergeant or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

### 1012.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

## 1012.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.



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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

### 1012.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

### 1012.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

### 1012.7 REQUESTING SCREENING TESTS

The supervisor may request an employee or prospective employee to submit to a screening test under any of the following circumstances (ARS § 23-493.04):

(a) The supervisor determines there is a reasonable suspicion that an employee may be affected by the use of drugs or alcohol and that such use may adversely affect the job performance or the work environment.

(b) The supervisor determines there is reasonable suspicion that an employee is currently impaired or exhibiting objective symptoms of intoxication or drug influence while on-duty.

(c) When the employee, whether on- or off-duty, is involved in a shooting or law enforcement-related death.

(d) When the employee is involved in an injury or fatal accident while on-duty.

(e) When the employee is involved in an injury or fatal accident while operating any City-owned vehicle, whether on- or off-duty.



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(f) During an investigation of an accident in the workplace, provided the testing is performed as soon as practicable after an accident and is administered to employees whom it is reasonable to believe may have contributed to the accident.

(g) When it is performed as part of a drug or alcohol testing program based on a random or chance basis.

(h) As a condition of employment to prospective employees.

Generally testing of employees shall occur during, or immediately before or after, a regular work period. The testing, and travel time if required, will be deemed work time for the purpose of compensation for all paid employees (ARS § 23-493.02).

### 1012.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### 1012.7.2 SCREENING TEST REFUSAL

An employee may be subject to rehabilitative or disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

### 1012.7.3 DISCIPLINARY ACTION

Rehabilitative or disciplinary action may include (ARS § 23-493.05):

- Enrollment in a rehabilitation, treatment or counseling program, which may include additional drug testing and alcohol impairment testing that has been provided or approved by the Department. Participation in the program may be a condition of continued employment. The cost may or may not be covered by any available health plan or policy.
- Suspension of the employee, with or without pay, for a designated period.
- Termination of employment.
- In the case of drug testing, refusal to hire a prospective employee.
- Other adverse employment action.



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1012.7.4 SCREENING TEST REQUIREMENTS
All screening tests for drugs or alcohol shall comply with the standards set forth in ARS § 23-493.03.

1012.7.5 SUBSTANCES FOR WHICH TESTING MAY BE REQUIRED
The Department may test for alcohol and any drugs as defined in ARS § 23-493(3), including prescription drugs or over-the-counter compounds (ARS § 23-493.04(A)(4).

1012.7.6 SCREENING TEST RESULTS
Employees have the right to obtain written results of any testing performed. Employees also have the right to have a positive test result explained in a confidential setting (ARS § 23-493.04(A)).

**1012.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT**
No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

**1012.9 CONFIDENTIALITY**
The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.



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# Sick Leave Policy

## 1014.1 PURPOSE AND SCOPE

Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the City Personnel Regulations. Employees may also be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 CFR 825.100).

## 1014.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability, including pregnancy and maternity, or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not reasonably possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation and abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

### 1014.2.1 NOTIFICATION

Employees are encouraged to notify an immediate supervisor, the Shift Sergeant or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift.

The employee reporting sick will advise the supervisor of the address and phone number where he/she can be reached. If the sick employee for any reason leaves the address given (i.e. to see a doctor, etc.) he/she will advise his/her supervisor by phone. The supervisor of the employee reporting sick may at his/her own discretion make an unannounced visit or phone call to said employee during the course of the shift.

If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Department as soon as reasonably possible and with no less than 30-days notice of the intent to take leave.

## 1014.3 EXTENDED ILLNESS

Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent



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from duty due to personal illness in excess of three consecutive days will be required to furnish a statement from their health care provider supporting the use of sick leave and/or the inability to return to work.

Nothing in this section precludes a supervisor, based upon reasonable cause, from requiring a physician's statement if three or fewer sick leave days are taken.

### 1014.4 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address the use of sick leave in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties and when unusual amounts of sick leave by the employee have a negative affect on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.



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# Communicable Diseases and Infection Control

## 1016.1 PURPOSE AND SCOPE

This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury as required by state (ARS § 23-403(A), AAC § R20-5-602) and federal guidelines (29 CFR § 1910.1030(a)). The policy will offer direction in achieving the following goals:

(a) To identify, inform and train all Department employees regarding the communicable disease risks to which they may be exposed while performing of their specific job assignments.

(b) To manage the risks associated with blood-borne pathogens, aerosol transmissible diseases and other potentially infectious substances.

(c) To assist Department personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE).

(d) To protect the privacy rights of all Department personnel who may be exposed to or contract a communicable disease during the course of their duties.

(e) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

### 1016.1.1 DEFINITIONS

Definitions related to this policy include:

**Blood Borne Pathogen** - Pathogenic microorganisms that are present in human blood and can cause disease in humans (29 CFR 1910.1030(b)). These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

**Communicable Disease** - An illness caused by an agent or its toxic products that arises through the transmission of that agent or its products to a susceptible host, either directly or indirectly (AAC § R9-6-101(21)).

**Exposure Incident** - A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an department member's duties (29 CFR 1910.1030(b)).

**Other Potentially Infectious Materials** - Includes human body fluids such as semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; any unfixed tissue or organ (other than intact skin) from a human (living or dead) and HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV (29 CFR 1910.1030(b)).



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## 1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All Department personnel who may be involved in providing emergency medical care or who come in contact with another person's blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

### 1016.2.1 EXPOSURE CONTROL OFFICER

The Professional Standards Sergeant will serve as the Department's Exposure Control Officer (ECO). The ECO shall be responsible for the following:

(a) The overall management of the blood-borne Exposure Control Plan (ECP).

(b) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning blood-borne pathogens and other communicable diseases.

(c) The ECO will act as a liaison during Occupational Safety and Health Administration (OSHA) inspections and shall conduct program audits to maintain an up-to-date Exposure Control Plan.

(d) The ECO will review and update the Exposure Control Plan annually (on or before January 1st of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

### 1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids such as saliva, urine, semen and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

### 1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair of disposable latex gloves (keeping a box in the car recommended)
- Safety glasses or goggles
- NIOSH N95 particulate respirator with a one-way valve
- Alcohol, or similar substance, to flush skin at emergency site
- Maintaining alcohol hand wipes in the car is recommended

The protective equipment will be issued to each officer. It should be inspected regularly and replaced if it has been used or damaged during the shift, or as otherwise needed.



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1016.2.4 IMMUNIZATIONS
All Department personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment.

1016.2.5 WORK PRACTICES
All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.2.6 INFORMATION AND TRAINING
All employees shall participate in occupational exposure training commensurate with the requirements of his/her position (29 CFR § 1910.1030(g)(2)). The training shall be provided:

(a) At the time of initial assignment to tasks where an occupational exposure may take place.

(b) At least annually after the initial training.

(c) Whenever the employee is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

The occupational exposure training shall meet the minimum standards set by state and federal regulations (29 CFR § 1910.1030(g)(2)(vii) and ARS § 23-407(3)).

## 1016.3 DISPOSAL AND DECONTAMINATION
The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids:

1016.3.1 USE OF WASTE CONTAINERS
Officers shall dispose of biohazards with the on-scene fire response vehicle, at the attending clinic or hospital, with its approval, or in an appropriately marked biohazard waste container immediately upon arrival.

The biohazard waste container shall be collapsible, leak-proof, red or appropriately labeled with a biohazard warning and routinely emptied.



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### 1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall wash their hands immediately, on-scene if reasonably possible, or as soon as reasonably possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms or other locations not designated as a cleaning or decontamination area.

### 1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All personnel shall avoid using or holding sharps (e.g., needles, blades) unless they are needed to assist a paramedic or are being collected for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when reasonably possible, shall be into a puncture-proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

### 1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.



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### 1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT

After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is not reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in this policy.

Any personal protective equipment that becomes punctured, torn or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the personal protective equipment if the task has not been completed. If any failure of personal protective equipment results in a contaminated non-intact skin event, decontamination as described in this policy shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

### 1016.3.6 DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

(a) Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag. Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting.

(b) Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry.

(c) Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry.

(d) Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

(e) While cleaning equipment, pay close attention to handles, controls, corners, crevices and portable radios.

(f) Equipment cleaning shall not be done in the kitchen, bathrooms or areas that are not designated as a cleaning/decontamination area.

(g) Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles.

(h) Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.



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1016.3.7 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot should be discarded.

1016.3.8 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9 DECONTAMINATION OF STATION AND CLEANING AREA
The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and maintained in a clean and sanitary order at all times. The application of cosmetics, smoking cigarettes and consuming food and drink are prohibited in this designated area at all times.

## 1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee.

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

(a) **Level I Exposure** - If a suspect's body fluid has made contact with an employee's mucus membranes (eyes, nose, mouth) or an opening in the skin (abraded, cut, bite, needle-stick), an exposure has occurred and the employee must notify a supervisor immediately or as soon as possible. The officer shall then verbally report the exposure to their immediate supervisor as soon as possible. After an exposure, an employee shall complete the following reports to be forwarded through the chain of command:

1. Crime or Incident Report.
2. City Blood Borne Pathogen Exposure Report (AAC § R20-5-164(E)).
3. City Injury Report (if applicable).
4. Use of Force Report (if applicable).

(b) All exposure reports will be forwarded through the chain of command to Professional Standards, who will be responsible to:

1. Ensure all reports are complete.
2. Blood samples are obtained and forwarded for testing.
3. Follow-up tests are conducted 12 weeks from exposure, when necessary.



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4. Ensure reports are forwarded to the Personnel Department to be placed in the employee's permanent file.
5. Ensure training records are maintained for three years on all employees in risk categories.
6. Notify all involved employees of exposure to persons with reported communicable diseases and test results.
7. Review incidents for compliance with General Orders and OSHA standards.

(c) **Level II Exposure** - If an employee has been in the presence of a potentially infectious material and has been contaminated but not exposed (i.e. the uniform has been soiled, intact skin has been contaminated, or equipment has been contaminated), the employee shall:

1. Complete an Exposure and Incident or Crime Report describing the incident and the type of contamination, and the measures taken to disinfect.
2. Route this report to the on-duty supervisor no later than the end of the shift.
3. The supervisor shall route this form and the related reports to the Patrol Lieutenant within one business day.
4. The officer's supervisor will notify the Duty Commander that an exposure has occurred.
5. Additionally, if the exposure involves contact with the bodily fluids of an individual who has been arrested, the employee must also comply with reporting requirements described in the Communicable Disease Testing Policy.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information:

(a) Names and social security numbers of the employee exposed.

(b) Date and time of incident.

(c) Location of incident.

(d) The potentially infectious materials involved.

(e) Source of material or person.

(f) Current location of material or person.

(g) Work being done during exposure.

(h) How the incident occurred or was caused.

(i) PPE in use at the time of the incident.

(j) Actions taken post-event (e.g., clean-up and notifications).



Adoption Date: 2014/08/15
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The supervisor shall ensure that the event was documented (AAC § R20-5-164(F), AAC § R20-5-629, 29CFR § 1904 and 29 CFR § 1910.1030(h)(1)) and advise the members of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed member's supervisor to ensure testing is sought (Policy § 1016.5).

### 1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who received exposure or suspected exposure shall be seen by a physician (or qualified health care provider) as soon as reasonably possible pursuant to 29 CFR § 1910.1030(f)(3). The doctor or qualified health care provider should be provided with the supervisor's report and the member's medical records relevant to the visit and examination.

The blood of the exposed member shall be tested at the expense of the Department (AAC § R20-5-164(J)).

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

The health care professional shall provide the ECO and/or the City's risk manager with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

(a) If a post-exposure treatment is indicated for the employee

(b) If the employee received a post-exposure treatment

(c) Confirmation that the employee received the evaluation results

(d) Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation

(e) Whether communicable disease testing from the source is warranted, and if so, the possible diseases to be tested

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

### 1016.4.4 COUNSELING

The Department should provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation.

### 1016.4.5 CONFIDENTIALITY OF REPORTS

Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept confidential (ARS § 36-664(A)).



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The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The risk manager shall be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent, except as required by law.

### 1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure to an employee of this department should be sought when it is desired by the department member or is otherwise appropriate. It is the responsibility of the ECO to ensure the proper testing and reporting occur. These methods are:

(a) Obtaining voluntary consent that covers testing for any communicable disease from any person who may be the source of an exposure.

(b) Seeking a court order when the person who may be the source of an exposure will not consent to testing if:

1. The person is charged with interfering with the official duties of an employee of this department by biting, scratching, spitting or transferring blood or other bodily fluids to the skin or membranes of the member (ARS § 13-1210(A)(1)).
2. There is probable cause to believe that a person interfered with the official duties of an employee of this department by biting, scratching, spitting or transferring blood or other bodily fluids to the skin or membranes of the member and that person is deceased (ARS § 13-1210(A)(2); ARS § 13-1210(D)).
3. The person is arrested, charged or in custody and the employee of this department alleges by affidavit that the person interfered with the official duties of the employee by biting, scratching, spitting or transferring blood or other bodily fluids to the skin or membranes of the employee (ARS § 13-1210(A)(3).

If the person for whom testing is sought neither volunteers nor can be compelled to submit to testing, the ECO should seek a court order for the disclosure of communicable disease-related information from the person's health care provider based upon a showing of a clear and imminent danger that the life or health of an employee of this department is at risk, pursuant to ARS § 36-665(B).

#### 1016.5.1 HEPATITIS A AND B VACCINATIONS

All employees who have occupational exposure shall be afforded the opportunity to receive Hepatitis A and B vaccinations upon completion of the required training and within ten calendar days of initial field assignment.



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The vaccination is provided through the Coconino County Health Department at no cost to the employee. Employees who elect to decline the vaccinations shall sign the "Hepatitis A and B Declination Form." The signing of this form does not preclude the employee from receiving the vaccination at a later date.



Adoption Date: 2014/08/15
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# Smoking and Tobacco Use

## 1018.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Flagstaff Police Department facilities or vehicles.

## 1018.2 POLICY

The Flagstaff Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Flagstaff Police Department to prohibit the use of tobacco by employees while on-duty or at any time the employee is acting in an official capacity for the Department.

## 1018.3 EMPLOYEE USE

Tobacco use by employees is prohibited any time employees are in public view representing the Department.

Smoking and other use of tobacco products is not permitted inside any City facility, office or vehicle.

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

## 1018.4 ADDITIONAL PROHIBITIONS

Employees may not smoke tobacco products near any entrance, window or ventilation system or at any location where persons entering or leaving may be subject to breathing tobacco smoke (ARS § 36-601.01).

The Department shall post at every entrance to its facilities a sign that clearly indicates smoking is prohibited, and that identifies where complaints regarding smoking violations may be made (ARS § 36-601.01(E)(1); ARS § 36-601.01(E)(2)).



Adoption Date: 2014/08/15
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# Personnel Complaints

## 1020.1 PURPOSE AND SCOPE

The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

It shall be department policy that employees encourage citizens to bring forward legitimate grievances regarding misconduct by department employees, and that these complaints by citizens are received courteously and expeditiously. Employees shall assist and cooperate in the expeditious, effective and impartial processing of citizen complaints to the extent of their ability and consistent with procedures established herein. This Department investigates all complaints alleging a violation of law.

### 1020.1.1 PERSONNEL COMPLAINTS DEFINED

Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public.

Inquiries about employee conduct or performance that, if true, would not qualify as a violation may be handled informally by a Department supervisor and shall not be considered a complaint. These may generally include clarifications regarding policy, procedures or the Department's response to specific incidents.

Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the complaining party is satisfied that appropriate action has been taken by a Department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form, but shall be documented by memorandum and forwarded through the chain of command. The responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

**Formal** - A matter in which the complaining party requests further investigation or which a Department supervisor determines that further action is warranted. Such complaints may be investigated by a Department supervisor of a rank greater than the accused employee or referred to the Professional Standards Unit depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards Unit, such matters will be documented as personnel complaints, but may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.



Adoption Date: 2014/08/15
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1020.1.2 DEFINITIONS
Definitions related to this policy include:

**Complainant** - A person claiming to be the victim or witness of misconduct by an employee.

**Investigation** - An administrative investigation, conducted by the Department, of alleged misconduct by an employee that could result in punitive action.

**Corrective Action** - A disciplinary suspension, demotion in rank, removal from a promotional list, reprimand, termination or any combination of those actions.

## 1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public lobby and on the Flagstaff Police Department website. Forms may also be available at other government offices and facilities. Personnel Complaint forms in languages other than English may also be provided as determined necessary or practicable.

Each Shift Sergeant shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Section Commander any suggestions for improvement or changes.

1020.2.2 SOURCE OF COMPLAINTS
Complaints will be accepted from the following:

(a) A Department employee becoming aware of alleged misconduct shall immediately notify a supervisor.

(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.

Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS
All written complaints will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally either in person or by telephoning the Department and will be accepted by any supervisor. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to re-contact the complainant. The supervisor upon recontact of the complainant shall complete and submit the personnel complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained. The following should be considered before taking a complaint:



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(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Shift Sergeant determines that the reporting person is satisfied that his/her complaint required nothing more than an explanation regarding the proper/improper implementation of Department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained. The complaint shall be taken and properly processed by the supervisor based on the information given.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION

When a personnel complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original personnel complaint.

Formal complaints of alleged misconduct not reported in person shall be documented by a supervisor on a personnel complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Supervisors shall document informal complaints through department memorandums.

## 1020.3 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a formal complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor was involved in or witnessed the alleged incident. The Chief of Police or the authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Shift Sergeant, Division Commander and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal complaint shall ensure that a personnel complaint form has been completed as fully as possible. The original complaint form will then



Adoption Date: 2014/08/15
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be directed to the Division Commander of the accused employee, via the chain of command, who will forward a copy of the complaint to the Chief of Police, will take any appropriate action and/or forward the complaint to the Professional Standards Unit for further action.

1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
2. When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.
3. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Division Commander or the Chief of Police, who will initiate appropriate action.

(c) A supervisor dealing with an accused or witness employee shall ensure that the procedural rights of the employee are followed pursuant to state and federal law (ARS § 38-1101; ARS § 38-1105; ARS § 38-1106).

(d) When the nature of a personnel complaint relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall promptly contact the Department of Human Resources and the Chief of Police for direction regarding his/her role in investigation and/or addressing the complaint.

## 1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, the Duty Commander may temporarily assign the accused employee to inactive duty (administrative leave) pending completion of an investigation or the filing of administrative charges.

### 1020.4.1 ADMINISTRATIVE LEAVE

An employee placed on administrative leave may be subject to the following guidelines:

(a) An employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, Department identification, assigned weapons and any other Department equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a Department employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the course of the investigation and the



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employee may be required to remain available for contact at all times during such shift and report as ordered.

(e) It shall be the responsibility of the Duty Commander to promptly notify the employee's Section Commander and the Chief of Police.

(f) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly assigned shift with all badges, identification card and other equipment returned.

### 1020.5 ALLEGATIONS OF CRIMINAL CONDUCT

Where an employee of this Department is accused of potential criminal conduct, a separate supervisor or assigned investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation and/or any prosecution.

The Chief of Police shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement or prosecutorial agency be conducted parallel to the administrative investigation.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

No information or evidence administratively compelled from an employee may be provided to a criminal investigator.

Any law enforcement agency is authorized to release information concerning the arrest or detention of an employee which has not led to a conviction. However, no disciplinary action, other than paid administrative leave, shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Department policy.

### 1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE

Investigations of a minor nature may be assigned to the employee's supervisor provided the supervisor was not involved as a witness or an alleged participant in the incident. More serious complaints will be assigned to the Professional Standards Unit for investigation. Whether conducted by a supervisor or an assigned member of the Professional Standards Unit, interviews that could reasonably result in dismissal, demotion or suspension shall be conducted pursuant to ARS § 38-1101:

(a) Any employee may request to have a representative present during an interview at no cost to this department (ARS § 38-1101; ARS § 38-1106).

1. The employee shall select a representative who is available on reasonable notice so that the interview is not unreasonably delayed.



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2. The representative shall participate in the interview only as an observer.
3. Unless agreed to by the Chief of Police or a designee, the representative shall be from this department and shall not be an attorney.
4. The employee shall be permitted reasonable breaks of limited duration during any interview for telephonic or in person consultation with others, including an attorney, who are immediately available.
5. An employee shall not be disciplined, retaliated against or threatened with retaliation for requesting that a representative be present or for acting as the representative for another officer.

(b) The Investigator should not be a person who is the complainant, the ultimate decision maker regarding disciplinary action, or a person who has any personal involvement regarding the alleged misconduct.

(c) Before an investigator begins the initial interrogation, the Department should:

1. Provide the name and rank of the person in charge of the investigation and the persons who will conduct any interrogation.
2. Provide the date, time and place of interrogation or hearing and the names of all who will be present.
3. Provide the officer in writing a summary of alleged misconduct and a description of the nature of the investigation.

(d) Interviews of accused employees should be conducted during reasonable work hours of the employee and, if the employee is off-duty, the employee shall be compensated.

(e) Off-duty interviews should only be conducted based on the seriousness of the investigation and other factors requiring that time is of the essence.

(f) An investigator should not interview an officer at that person's home without the officer prior permission.

(g) No more than two interviewers should ask questions of an accused employee to prevent confusion or misunderstandings.

(h) All interviews shall be for a reasonable period or duration and the employee's personal needs shall be accommodated.

(i) No employee shall be subjected to offensive or threatening language nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator.



Adoption Date: 2014/08/15
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(j) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided upon request or prior to any subsequent interview.

(k) If the allegations involve potential criminal conduct, the employee shall be given the Garrity admonishment. This admonishment shall be given administratively whether the employee was advised of these rights during any separate criminal investigation.

(l) All employees subjected to interviews that could result in punitive action shall have the right to have a representative of his/her choosing during any interrogation. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with representatives or attorneys collectively or in groups prior to being interviewed.

(m) All employees shall provide complete and truthful responses to questions posed during interviews.

(n) An officer may be compelled to take a polygraph examination if a statement made by the officer differs from other information relating to the investigation that is known to the investigator and reconciling that difference is necessary to complete the investigation. An audio recording of the complete polygraph procedure will be made and a copy will be provided to the officer. The officer may not demand a representative be present during the examination. The examination, its results and related materials must comply or be used in accordance with ARS § 38-1101.

### 1020.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process, if such information tends to indicate a conflict of interest with official duties, if the employee is assigned to or being considered for a special assignment or to determine if the employee is engaged in unlawful activity.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other Department areas (e.g., desks, office space and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.



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1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT
Investigations of personnel complaints shall be detailed, complete and essentially follow this format:

**Introduction** - Include the identity of the employee, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a very brief summary of the facts giving rise to the investigation.

**Summary Of Allegations** - List the allegations separately, including applicable policy sections, with a very brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence As To Each Allegation** - Each allegation should be set forth with the details of the evidence applicable to each allegation, and include comprehensive summaries of employee and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos and documents) should be attached to the report.

**1020.7 DISPOSITION OF PERSONNEL COMPLAINTS**
Each allegation shall be classified with one of the following dispositions based on a finding of fact and considering the totality of circumstances:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve Department personnel. Additionally, complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

**Not Sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. Evidence in a sustained complaint will be weighed by a preponderance of the factual evidence.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation.

**Policy/Training Failure** - When the allegation is founded, however the action of the employee was consistent with policy, and the complainant still suffered harm.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.



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## 1020.8 COMPLETION OF INVESTIGATIONS

Investigation of personnel complaints shall proceed with due diligence. Recognizing that factors such as witness availability and the complexity of allegations will affect each case, every effort should be made to complete each investigation and impose any disciplinary action within a reasonable period following receipt.

Investigations should be completed within three months of the date a person authorized by the department to initiate an investigation receives notice of the allegation. This will allow time for review by the Chief of Police and allow the Chief of Police to provide the employee notice of discipline or findings within 120 days, as provided in ARS § 38-1105. The investigation time period may be extended by the employee in writing and may be suspended during a criminal prosecution, incapacity of the officer or under other special circumstances (ARS § 38-1105).

Should additional time be required, a written request should be made to the Chief of Police, generally 30 days before the three-month period tolls, requesting an extension. A request for extension should include the reason for the request and the completion date requested. Such a request must be approved by the Chief of Police or the authorized designee in writing and a copy provided to the accused employee (ARS § 38-1105).

If the nature of the allegation dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employees need not be notified of the pending investigation unless and until the employee is interviewed or formally charged.

Upon completion, the report should be forwarded through the chain of command to the commanding officer of the involved employees.

Once received, the Chief of Police may accept or modify the classification and the recommendation for disciplinary action contained in the report.

Written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings but will not disclose the amount of discipline, if any, that was imposed. The complaining party should also be provided with a copy of his/her original complaint.

Any complaining party who is not satisfied with the findings may contact the Department or the authorized designee to discuss the matter further.

### 1020.8.1 WITHDRAWN COMPLAINTS

If the complainant withdraws their complaint or refuses to further cooperate with the administrative investigation, then the investigation may be closed as incomplete.

If the nature of the allegations can be sufficiently determined without the assistance of the complainant, then the investigation will proceed and be completed as normal.

## 1020.9 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints shall be considered confidential and protected peace officer personnel files. The contents of such files shall not be revealed to other than the involved



Adoption Date: 2014/08/15
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employee or authorized personnel, except pursuant to lawful process and Arizona public records law (ARS 39-121 et seq.).

In the event that an accused employee, or the representative of such employee, knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations.

All internal affairs records shall be securely maintained and retained in accordance with the department's records retention schedule.

### 1020.9.1 SUSTAINED COMPLAINTS

Before being placed in the peace officer's file, the employee will have an opportunity to read and initial the comment or document. If the peace officer submits a written response, the response will be attached to the comment or document.

If punitive action is taken, the employee or a representative authorized by the employee may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the Department that relates to the investigation, including any recordings, notes, transcripts of interviews and documents. At the request of the employee, the employee may also review a basic summary of any discipline ordered against similarly situated employees within the previous two years, or the Department of Human Resources Supervisor may provide file copies of relevant disciplinary cases, unless prohibited by court rule (ARS § 38-1101).

Sustained complaints shall be maintained in the employee's personnel file for the prescribed period. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.

### 1020.9.2 REMOVAL OF COMPLAINT

Upon request, an employee may review only administrative files involving said employee, that does not relate to a current investigation.

If an employee identifies a complaint or allegation that should be removed from his/her personnel file because either the time period has expired or it is an improper document, the employee will write a department memorandum specifically asking for the item to be removed and the reasons for removal.



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# Seat Belts

## 1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This policy will apply to all employees operating or riding in Department vehicles or aircraft.

### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child restraint system that meets Federal Motor Vehicle Safety Standards set forth in 49 CFR Part 571.

## 1022.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department, while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1022.2.1 TRANSPORTING CHILDREN

An approved child restraint system shall be used for all children who are 5 years old or younger or who are under 8 years old and are not more than 4 feet 9 inches tall (ARS § 28-907).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance which requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system or booster seat should be secured properly in the front seat of these vehicles, provided this positioning meets the vehicle and the child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, officers should consider arranging alternative transportation.

## 1022.3 TRANSPORTING PRISONERS

Prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or by seat belts when a prisoner restraint system is not available. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.



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### 1022.4 INOPERABLE SEAT BELTS

No Department vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 1022.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.



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# Body Armor

## 1024.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

## 1024.2 POLICY

It is the policy of the Flagstaff Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

## 1024.3 ISSUANCE OF BODY ARMOR

The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Flagstaff Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 1024.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.



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1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

## 1024.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

## 1024.5 PURCHASE AND REIMBURSEMENT OF BODY ARMOR

The Department may be able to provide partial reimbursement for the purchase of soft body armor for personnel in an effort to improve safety. The training coordinator is the point of contact for possible reimbursement. If any employee leaves employment within less than a year, the body armor purchased in partnership with the city may be retained by the Department.



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# Personnel Files

## 1026.1 PURPOSE AND SCOPE

This section governs the maintenance, retention and access to personnel data in accordance with established law. It is the policy of this department to maintain personnel data pursuant to state law.

### 1026.1.1 DEFINITIONS AND EMPLOYEE FILE LOCATIONS

Employee files will generally be maintained in any of the following:

**Administrative Investigation Files** - Those files that contain records relating to internal or criminal investigations of the employee.

**City Personnel File (201 File)** - Administrative files and other employee files maintained by the City and not under the control of the Chief of Police.

**Department File** - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer employment with this department.

**Supervisory File (PPR)** - Any file, which is separately maintained internally by an employee's supervisor within an assigned Section for the purpose of completing timely performance evaluations.

**Internal Affairs Files** - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

**Medical File** - A file which is maintained separately that exclusively contains material relating to an employee's medical history. This file is located in Human Resources.

**Training File** - Any file which documents the training records of an employee.

## 1026.2 ADMINISTRATIVE FILE DEFINED

**Personnel file** - Any file of an employee containing information, comments or documents about an employee. The term does not include any file relating to an internal investigation conducted pursuant to misconduct or a criminal investigation of an officer.

### 1026.2.1 REQUIRED PERSONNEL FILE CONTENTS

Unfavorable comments or documents entered into an employee's personnel file require that the employee has the opportunity to read, initial or comment. If the employee refuses to initial or comment, a notation is to be made upon the document. The employee may also submit a written response to the document within 30 calendar days.

(a) The personnel file should contain any letter, memorandum or document relating to:

1. A commendation, congratulation or honor bestowed on an employee by a member of the public or by the Department for an action, duty or activity that relates to official duties.



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2. Any misconduct by the employee if the letter, memorandum or document is from the Department and if the misconduct resulted in disciplinary action (ARS § 39-128).
3. The periodic evaluation of the officer by a supervisor.

1026.2.2 PERMITTED PERSONNEL FILE CONTENTS
Personnel files may contain:

(a) Personal data, including marital status, family members, educational and employment history or similar information.

(b) Medical history including medical leave of absence forms, fitness-for-duty examinations, workers' compensation records, medical releases and all other records that reveal an employee's past, current or anticipated future medical conditions. These records shall be separately maintained.

(c) Election of employee benefits.

(d) Employee advancement or promotion.

(e) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.2.3 PROHIBITED PERSONNEL FILE CONTENTS
Personnel files may not contain:

(a) A letter, memorandum or document relating to alleged misconduct when there is insufficient evidence to sustain the charge of misconduct.

(b) Documents regarding nonsustained complaints or violations. However, these may be retained in the confidential Department files located in the Office of Professional Standards.

## 1026.3 TYPES OF PERSONNEL FILES

The Department may maintain a personnel file on each employee for Department use, but may not release any information contained in the file to any agency or person unless allowed by law or with consent. Any person or agency which requests information contained in a confidential personnel file information shall be referred to the Chief of Police or a designee.

1026.3.1 DEPARTMENT FILE
The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained and a copy provided to the employee.

1. The employee will have 10 calendar days after receiving the report to make a statement in writing which shall be attached to the performance evaluation.



Adoption Date: 2014/08/15
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(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

1. It shall be the responsibility of the involved employee to provide the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.
2. The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's Department file.

(c) Disciplinary action.

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's Department file for the appropriate retention period as required by the established records retention schedule.
2. Investigations of complaints that result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file.
3. Documents or records related to discipline which has been entirely overturned on appeal shall not be placed in the employee's Department file, but will be separately maintained for the appropriate retention period in the Internal Affairs file.

(d) If a negative letter, memorandum, document or other notation of negative impact is included in an officer's personnel file, the Department shall, within 30 days after the date of the inclusion, notify the affected officer. The officer may, on or before the 15th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document or other notation.

1. Any such employee response shall be attached to and retained with the original adverse comment.
2. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations shall be retained in the employee's Department file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(g) A photograph of the employee.

1026.3.2 DIVISION FILE

The Supervisory File should contain, but is not limited to, the following:



Adoption Date: 2014/08/15
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(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.

1. All materials intended for this interim file may be provided to the employee prior to being placed in the file.
2. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
3. Once the permanent performance evaluation form has been made final, the underlying foundational material and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the supervisory file.

1026.3.3 INTERNAL AFFAIRS FILE

The internal affairs file shall be maintained under the exclusive control of Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the supervisor of the Professional Standards Unit. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct regardless of disposition.

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., YY-001, YY-002) with an alphabetically arranged index cross referenced for each involved employee.
2. Each investigation file arising out of a formal citizen's complaint, or complaint involving discriminatory harassment or hostile work environment shall be maintained no less than five years. Investigation files arising out of internally generated complaints shall be maintained and retained for the appropriate retention period as required by the established records retention schedule.

(b) Internal investigations shall be securely maintained for the minimum periods as identified in Personnel Complaint Procedure Policy. Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period, but may not be used by the Department to adversely affect an employee's career.

1026.3.4 TRAINING FILES

An individual training file shall be maintained by the Training Section for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Officer or immediate supervisor with evidence of completed training/education in a timely manner.



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(b) The Training Officer or supervisor shall ensure that copies of such training records are placed in the employee's training file.

1026.3.5 MEDICAL FILE

A confidential medical file shall be maintained separately from all other files and shall contain all documents relating to the employee's medical condition and history. This file will be maintained by Human Resources. No medical information shall be maintained outside the medical file. Medical file contents should include but are not limited to:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long-term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal an employee's medical condition.

(e) Any other documents or material which reveal the employee's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

## 1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

All of the personnel data defined above shall be deemed private and shall not be subject to disclosure except pursuant to state and federal discovery procedures, state law or with the employee's written consent. Nothing in this section is intended to preclude review of personnel files by the Assistant City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

## 1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any data classified as other than public contained in any personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Shift Sergeant, the Custodian of Records or other supervisor charged with the maintenance of such records (see generally ARS § 39-121.02).

Upon receipt of any such request, the responsible supervisor shall notify the affected employee as soon as practicable that such a request has been made.

The responsible supervisor shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases this will require assistance of approved and available legal counsel.

All requests for disclosure that result in access to an employee's personnel data, shall be logged in the corresponding file and the affected employee shall be notified.



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1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy, pursuant to lawful process, pursuant to state law or court order, no private data shall be disclosed without the written consent of the employee or written authorization of the Chief of Police or a designee.

Except as otherwise provided by law the home address and any photograph of an employee in the possession of the Department is private data (ARS § 39-123(A)).

Any employee who knowingly discloses a peace officer's home address, telephone number or photograph with the intent to hinder an investigation, cause physical injury to the peace officer or immediate family or cause damage to the property of the peace officer or immediate family, may be guilty of a crime (ARS § 39-124).

The Department may also release any factual information concerning a disciplinary investigation if the employee who is the subject of the investigation (or the employee's representative) publicly makes a statement which is published in the media and which the employee, or representative, knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement.

The Department shall make available to a panel of an authorized review board any personnel file or other material necessary for the panel to conduct official business.

**1026.6 EMPLOYEE ACCESS TO OWN FILE**

Upon request, an employee may review all data of that employee other than data classified as confidential.

The officer or his/her authorized representative may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the Department relating to the investigation, including any recordings, notes, transcripts of interviews and documents if the investigation causes the Department to impose punitive action and the peace officer has received notice.

Any employee seeking the removal of any data from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such data if appropriate, or within 30 days provide the employee with a written explanation why the contested data will not be removed. If the contested data is not removed, the employee's request and the organization's written response shall be retained with the contested data in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the employee.

(c) Criminal investigations involving the employee.



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### 1026.7 PURGING OF FILES

Personnel data not involved in pending litigation or other ongoing legal proceedings may be purged from respective Department files once the required records retention period has been met.

(a) Each supervisor responsible for completing the employee's performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee's performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If in the opinion of the Chief of Police or designee, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to records destruction requirements.



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# Commendations and Awards

## 1030.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This procedure provides general guidelines for the commending of exceptional employee performance or meritorious acts by citizens.

## 1030.2 WHO MAY MAKE COMMENDATIONS

Any officer or employee may nominate another officer or employee for an award. Nominations may be initiated by officers or employees who witness the acts or receive information of the acts from a private citizen. A memorandum briefly describing the acts, to include the time, date, location and the type of award recommended, shall be forwarded through the chain of command to the appropriate Section Commander. Upon review by the Section Commander, the memorandum shall be forwarded to the Department Awards Committee, who will make a recommendation to the Chief of Police.

A written commendation may also be made by a member of the public regarding any Department employee.

Written recommendations for a citizen's meritorious acts may be made by any member of this department or any member of the public.

## 1030.3 MERITORIOUS OR COMMENDABLE ACTIONS

### 1030.3.1 COMMENDABLE ACTS BY EMPLOYEES

A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

(a) Superior handling of a difficult situation.

(b) Conspicuous bravery or outstanding performance.

(c) Any action or performance that is above and beyond the typical duties of an employee.

### 1030.3.2 COMMENDATION INCIDENT REPORT

The Commendation Incident Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau and assignment at the date and time of the commendation.

(b) A brief account of the commendable action with report numbers, as appropriate.

(c) Signature of the commending supervisor.



Adoption Date: 2014/08/15
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Completed reports should be forwarded to the appropriate Section Commander for review. The Section Commander shall sign and forward the report to the Department Awards Committee for review. A recommendation will be forwarded to the Chief of Police for approval.

upon approval the Chief of Police will return the commendation to the employee for signature. The report will then be returned to the administrative secretary for entry into the employee's personnel file.

1030.3.3 COMMENDABLE ACTS BY CITIZENS DOCUMENTATION
Meritorious acts performed by citizens and documented by members of this department should be documented on the Commendation Incident Report under the same process for employees, with the inapplicable form information left blank. Adequate information to identify the persons performing the meritorious act should be included on the form. Any documentation in any form from the public identifying meritorious conduct of a citizen should be accepted by any employee and forwarded to the receiving employee's Section Commander. Attempts to obtain detailed information regarding the matter and the person performing the meritorious act and the person submitting the document should be attempted by the employee and additional details documented as appropriate.

1030.3.4 DEPARTMENT AWARDS COMMITTEE
The Award Investigation Committee shall consist of the following personnel: one sergeant, one corporal, one patrol officer, and one civilian employee. They are to be appointed by the Chief of Police and will serve staggered three year terms. To maintain objectivity, the investigators shall have no prior involvement in the act being investigated.

The Award Investigation Committee shall investigate all nominations and forward suggestions and recommendations to the Chief of Police. The Award Investigation Committee will meet at any time as determined by the Committee Chair. The Chief of Police shall have final responsibility of approval or disapproval of award presentation.

## 1030.4 AWARDS

(a) **The Medal of Valor -**The Medal of Valor shall be presented to employees who distinguish themselves by heroic action above and beyond the call of duty.

1. An employee who is awarded the Medal of Valor shall also receive an individual Valor Award plaque inscribed with the employee's name and the date of the act. A citation specifically outlining the recognized act and signed by the Chief of Police shall accompany presentation of the individual plaque.
2. Employees who are awarded the Medal of Valor Award shall have their name and the date of the incident inscribed on the master Medal of Valor Award plaque on display at the Flagstaff Police Department.
3. Each nomination for the Medal of Valor shall be based on the following criteria:



Adoption Date: 2014/08/15
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(a) At the time the officer acted, there was the possibility of death or serious injury and the officer was aware of the risk.

(b) The act was not the result of poor judgment, or tactics which necessitated the employee act in this manner.

(c) Failure or refusal to commit the act would not subject the employee to reasonable criticism by his/her peers or supervisors.

(b) **Lifesaving Award -** The Lifesaving Award shall be presented to employees for action that directly results in the saving or preservation of a human life. The Lifesaving Award may be presented in conjunction with another award when the circumstances surrounding the act dictate.

(a) An employee who is awarded the Lifesaving Award shall receive an individual Lifesaving Award plaque inscribed with the employee's name and the date of the act. A citation specifically outlining the act and signed by the Chief of Police shall accompany presentation of the individual plaque.

(b) Employees who are awarded the Lifesaving Award shall have their name and the date of the act inscribed on the master Lifesaving Award plaque on display at the Flagstaff Police Department.

(c) **Purple Heart Award -** The Purple Heart Award shall be presented to employees who are injured in the performance of their duties. The injury must be of a serious or life-threatening nature, and not the result of carelessness or reckless act on the part of the injured employee. Likewise, the injury cannot have been caused by an accidental or careless act by another employee.

(a) An employee who is awarded the Purple Heart Award shall receive an individual Purple Heart Award plaque inscribed with the officer's name and the date of the injury. A citation specifically outlining the incident and signed by the Chief of Police shall accompany presentation of the individual plaque.

(b) Employees who are awarded the Purple Heart Award shall have their name and the date of the incident inscribed on the master Purple Heart Award plaque on display at the Flagstaff Police Department.

(d) **Meritorious Service Award -** The Meritorious Service Award shall be presented to employees who distinguish themselves by meritorious acts or service to the Department or the public. The act(s) need not necessarily be unique, but must be conspicuous and distinctive.

(a) An employee who is awarded the Meritorious Service Award plaque shall receive an individual Meritorious Service Award plaque inscribed with the employee's name and the date(s) of the act(s). A citation specifically outlining the act(s) and signed by the Chief of Police shall accompany presentation of the individual plaque.



Adoption Date: 2014/08/15
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(b) Employees who are awarded the Meritorious Service Award shall have their name and the date(s) of the act(s) inscribed on the master Meritorious Service Award plaque on display at the Flagstaff Police Department.

(e) **Officer of the Year Award** -The Officer of the Year Award shall be presented to an officer who distinguishes themselves by outstanding service to the Department as determined by their superior officers and the Chief of Police.

(a) An officer who is awarded the Officer of the Year Award shall receive an individual Officer of the Year plaque inscribed with the employee's name and year of award.

(b) A citation specifically outlining the officer's service and signed by the Chief of Police shall accompany presentation of the individual plaque.

(c) Officers who are recognized with the Officer of the Year Award shall have their name and the year inscribed on the master Officer of the Year Award plaque on display at the Flagstaff Police Department. They shall have the exclusive use of a designated parking place for the term of the award.

(f) **Civilian of the Year** - The Civilian of the Year Award is given to that civilian employee who distinguishes themselves as determined by their fellow employees. Any civilian employee is eligible to receive this award.

(a) Nominations for the award may be submitted by any employee of the department through the Awards Committee.

(b) Employees receiving this award shall be given exclusive use of a designated parking place for the award term. In addition, they will have their name and the dates of their award on the master Civilian of the Year plaque.

1030.4.1 DISPLAY OF AWARDS AND RIBBONS

Ribbon bars may be worn on both class A uniforms and class B daily uniform.

(a) Class B uniforms: Ribbon bars representing the following medals may be worn by officers on the class B uniform:

1. Medal of Valor,
2. Purple Heart,
3. Life Saving Award,
4. Meritorious Service, and
5. FBI National Academy.

(b) No more than 5 ribbons will be worn at any given time on the class B uniform. Medal ribbons will be worn three across and stacked only if more than 3 are worn at one time. Medals will be worn in order of priority (see below). Bar holders gold in color will be used to assure uniformity.



Adoption Date: 2014/08/15
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(c) Class A uniforms: Ribbon bars may also be worn on the class A uniform. No more than 8 ribbon bars will be worn at any given time. In the case of wear for college degree, only the highest degree earned (Bachelor's, Masters, or PhD) shall be worn. Multiple ribbons for the same award may be worn when applicable (ie: two lifesaving awards, or two outside organizations awards, etc.)The following represents the authorized ribbon bars for wear in order of their prominence (most prominent listed first):

1. Medal of Valor (Cat. No. B101)
2. Purple Heart (Cat. No. L211)
3. Lifesaving (Cat. No. O314)
4. Meritorious Service (presented w/ award, Entemann ribbon used)
5. Military Service w/ active deployment to war zone (Cat. No. V121)
6. City Manager Award (Cat. No. B201)
7. City Officer of the Year (Cat. No. I208)
8. Outside organization recognition/officer of the year (Cat. No. O214)
9. FBI National Academy (Cat. No. V231)
10. PhD degree (Cat. No. O616)
11. Masters Degree (Cat. No. O515)
12. Bachelors Degree (Cat. No. O414)
13. Military Service non combat (Cat. No. C202)
14. Gang Unit (Cat. No. T719)
15. Negotiator (Cat. No. M312)
16. Firearms Instructor (Cat. No. T619)
17. FTO (Cat. No. H107)
18. Honor Guard (Cat. No. A301)
19. CIT Officer (special order)
20. DARE Officer (Cat. No. U140)

(d) Ribbons will be worn horizontally no more than three across and stacked when more than 3 ribbons are displayed. Ribbons will be worn in order of prominence, with the most prominent award taking top left position when looking at the ribbon bar. Ribbons utilized will be of metal construction and manufactured by Davis & Stanton or equivalent. Catalog numbers referenced above are from the Davis & Stanton catalog.

(e) Metal bar holders gold in color will be utilized to affix ribbon bars in order to assure uniformity. Ribbons and bar holders shall be stocked by the administrative secretary and may be



Adoption Date: 2014/08/15
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purchased by officers. Officers may "upgrade" their bar holders when more ribbons are awarded by turning in their old bar holder in exchange for a new one. Additional fees may apply for the exchange.

(f) Ribbons authorized above for specialty assignments such as accident reconstruction, negotiations, DARE, etc. are authorized for wear if the officer is currently assigned to that assignment, or has served in that capacity with the Flagstaff Police department honorably for five years or longer.

(g) Authorized badges (motor officer, FTO, bomb team, collision reconstruction, etc) may also be worn above the ribbon bar by those officers currently assigned to those positions or who have served with the Flagstaff Police Department honorably in that position for five years or longer.

(h) Supervisors will conduct periodic inspections of awards to insure officers are correctly wearing and displaying the ribbon bar, and to insure officers are wearing only those ribbons they are qualified to wear.

(i) Any officer who wished to obtain authorization for wear of a ribbon or badge shall submit a memorandum through the chain of command to the Chief of Police. The Chief retains full authority for authorization of additional ribbons or badges.



Adoption Date: 2014/08/15
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# Fitness for Duty

## 1032.1 PURPOSE AND SCOPE

All personnel are required to be free from any physical, emotional or mental condition that might adversely affect the performance of their official duties. The purpose of this policy is to ensure that all employees of this Department remain fit for duty and able to perform their job functions.

## 1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that any employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

## 1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the Shift Sergeant, unit supervisor, and/or the employee's available Section Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

## 1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid time off in order to obtain medical treatment or other reasonable rest period.



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### 1032.5 WORK RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Shift Sergeant or unit supervisor and concurrence of a Section Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### 1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

The Chief of Police may order an officer of this department to submit to a physical examination if the officer has acted or failed to act in a manner that indicates that there is a physical condition materially limiting his/her ability to perform essential job functions (ARS § 38-1109).

Any order requiring an officer to submit to a physical examination should give the officer 10 days notice prior to the examination, and should include but not be limited to (ARS § 38-1109):

(a) The specific objective facts on which the order is based.

(b) The date, time, place, manner, conditions and scope of the examination.

(c) The identity of the person who will conduct the examination.

A copy of the examining physician's report shall be provided to the officer at least 20 days prior to any final action being taken. Any officer who has been ordered to submit to a physical examination may, within 20 days of receipt of notice that the examining physician's report was received by the Department, request an independent medical examination.

#### 1032.6.1 PHYSICAL EXAMINATION REQUIREMENTS

The Chief of Police may order an officer of this department to submit to a physical examination if the officer has acted or failed to act in a manner that indicates that there is a physical condition materially limiting his/her ability to perform essential job functions (ARS § 38-1109).

Any order requiring an officer to submit to a physical examination should give the officer 10 days notice prior to the examination, and should include but not be limited to (ARS § 38-1109):

(a) The specific objective facts on which the order is based.

(b) The date, time, place, manner, conditions and scope of the examination.

(c) The identity of the person who will conduct the examination.



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A copy of the examining physician's report shall be provided to the officer at least 20 days prior to any final action being taken. Any officer who has been ordered to submit to a physical examination may, within 20 days of receipt of notice that the examining physician's report was received by the Department, request an independent medical examination.

### 1032.7 LIMITATION ON HOURS WORKED

Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any two day (48 hour) period or
- 84 hours in any seven day (168 hour) period

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments. to include off-duty and outside employment.

### 1032.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.



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# Critical Incident Stress Management Team

## 1033.1 PURPOSE AND SCOPE

The purpose of this policy is to inform all personnel of the creation of the "Critical Incident Stress Management Team", and the procedure by which the team may be called into service.

### 1033.1.1 CONCERNS

(a) By the very nature of our service, we are regularly confronted with emergencies and crisis which subject us to unique stressors that can and often take a toll on the quality of our lives. Factors that cause stress for one individual may be non-stressful for another, but research has shown that a very small percentage of emergency services personnel are actually not affected by stress. Approximately one-half of the large percentage of those who demonstrate symptoms related to stress can resolve these alone the other one-half continue to be affected.

(b) These stressors may be manifested as physical and/or psychological symptoms which might not be recognizable or treatable by the emergency service provider himself. Failure to correct or resolve these stressors can have a variety of detrimental effects ranging from poor job performance to personal life dissatisfactions which can lead to destructive life choices and even suicide

### 1033.1.2 DEFINITIONS

(a) Crisis Response: a physiological response by a person to any event that has disrupted an individual's psychological balance.

(b) Critical Incident: any event which has the potential to stimulate a crisis response, this event may have sufficient emotional impact to overcome the usual coping abilities of an individual.

(c) Crisis Intervention: there are four functional goals here:

1. Symptom stabilization. (Prevention of symptoms getting worse)
2. Symptom reduction. (Introducing and reinforcing healthy options to alleviate stress)
3. Re-establishing a functional capacity. (Reintegrating the employee back to work at a fully functional pre-event status)
4. Referrals as needed to Chaplains, Employee Assistance Programs or behavioral health professionals.

## 1033.2 PROCEDURE

The following procedure shall be adhered to concerning authorization and method of CISM Team service response.



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### 1033.2.1 AUTHORIZATION

(a) Duty commanders upon notification by an on duty supervisor of a critical incident or crisis will make the determination as to the need and call one of the CISM team coordinators and request a response. (Keep in mind the earlier the intervention the better.) Phone numbers for CISM coordinators and peer counselors will be available through the Communications Division.

(b) The CISM coordinator will make calls to the team members as needed and will make the determination as to the need for outside assistance i.e.: department Chaplains, other agency peer counselors or behavioral health professionals.

(c) Typical critical incidents may include but are not limited to:

1. Officer involved shootings or extraordinary serious use of force situations
2. Line of Duty Death
3. Line of Duty Injury to staff
4. Serious Injury or Death involving children
5. Serious Injury or Death involving multiple victims
6. Serious Injury or Death involving grotesque circumstances
7. Suicide (in any manner) of family, friend, co-worker, civilian etc.
8. Victim is known to involved personnel either directly or indirectly
9. Prolonged events or violent situations
10. Any other event or circumstance in which the Duty Commander feels the impact of the event could warrant a need for a form of crisis intervention.

### 1033.2.2 CISM TEAM OPERATIONS

(a) The CISM Team will operate as per accepted professional protocols and the CISM Policies and Procedures manual adapted by both The Flagstaff Police Department and the Coconino County Sheriff's Office.

1. All Crisis Interventions are ALWAYS confidential. There are NO reports made or notes saved.
2. Only qualified and trained CISM peer counselors will be used in any crisis.



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# Meal Periods and Breaks

## 1034.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible shall conform to the policy governing all City employees.

### 1034.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from the Communications Center prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

### 1034.1.2 15 MINUTE BREAKS

Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

Field officers will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When field officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.



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# Lactation Breaks

## 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

## 1035.2 POLICY

It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to one year after the child's birth (29 USC § 207).

## 1035.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt Department operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## 1035.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its' original state after each use.

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.



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Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

### 1035.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.



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# Payroll Record Procedures

## 1036.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages.

### 1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Supervisors are responsible for the accurate and timely submission of payroll records for the payment of wages. Employees will sign their payroll records prior to the due date confirming the hours they worked are correctly listed. Supervisors will sign off on the accuracy of all payroll records submitted as well.

### 1036.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis usually on Friday with certain exceptions such as holidays. Payroll records shall be completed and submitted to Administration no later than 10:00 a.m. on the Friday morning before the end of the pay period, unless specified otherwise.



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# Overtime Compensation Requests

## 1038.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate nonexempt employees who work authorized overtime either by payment of wages as agreed, or by the allowance of accrual of compensatory time off. In order to qualify for either the employee must complete and submit a Request for Overtime Payment as soon as practicable after overtime is worked.

### 1038.1.1 DEPARTMENT POLICY

Because of the nature of law enforcement work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment. The employee may not exceed 60 hours compensatory or 24 hours of holiday compensatory time.

### 1038.1.2 TYPES OF OVERTIME

Authorized overtime is classified in two ways:

**Pre-Approved -** Pre-approved overtime is to be considered as emergency overtime and will be approved by the immediate supervisor. This will include the following:

- Emergency call-out.
- Minimum staffing.
- Hold-over for reports.
- Hold-over for cases that need immediate follow-up at the end of the work day or shift.
- Special events/disasters.
- Off-duty court or other judicial appearances.

**Discretionary -** Discretionary overtime is all other overtime. All discretionary overtime must be approved in advance by the Chief of Police. Some examples are:

- Public appearances.
- Staff meetings.



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- Mandatory in-service training/schools.
- Report preparation by secretaries and clerical staff.
- Scheduled meetings.

Pre-approval is obtained by submitting the standard Discretionary Overtime/Comp Time Request Form through the chain of command. The overtime will then be approved or disapproved by the Chief of Police and the requesting party advised. The Chief of Police may also determine if paid overtime or compensatory time will be granted for each request.

All discretionary overtime must be approved in advance before it can be worked or the employee paid. It is the responsibility of each supervisor to see that no discretionary overtime is worked unless the above criteria are met.

There shall be NO overtime/comp time paid for off-duty time spent in attending schools or meetings, including travel time of any kind, which are for the purpose of education or training, except where attendance is made mandatory by the employee's Deputy Chief or the Chief of Police. Any questions regarding mandatory schools/training will be resolved by the Deputy Chief.

## 1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

### 1038.2.1 EMPLOYEES' RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Sergeant. Employees submitting overtime forms for on-call pay when off-duty shall submit forms to the Shift Sergeant the first day after returning to work.

### 1038.2.2 SUPERVISOR RESPONSIBILITIES

The supervisor who verifies the overtime earned shall verify that the overtime was worked before listing the hours on the time sheet.

## 1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. The supervisor will enter the actual time worked.

### 1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

| TIME WORKED | INDICATE ON FORM |
|---|---|
| Up to 15 minutes | .25 hour |
| 16 to 30 minutes | .50 hour |



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| | |
|---|---|
| 31 to 45 minutes | .75 hour |
| 46 to 60 minutes | 1.0 hour |

1038.3.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the approving supervisor may require each employee to include the reason for the variation on the overtime payment request.

1038.3.3 ADDITIONAL OVERTIME/COMPENSATORY TIME REQUIREMENTS

(a) Commissioned personnel will not trade shifts unless authorized by a Section Commander. Non-commissioned personnel may trade shifts at the discretion of the Section Supervisor.

(b) Compensatory time or overtime will not be allocated to fill staffing levels unless approved by a Lieutenant/Manager or above.

(c) Lieutenants will not fill in for supervisors unless approved by the Deputy Chief.

(d) Time off requests will not be considered approved until the supervisor logs it in the time book and a copy is returned to the employee.

(e) Personnel will not leave and return for non-work related functions during the course of the shift. Personnel can take time off from the beginning of the shift until the event is over, or the start of the event until the end of shift.

(f) Reserves will not be used for supplementing staffing levels unless prior approval is given by the Patrol Lieutenant.

(g) 40 hours or more of comp and/or vacation time off must be approved by the Chief of Police via the "City of Flagstaff - Leave of Absence Request/Report" form at least seven days prior to the leave date requested. Comp and/or vacation time off requests for less than 40 hours must be approved by the employee's immediate supervisor, or the Lieutenant/Manager.

(h) Short term emergency leave may be granted by the immediate supervisor, however, must be followed up with documentation on the appropriate form. Supervisors will be held responsible for maintaining appropriate staffing levels.

(i) Leaves with or without pay for extended periods are covered by City Personnel Rules and Regulations 1-50-080. In no event may an employee be granted leaves with or without pay unless expressly authorized by the Chief of Police.



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# Standby Pay policy

## 1039.1 PURPOSE AND SCOPE

The City of Flagstaff Policy regarding standby pay outlines the compensation of classified (non-exempt) employees who are required to perform duties during non-scheduled, non-regular hours.

The Chief of Police has determined which classified employees will serve in special assignments and be subject to certain restrictions during their off-duty time. These restrictions may include a requirement that the employee not consume alcoholic beverages and not leave the residential boundaries established in the employee handbook.

### 1039.1.1 FAIR LABOR STANDARDS ACT

According to the Fair Labor Standards Act, employees who "are not required to remain on their employer's premises, but are merely required to leave word at their home or with company officials where they may be reached, are not working" However, if employees are restricted and are effectively "engaged to wait" then compensation is required. Based on FLSA regulations, "the requirement that an employee not report to work while under the influence of alcohol is a common requirement that does not trigger FLSA overtime."

### 1039.1.2 EMPLOYEE RESPONSIBILITIES

(a) Employees on Standby Duty are required to carry a pager or cell phone when away from their residence and are subject to call out at any time during the standby period.

(b) Employees on stand by shall not consume alcohol nor shall they leave the Flagstaff city limits or designated residency area as defined in the employee handbook.

(c) Currently, those members of the following special teams or sections are eligible for standby pay when they are assigned as the primary responder for call outs and there is no other member of the team or section on duty at the time. Currently these personnel/units are as follows:

1. On call detective

(d) Employees will be compensated at a rate of .125 times the number of hours he or she was on standby duty. This equates to one hour of overtime pay for each eight hour period on standby. If the employee is called out during their standby duty, they shall not receive standby pay but rather will be compensated at the regular overtime rate for the actual hours worked, with a two-hour minimum. A new standby duty period will begin once the employee working overtime returns to an off-duty status.

(e) Employees are responsible to accurately track their standby duty pay and make the proper notations of date and times of this duty on their overtime request forms. Standby duty pay totals will be calculated by supervisors before their payroll sheets are turned in to the payroll secretary.



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(f) In order to allow for appropriate oversight by supervisors and managers, each employee eligible for standby pay will submit a discretionary overtime form to their supervisor no later than the 5th of each month. The discretionary form will detail each employee's anticipated standby pay for the upcoming month which is inclusive of two pay periods. It is understood that circumstances may cause the actual overtime submitted by the employee to differ somewhat from the estimate on the discretionary form.



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# Outside Employment

## 1040.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Department employees engaging in outside employment, all employees shall initially obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1040.1.1 DEFINITIONS

Definitions related to this policy include:

**Outside Employment** - The employment of any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, products or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, products or benefits rendered.

**Off-Duty Overtime** - Overtime involving any member of this department who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Department. Such outside overtime shall be requested and scheduled directly through this Department so that the Department may be reimbursed for the cost of wages and benefits.

## 1040.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy is grounds for disciplinary action.

To obtain approval for outside employment, All employees working off-duty jobs will obtain a work permit from the Chief of Police through the chain of command. Per City of Flagstaff Employee regulations, permission will not be given if outside employment is likely to physically or mentally hamper the employee in his ability to do the job required of him by the City, if it is likely to reflect discredit on the City service or the employee, or if it is in conflict with one's position as a City employee. The following shall apply:

(a) Work permits will only be valid for the calendar year in which they were issued. If the employee intends to continue working the job the permit will have to be resubmitted in January of the following year.

(b) No probationary employee may work off-duty non-police related jobs.

(c) No employee will be permitted to work more than 24 hours per week on a non-police related off-duty job.



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(d) The Chief will have final authority, on the issuance of work permits.

1040.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee's application is denied or rescinded by the Department, the employee may file a written notice of appeal to the Chief of Police within 10 days of the date of denial.

If the employee's appeal is denied, the employee may file a grievance pursuant to the grievance policy.

1040.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally, revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the outside employment may be related to the employee's performance. The Chief of Police may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment permits. After the appeal process has concluded, the revocation will remain in force until the employee's performance directly related to the outside employment has been reestablished to the minimum level of acceptable competency.

(b) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of Department policy, or any law.

(c) The outside employment creates an actual or apparent conflict of interest with the Department or City.

**1040.3 PROHIBITED OUTSIDE EMPLOYMENT**
The Department expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee's use of Department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.



Adoption Date: 2014/08/15
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(d) Involves time demands that would render performance of the employee's duties for this department below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

### 1040.3.1 OUTSIDE SECURITY EMPLOYMENT

Due to the potential conflict of interest no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police or designee in advance of the desired service. Such outside overtime will be monitored by the patrol supervisor.

(a) The applicant will be required to enter into a written indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) If such a request is approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer shall wear the Department uniform/identification.
2. The officer shall be subject to all the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

### 1040.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any task for which an officer needs his police authority (express or implied) to accomplish shall fall under off-duty overtime. This is usually outside the employees normal shift assignment. This includes police jobs for which the uniform or plain clothes are worn and includes but is not limited to the following: Ball Games, Guard Duty, Dance Security, Loss Prevention, Special Parking, Northern Arizona University sponsored events, or Traffic Control.

(a) All off-duty overtime police related employment will be assigned by the Chief of Police through the chain of command.

(b) No officer will enter into an agreement, accept employment or payment from any individual, firm or organization for off-duty overtime related work, except through established procedures as listed in this order.



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(c) Officers assigned off-duty overtime will be paid at their regular overtime rate after completing the standard overtime form. Payment will be made on regular paychecks.

(d) Officers assigned off-duty overtime will be under the direct supervision and control of the on-duty shift commander. In the event the officer working off-duty is equal to or outranks the duty supervisor, he will be responsible to his regular supervisor.

(e) Any employee making an arrest or taking other official law enforcement action while working in an approved off-duty overtime assignment shall be required to complete all related reports in a timely manner pursuant to Department policy. Time spent on the completion of such reports shall be considered inclusive to the off-duty overtime assignment.

1040.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Section Commander, undercover officers or officers assigned to covert operations shall not be eligible to work off-duty overtime or other assignments in a uniformed or other capacity that might reasonably disclose the officer's law enforcement status.

## 1040.4 DEPARTMENT RESOURCES

Employees are prohibited from using any Department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

1040.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest. Prior to providing written approval for an outside employment position, the Department may request that an employee provide his or her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to this policy.

## 1040.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through the appropriate chain of command. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.



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Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

### 1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

Department members engaged in outside employment who are placed on disability or administrative leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any work-related doctor's orders and make a recommendation to the Chief of Police whether such outside employment should continue or the permit be suspended or revoked.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding the work permit, a notice of intent to revoke the employee's permit will be forwarded to the involved employee and a copy attached to the original work permit. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending the outside employment permit while on disability status or administrative leave include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his/her intentions to their supervisor.

(d) The outside employment is not compatible with the reason the employee is on administrative leave.



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# On-Duty Injuries

## 1042.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths to Risk Management to ensure proper medical attention is received and document the circumstances of the incident (AAC § R20-5-629).

## 1042.2 WORKERS' COMPENSATION FUND REPORTS

### 1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries, exposures to communicable disease and work-related illnesses requiring medical care must be documented in the City injury/accident report and also reported to the Risk Management Office (ARS § 23-427).

Claim forms shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Records of work related injuries and work related illnesses shall be maintained as prescribed by law or the administrative rules of the Arizona Division of Occupational Safety and Health (ADOSH) and Arizona Workers' Compensation.

### 1042.2.2 DEFINITIONS

Definitions related to this policy include:

**Accident -** Any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

**Recordable Occupational Injury or Illness** - An occupational injury or illness that results in a fatality, a lost workday or an injury/illness which results in a transfer to another assignment, termination of employment, requires medical treatment other than first aid, involves the loss of consciousness or the restriction of work or motion.

### 1042.2.3 EMPLOYEE'S RESPONSIBILITIES

An employee sustaining any work-related injury, as well as any employee who is involved in any accident while on-duty, shall report such injury or accident as soon as practicable to his/her supervisor. An employee sustaining any work-related illness shall report such injury illness to his/her supervisor as soon as practicable.

(a) An employee observing or learning of a potentially hazardous condition should immediately take reasonable precautions to mitigate or eliminate the hazard and promptly report the condition to his/her immediate supervisor.

(b) An employee sustaining a work-related injury or illness that requires relief from duty is required to be examined and treated by a physician.

(c) An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Department policies and directives relating to the duty to periodically



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call in during absences in addition to the duty to notify the Department of any change in condition or anticipated duration of the absence.

(d) When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Department. Modified-duty may be available for employees whose injuries prevent resumption of regular duties.

(e) An injured employee or employee who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

### 1042.2.4 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury, illness or accident should promptly prepare all required forms, including the City Accident/Injury report, and Workers' Compensation form ICA 04-0407, as outlined in this policy. Updated copies of forms with instructions for completion will be provided by Risk Management, and should be kept in each Supervisor's office.

(a) For work-related accidents, injuries or illness not requiring professional medical care, a City Accident/injury form shall be completed. A copy of this form is available in appendix C of this manual. The completed form shall be forwarded to the supervisor's Section Commander, through the chain of command.

(b) When an accident, injury or illness is reported initially only on the City Accident/Injury form, and the employee subsequently requires professional medical care, the State of Arizona Notice of Injury or Occupational Disease Form shall be completed. The injured employee and supervisor shall sign the forms in the appropriate location.

(c) Every injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form within 24 hours, regardless of the nature of illness or injury.

(d) Copies of any reports documenting the accident or injury should be forwarded to the Section Commander as soon as completed.

### 1042.2.5 DIVISION COMMANDER RESPONSIBILITIES

The Deputy Chief receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

A supervisor shall promptly notify any employee exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by Arizona Occupational Safety and Health Standard and shall inform the employee of any action taken to correct the condition.



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1042.2.6 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Any copies of the report and any related documents retained by the Department shall be filed in the employee's private medical file and not in the employee's personnel file (see Personnel Files Policy).

**1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION**
Those injuries and illnesses not requiring medical attention shall still be recorded on a City Accident/Injury report form. This form shall be completed and signed by a supervisor.

This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this form, the employee will not preclude his/her ability to seek medical attention later.

1042.3.1 CITY ACCIDENT/INCIDENT REPORTING AND INVESTIGATION FORM
The following accidents/ incidents shall be reported using the most recent version of the City of Flagstaff Accident/Injury Report Form:

(a) All accidents involving City employees while on duty or involving City property of any kind.

(b) Accidents resulting in injury to an employee during working hours.

(c) Accidents resulting in injury to any non-city employee on City property or at any area where the City is a party to an activity.

(d) Damage to City vehicles or property that is expected to cost over $1,000 in parts and/or labor.

(e) All damage to private property which has been caused or may have been caused by a City employee (or non-City employee acting at the direction of a City employee).

(f) Any citizen with a claim against the city should be referred to the Risk Management Division.

The Risk Management Division should be advised of any of the above actions within 24 hours of occurrence, even if by phone if necessary.

1042.3.2 MANDATORY POST ACCIDENT TESTING
After every traffic collision involving a city employee operating a city vehicle or piece of equipment, the employee must immediately report the incident to their supervisor. In certain circumstances the driver will be required to submit to an alcohol and controlled substance screen as soon as possible, and no later than eight hours after the collision if:

- The collision results in a fatality.
- The City employee receives, or will be receiving, a moving traffic citation for the collision.
- The collision results in injury to any person requiring immediate medical attention away from the scene of the collision.



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- If one or more of the vehicles involved incurs disabling damage requiring the vehicle be transported from the scene by a tow truck or other motor vehicle.

The employee will be driven by their supervisor to the testing location. If the employee cannot provide a test sample within such time period as a result of serious injury sustained during the collision, the employee must subsequently authorize a release to the Workplace Compliance Officer of medical records that would indicate a BAC or the presence of controlled substances in their system.

(a) Per City policy, if an employee refuses to submit to the screen, their employment will be terminated. If the employee is suspected of being under the influence of a substance, the employee will be driven home after the testing by their supervisor and will receive pay for their remaining shift.

(b) If there is no suspicion indicating any substance being in the employee's system, the employee may finish their assigned shift but will not be allowed to operate a motor vehicle or any piece of city equipment.

(c) The employee cannot operate any city vehicle or piece of machinery until the alcohol and drug screen test results are returned. Testing will be conducted at Concentra during their business hours. For after-hours testing, the employee will be taken to the Flagstaff Medical Center. The City will pay for all testing and has accounts set up at both of these locations. Time spent traveling to and taking the tests will be recorded as time worked.

## 1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed.

### 1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as practicable.

### 1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement.

In no case shall the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury and to protect



Adoption Date: 2014/08/15
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the City right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.



Adoption Date: 2014/08/15
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# Personal Appearance Standards

## 1044.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Department, all employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Department and for their assignment.

## 1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present employee health and safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

### 1044.2.1 HAIR

Hairstyles of all employees shall be neat in appearance, for male employees, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

(a) If an "Afro style" is worn, it shall extend no more than two inches from the surface of the head. Hair shall at all times be clean, neatly combed and trimmed in order to present a neat appearance.

(b) Wearing braids, ponytails, mohawks and other similar styles shall not be permitted. If employees choose to color their hair, unnatural colors will not be permitted.

For female officers, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, and worn up or in a tightly wrapped braid or ponytail. For other female employees, hair must be neat in appearance. No decorative or non-functional hair accessories shall be worn. Natural wigs may be worn to conform to the above standards. If employees choose to color their hair, unnatural colors will not be permitted.

### 1044.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip. Mustaches shall not be waxed or twisted.

### 1044.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

### 1044.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or a designee.



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1044.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that no point of the nail extends beyond the tip of the finger.

1044.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by employees on any part of the uniform or equipment, except those authorized within this manual.

(a) **Male -** Unless expressly authorized by the Chief of Police, male employees will comply with the following rules while on duty:

1. Necklaces will not be displayed outside of the uniform.
2. Earrings will not be worn by male officers.

(b) **Female -** Unless expressly authorized by the Chief of Police, female employees will comply with the following rules while on duty:

1. Jewelry will be conservative in nature.
2. Necklaces will not be displayed outside of the uniform.
3. Only stud earrings will be allowed for commissioned personnel.

**1044.3 TATTOOS**
In an effort to maintain a professional and uniform police department with an easily identifiable, neutral uniform appearance that maintains the public trust, the following will be adhered to:

(a) All employees hired previous to April 1, 2009, will not appear in uniform or civilian attire, or anytime representing the Department, with any visible offensive body art displayed.

(b) Offensive body art is described as that which depicts or supports criminal behavior, sexual activity, street gangs, drug usage, racism, nudity, profanity, promiscuity, subversive groups or discriminatory issues regarding race, color, national origin, ancestry, religion, age, sex, or disability.

(c) Final decision on the offensiveness of body art rests with the Chief of Police. Additionally these employees will be prohibited from the further placement of body art on the head, neck, hands, below the elbow portion of the arms or any other part of the body which would be visible while wearing any official uniform.

(d) The employee would need to conceal all additional body art by uniform, skin patch or cosmetics. Additionally all pre-existing or new body art will be covered while employees provide court testimony to further ensure neutrality on issues.

All new employees hired after April 1, 2009, shall not appear on duty with any visible body art on the head, face, neck, below the elbow portion of the arms or any other part of the body which would be visible while wearing any official uniform.



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- Applicants may request a waiver of this policy from the Chief of Police for pre-existing body art that cannot be covered. A waiver may also be requested for any new body art, however the employee will be required to keep the new body art concealed while on duty by uniform, skin patch or cosmetics.

### 1044.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or attire, and is a deviation from normal anatomical features and that is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation.

(c) Abnormal shaping of the ears, eyes, nose or teeth.

(d) Branding or scarification.

(e) Unusual or unnatural colored contact lenses may not be worn.



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# Uniform Regulations

## 1046.1 PURPOSE AND SCOPE

The uniform policy of the Flagstaff Police Department is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

- Firearms and Qualification Policy
- Department-Owned and Personal Property Policy
- Body Armor Policy
- Personal Appearance Standards Policy

The uniform and equipment specifications manual is maintained and periodically updated by the Chief of Police or the authorized designee. The manual, and associated procedures, should be consulted regarding authorized equipment and uniform specifications.

The Flagstaff Police Department will provide uniforms for all employees who are required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

## 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not loan any portion of the uniform to others without prior approval from the Chief of Police.

(e) Employees shall not permit the uniform to be reproduced or duplicated.

(f) The uniform is to be worn in compliance with the specifications set forth in the Department's uniform specifications and procedures which are maintained separately from this policy.

(g) All supervisors will perform daily inspections of their personnel to ensure conformance to these regulations.

(h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.



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(i) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Department functions or events.

(j) If the uniform is worn while in transit while driving a personal vehicle an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

(k) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Department uniform, including the uniform pants.

(l) Mirrored sunglasses should not be worn when speaking with members of the public.

(m) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or a designee.

1. Wrist watch.
2. Wedding rings, class ring or other ring of tasteful design. A maximum of one ring/ set may be worn on each hand.
3. Medical alert bracelet.
4. Female commissioned personnel are only allowed to wear stud earrings.

1046.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official Department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their Department-issued identification card at all times while on-duty or when carrying a concealed weapon.

(a) Whenever on-duty or acting in an official capacity representing the Department, employees shall display their Department issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Section Commander.

## 1046.3 UNIFORM CLASSES

1046.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, promotions, ceremonies or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard uniform with:

(a) Long sleeve shirt with "P" buttons and a tie. Command staff will wear a white long sleeved shirt.

(b) Polished shoes (boots with pointed toes are not permitted).

(c) Ike Jacket for command staff, and a field jacket for all others if needed.

(d) Authorized Ribbons, however no more than 8 ribbon bars will be worn at any given time.



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(e) Service stripes on the left sleeve.

(f) The campaign hat shall be worn for ceremonial events held outdoors. It is not required for other outdoor events unless requested by the event supervisor.

1046.3.2 CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short sleeve shirt may be worn with the collar open. No tie is required.

(b) A black crew neck T-shirt shall be worn with the uniform.

(c) All shirt buttons must remain buttoned except for the last button at the neck.

(d) Command level officers will wear bronze/gold P-buttons on their pockets and shoulders.

(e) Ribbons authorized for wear on the class B uniform by this policy(see section 1046.4.2).

(f) Polished shoes (boots with pointed toes are not permitted).

1046.3.3 CLASS C UNIFORM
Class "C" - Jump suit will be worn with the prescribed mock turtleneck or, unless specifically authorized during special assignments, with a black T-shirt. These special assignments can include, but are not limited to building and outdoor searches or any other situation where the Class "A" uniform or prescribed undergarment would be inappropriate and the wearing is authorized by the Shift Commander.

1046.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1046.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications Manual lists the authorized uniform jacket and rain gear.

**1046.4 INSIGNIA AND PATCHES**

(a) Shoulder patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt, and be bisected by the crease in the sleeve.

(b) Service stripes - Service stripes (one for every four years of service) shall be worn on long sleeved class A shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.



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(c) The regulation nameplate, or an authorized sewn-on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate, then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn or embroidered cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (e.g. Motors, FTO or similar) may be worn as designated by the Chief of Police or a designee.

(f) The Department-issued badge, or an authorized sewn/embroidered cloth replica, must be worn and be visible at all times while in uniform. Sworn non-uniform personnel will wear or carry their badge in a manner that the badge is in reasonable proximity to their firearm and able to be displayed whenever appropriate.

(g) The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police or a designee may authorize exceptions.

### 1046.4.1 MOURNING BADGE

Uniformed employees may wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this State - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of a fallen officer.

(d) National Peace Officers Memorial Day (May 15) - From midnight through the following midnight.

(e) As directed by the Chief of Police or a designee.

### 1046.4.2 MEDAL RIBBON BARS

(a) Ribbon bars may be worn on both class A uniforms and class B daily uniform.

(b) **Class B uniforms** - Ribbon bars representing the following medals may be worn by officers on the class B uniform:

1. Medal of Valor,
2. Purple Heart,
3. Life Saving Award,



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4. Meritorious Service, and
5. FBI National Academy.

(c) No more than 5 ribbons will be worn at any given time on the class B uniform. Medal ribbons will be worn three across and stacked only if more than 3 are worn at one time. Medals will be worn in order of priority (see below). Bar holders gold in color will be used to assure uniformity.

(d) **Class A uniforms -** Ribbon bars may also be worn on the class A uniform. No more than 8 ribbon bars will be worn at any given time. In the case of wear for college degree, only the highest degree earned (Bachelor's, Masters, or PhD) shall be worn. Multiple ribbons for the same award may be worn when applicable (ie: two lifesaving awards, or two outside organizations awards, etc.)The following represents the authorized ribbon bars for wear in order of their prominence (most prominent listed first):

1. Medal of Valor (Cat. No. B101)
2. Purple Heart (Cat. No. L211)
3. Lifesaving (Cat. No. O314)
4. Meritorious Service (presented w/ award, Entemann ribbon used)
5. Military Service w/ active deployment to war zone (Cat. No. V121)
6. City Manager Award (Cat. No. B201)
7. City Officer of the Year (Cat. No. I208)
8. Outside organization recognition/officer of the year (Cat. No. O214)
9. FBI National Academy (Cat. No. V231)
10. PhD degree (Cat. No. O616)
11. Masters Degree (Cat. No. O515)
12. Bachelors Degree (Cat. No. O414)
13. Military Service non combat (Cat. No. C202)
14. Gang Unit (Cat. No. T719)
15. Negotiator (Cat. No. M312)
16. Firearms Instructor (Cat. No. T619)
17. FTO (Cat. No. H107)
18. Honor Guard (Cat. No. A301)
19. CIT Officer (special order)
20. DARE Officer (Cat. No. U140)



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(e) Ribbons will be worn horizontally no more than three across and stacked when more than 3 ribbons are displayed. Ribbons will be worn in order of prominence, with the most prominent award taking top left position when looking at the ribbon bar. Ribbons utilized will be of metal construction and manufactured by Davis & Stanton or equivalent. Catalog numbers referenced above are from the Davis & Stanton catalog.

(f) Metal bar holders gold in color will be utilized to affix ribbon bars in order to assure uniformity. Ribbons and bar holders shall be stocked by the administrative secretary and may be purchased by officers. Officers may "upgrade" their bar holders when more ribbons are awarded by turning in their old bar holder in exchange for a new one. Additional fees may apply for the exchange.

(g) Wear of Ribbons and badges for specialty assignments: Ribbons authorized above for specialty assignments such as collision reconstruction, negotiations, DARE, etc. are authorized for wear if the officer is currently assigned to that assignment, or has served in that capacity with the Flagstaff Police department honorably for five years or longer. Authorized badges (motor officer, SWAT, bomb team, etc) may also be worn above the ribbon bar by those officers currently assigned to those positions or who have served with the Flagstaff Police Department honorably in that position for five years or longer.

(h) Supervisors will conduct periodic inspections of awards to insure officers are correctly wearing and displaying the ribbon bar, and to insure officers are wearing only those ribbons they are qualified to wear.

(i) Any officer who wished to obtain authorization for wear of a ribbon or badge shall submit a memorandum through the chain of command to the Chief of Police. The Chief retains full authority for authorization of additional ribbons or badges.

### 1046.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which wearing civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, a tie, slacks or suits that are moderate in style.

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses or suits that are moderate in style.

(d) The following items shall not be worn on-duty:

1. T-shirt alone.
2. Open-toed sandals or thongs.



Adoption Date: 2014/08/15
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3. Swimsuit, tube tops or halter tops.
4. Spandex type pants or see-through clothing.
5. Distasteful printed slogans, buttons or pins.
6. Denim pants of any color.
7. Shorts.
8. Sweat shirts, sweat pants or similar exercise clothing.

(e) Variations from this order are allowed at the discretion of the Chief of Police or a designee when the employee's assignment or current task is not conducive to wearing such clothing.

(f) No item of civilian attire may be worn on-duty that would adversely affect the reputation of the Flagstaff Police Department or the morale of the employees.

(g) Sworn employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area. Personnel who wear a visible firearm shall have a badge or department identification prominently displayed.

1046.5.1 CALL-OUT UNIFORM

Detectives and administrative staff are authorized to wear an on-call uniform for casual work occasions as determined by their respective supervisor. Examples of when this uniform can be worn include: on-call, stake out, crime scene processing, and in-seat work only.

The on-call uniform will consist of the following:

(a) **Shirt** - Black, navy or Khaki outer banks adult knit or polyester polo (or 511 equal) with the Flagstaff Police Department mountain logo on the left chest.

(b) **Pants** - Tactical pants (511 or equivalent) or dress pants are authorized depending on the assignment.

(c) The only authorized colors for this uniform are navy, khaki and black.

## 1046.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Chief of Police, Flagstaff Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a Department badge, patch or other official insignia, or cause to be posted, published or displayed, the image of another employee, or identify him/herself as an employee of the Flagstaff Police Department to do any of the following:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support or oppose, any product, service, company or other commercial entity.



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(d) Appear in any commercial, social or nonprofit publication, or any motion picture, film, video, public broadcast, photo, any website or any other visual depiction.

### 1046.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications Manual as optional shall be purchased at the expense of the employee.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property in the Department-and Personal Property Policy.

### 1046.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Flagstaff Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications Manual or by the Chief of Police or a designee.

Flagstaff Police Department employees may not use or carry any tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications Manual or by the Chief of Police or a designee.



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# Nepotism and Conflicting Relationships

## 1050.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices to include recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security, while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this department (See generally ARS § 38-481, AAC § R13-5-315).

### 1050.1.1 DEFINITIONS

Definitions related to this policy include:

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a Department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with the authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions apply:



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(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Field Training Officers (FTOs) and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest members of this Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive, or registered predatory offender, or who engages in intentional violations of state or federal laws.

### 1050.2.1 EMPLOYEE RESPONSIBILITIES

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.



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1050.2.2 SUPERVISOR'S RESPONSIBILITIES

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or a designee of such actual or potential violations through the chain of command.



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# Department Badges

## 1052.1 PURPOSE AND SCOPE

A Flagstaff Police Department badge and uniform patch as well as the likeness of these items and the name of the Flagstaff Police Department are property of the Department and their use shall be restricted as set forth in this policy.

## 1052.2 POLICY

The uniform badge shall be issued to Department members as a symbol of authority. The use and display of Department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on-duty or otherwise acting in an official or authorized capacity.

### 1052.2.1 FLAT BADGE

Certified officers, with the written approval of the Chief of Police or a designee, may purchase at their own expense a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Department policy as the uniform badge.

(a) Should the flat badge become lost, damaged or otherwise removed from the officer's control he/she shall make the proper notifications as outlined in the Department-Owned and Personal Property Policy.

(b) The purchase, carrying or display of a flat badge is not authorized for civilian personnel.

(c) The Department will provide officers retiring in good standing with a retired police officer's commission card and custom wallet badge which is similar in appearance to the regular commission card and badge.

### 1052.2.2 CIVILIAN PERSONNEL

Badges and Department identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. parking control, dispatcher).

(a) Civilian personnel shall not display any Department badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any Department badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn officer.

### 1052.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees may purchase their assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this policy.



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### 1052.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all certified employees and civilian uniformed employees for official use only. The Department badge, shoulder patch or the likeness thereof, or the Department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

The use of the badge, uniform patch and Department name for all material (e.g., printed matter, products or other items) developed for Department use shall be subject to approval by the Chief of Police or a designee.

Employees shall not loan the badge or identification card or any portion of the uniform to others and shall not permit the badge or identification card to be reproduced or duplicated.



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# Temporary Modified-Duty Assignments

## 1054.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures for assigning employees to modified duty. Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury and due to restrictions or limitations are unable to perform their regular assigned duties. Non-duty related illnesses or injuries may also be considered for eligibility in accordance with this policy. Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or a designee.

Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability.

## 1054.2 POLICY

Subject to operational considerations, the Flagstaff Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

## 1054.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Flagstaff Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 1,040 hours in any one-year period.



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## 1054.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporar modified-duty assignment.

The Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the records personnel or Division Commander, with notice to the Chief of Police.

## 1054.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

### 1054.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.



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(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1054.5.2 SUPERVISOR RESPONSIBILITIES
The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

## 1054.6 MEDICAL EXAMINATIONS
Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

## 1054.7 PREGNANCY
If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1054.7.1 NOTIFICATION
Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

## 1054.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.



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### 1054.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.



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# Performance History and Early Warning Reports

## 1056.1 PURPOSE AND SCOPE

Performance History and Early Warning Reports are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History and Early Warning Reports can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of field activity may be helpful to supervisors for employee evaluations, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- An officer's ability to detect crime
- An officer's or employee's work ethic
- An officer's or employee's work assignment and shift
- An officer's physical abilities, stature, etc.

### 1056.1.1 PHILOSOPHY

This Department recognizes the need for Performance History and Early Warning Reports in an effort to help Officers avoid high risk incidents and offer appropriate intervention, training, or professional counseling. The Performance History and Early Warning Report may result in an action plan calling for remedial training, discipline and/ or an Employee Assistance Program Referral.

## 1056.2 RESPONSIBILITIES

Under the authority of the Section Commander, the Professional Standards Unit is responsible for collecting performance indicators and other relevant risk factors. The Professional Standards Unit at the request of a Deputy Chief may generate a Performance History and Early Warning Report for review and staffing.

## 1056.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History and Early Warning Reports will include the following components:

- Performance indicators
- Data analysis
- Pending cases
- Employee review
- Follow-up monitoring

## 1056.4 PERFORMANCE INDICATORS

Performance indicators and risk factors represent the categories of employee performance activity that the Chief of Police or a designee of Flagstaff Police Department has determined may be



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relevant data for the generation and analysis of Performance History and Early Warning Reports. Performance indicators and risk factors may include, but are not limited to:

(a) The frequency and findings of use-of-force incidents.

(b) Frequency of involvement and conduct during vehicle pursuits.

(c) Frequency and findings of citizen complaints.

(d) Number of commendations, compliments and awards (citizen and Department).

(e) Claims and civil suits related to the employee's actions or alleged actions.

(f) Internal affairs investigations.

(g) Frequency and reasons for case rejections by a prosecutor.

(h) Intentional or unintentional firearm discharges (regardless of injury).

(i) Vehicle collisions.

(j) Missed court appearances.

(k) Pending case loads.

(l) Documented counseling memos.

(m) Continuing Policy Violations.

(n) Tardiness or excessive Absences.

### 1056.5 COMPILATION OF DATA

The Professional Standards Unit will utilize secure systems and other methods to compile and track performance indicators and risk factors for each employee, in order to prepare Performance History and Early Warning Reports.

### 1056.6 EMPLOYEE NOTIFICATION AND RESPONSE

The Professional Standards Unit will notify each employee and their respective supervisor once it is determined that a Performance History and Early Warning Report is being generated. The affected officer may submit a written comment regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History and Early Warning Report.

### 1056.7 DATA ANALYSIS AND ACTION

Upon receipt the Division Commander will review each Performance History Audit Report and determine whether it should be provided to an officer's immediate supervisor for further consideration. The officer's immediate supervisor will carefully review the Performance History Audit Report with the officer to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline.



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The officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a Performance History Audit, the officer shall be entitled to all rights and process set forth in the Conduct Policy and the Personnel Complaints Policy.

## 1056.8 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History and Early Warning Reports shall be considered private as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel file as outlined in the Personnel Files Policy.

## 1056.9 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records, all performance indicators and Performance History and Early Warning Reports shall be purged from the Professional Standards Unit and all other locations within the Department in accordance with the current records retention schedule.



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# Employee Speech, Expression and Social Networking

## 1058.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1058.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

## 1058.2 POLICY

Because public employees occupy a trusted position in the community their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public the Flagstaff Police Department will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

## 1058.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Flagstaff Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, employee's family or associates or persons that this department has had professional contact with, such as crime victims or the staff



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of other organizations. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

### 1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the organization's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Flagstaff Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Flagstaff Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Flagstaff Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Flagstaff Police Department.

(f) Use or disclosure through whatever means of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial gain, or data classified as not public by state or federal law or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.



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(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Flagstaff Police Department on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or Department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### 1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Flagstaff Police Department or identify themselves in any way that could be reasonably perceived as representing the Flagstaff Police Department in order to do any of the following, unless specifically authorized by the Chief of Police:

(a) Endorse, support, oppose or contradict any political campaign or initiative.

(b) Endorse, support, oppose or contradict any social issue, cause or religion.

(c) Endorse, support, or oppose any product, service, company or other commercial entity.

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website.

Additionally, when it can reasonably be construed that an employee acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group, etc.), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Flagstaff Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend



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or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

### 1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace, etc.) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department, including the Department e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any Department network. The fact that access to a database, service or website requires a user name or password does not create an expectation of privacy if accessed through department computers or networks.

### 1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### 1058.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.



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# Arizona Peace Officer Standards and Training Board (AZPOST)Certification

## 1060.1 PURPOSE AND SCOPE

Maintaining valid AZPOST certification is a critical element of an officer's ability to continue employment and is his/her sole professional responsibility. Officers of this department are required to possess and maintain a valid certification (AAC § R13-4-103).

### 1060.1.1 DEPARTMENT RESPONSIBILITIES

All officers of the Flagstaff Police Department will be POST certified before being allowed to perform enforcement duties. Certification may be obtained by attending a POST certified academy approved by the Chief of Police and completing same with a passing score. Upon academy completion officers will be assigned to the Field Training and Evaluation Program. The Field Training period will follow guidelines as set forth in the Field Training and Evaluation Program policy. Upon successful completion of field training, and approval by the Chief of Police, the officer will be assigned to solo status as a Probationary Patrol Officer. The probationary period will run one year from the date the Field Training Program is completed.

### 1060.1.2 POLICE RECRUIT RESPONSIBILITIES

Officers attending the academy are expected to devote full attention to their studies and put forth maximum effort towards successful completion. Anything less than the above will be grounds for dismissal upon recommendation of the Operations Deputy Chief with approval of the Chief of Police. Officers attending the academy will:

(a) Obtain a score sufficiently high to ensure recycling will not be required. Officers failing any academic part of the academy may not be recycled through a given block; they may be terminated from Flagstaff Police Department employment.

(b) Passing or failing standards will be set by POST. Should illness or injury prevent completion, recycling will be at the discretion of the Chief of Police.

(c) Officers who fail any part of the Field Training Program will be terminated upon approval of the Chief of Police.

## 1060.2 CERTIFICATION RETENTION

The certified status of a peace officer may be cancelled, suspended or revoked by AZPOST pursuant to AAC § R13-4-109. Officers shall meet the continuing training, proficiency training and firearms qualification requirements determined by AZPOST to retain certification (AAC § R13-4-111). The Department shall maintain records for each member's AZPOST requirements pursuant to AAC § R13-4-108.

### 1060.2.1 RESTRICTION OF CERTIFICATION

Officers who fail to complete the retention requirements will have their certification restricted by AZPOST (AAC § R13-4-109.01). The officer may, at the discretion of and based on the



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needs of the Department, be placed in a temporary administrative assignment until any training or qualification restriction has been removed. It is the officer's responsibility for removing the AZPOST restriction.

An officer who fails the firearms qualification shall not carry or use a firearm on-duty (AAC § R13-4-109.01(B)). Any officer who fails to satisfy AZPOST continuing training or proficiency training requirements shall not engage in enforcement duties, carry or use a firearm on duty, wear or display a badge, wear a uniform, make arrests, perform patrol functions, or operate a marked police vehicle (AAC § R13-4-109.01(C)).

Officers who fail to meet certification requirements may also face administrative discipline up to and including termination.



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# Attachments



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# New appendix May 2014.pdf



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# Attachments



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# New appendix May 2014.pdf



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# INDEX

. . . . . 19
. . . . . 21
. . . . . 302
. . . . . 544

Emergency Activation . . . . . 427
Swat . . . . . 302

## [

[(EMDT)] . . . . . 58

## A

ABUSE . . . . . 131
ACCIDENTAL DISCHARGE . . . . . 76
ACCOUNTABILITY TO SUPERVISOR . . 20
ADMINISTRATIVE FILE
Defined . . . . . 626
ADMINISTRATIVE HEARINGS . . . . . 471
ADMINISTRATIVE INVESTIGATION . . . 70
ADMINISTRATIVE LEAVE . . . . . 615
AIRCRAFT CRASHES . . . . . 384
ALCOHOL . . . . . 595
ALCOHOL AND DRUGS . . . . . 74
ALCOHOL USE . . . . . 595
AMBER ALERT . . . . . 169
AMMUNITION . . . . . 74
ANIMAL CONTROL PROCEDURES . . . 561
ANIMALS . . . . . 75
ANTI-RETALIATION . . . . . 590
ARREST OF TEACHER . . . . . 263
AUTHORITY . . . . . 10
AUTHORITY TO DETAIN . . . . . 121
AUTHORIZED FIREARMS . . . . . 73
AUXILIARY RESTRAINTS . . . . . 51

## B

BADGE
Mourning Badge . . . . . 669
BARRICADED INCIDENTS . . . . . 328
BATON . . . . . 54
BETTING . . . . . 193
BIOLOGICAL SAMPLES . . . . . 265
BLOOD TEST . . . . . 467
BODY ARMOR . . . . . 624
BOMB CALLS . . . . . 336
BOMB THREATS . . . . . 338
BRIBE . . . . . 193

## C

CASH AUDITS . . . . . 515
CASH HANDLING
Cash Transactions . . . . . 515
CERTIFICATION AND TRAINING . . . . 682
CHIEF EXECUTIVE . . . . . 12
CHILD ABUSE . . . . . 142
Mandatory Notification . . . . . 142
Reporting . . . . . 142
CHILD FATALITY REVIEW . . . . . 147
CHILD RESTRAINT SYSTEM . . . . . 622
CHILD SAFETY SEAT . . . . . 622
CITE AND RELEASE . . . . . 355
CITIZEN COMPLAINTS . . . . . 612
CIVIL COMITMENTS . . . . . 344
CIVIL RESPONSE TEAM . . . . . 71
COMMAND PROTOCOL . . . . . 20
COMMUNICABLE DISEASES . . . . . 601
Confidentiality . . . . . 608
Counseling . . . . . 608
COMMUNICATION OPERATIONS . . . . 524
COMPUTER USE . . . . . 203
CONCEALED FIREARM PERMITS
Out Of State . . . . . 78
CONCEALED WEAPONS
Retired Officers . . . . . 35
CONDUCT . . . . . 186
CONFIDENTIAL DATA . . . . . 196
CONFIDENTIAL INFORMANTS . . . . . 486
Payment Procedure . . . . . 489
CONSULAR OFFICERS . . . . . 360
CONTACT AT SCHOOL . . . . . 126
CONTROL DEVICES . . . . . 53
CORRESPONDENCE . . . . . 33
COURT APPEARANCE . . . . . 218
COURTROOM ATTIRE . . . . . 221
COURTROOM PROTOCOL . . . . . 221
CRIME ANALYSIS . . . . . 518
CRIME SCENE . . . . . 300
CRIMINAL ACTIVITY REPORTING . . . 207
CRIMINAL INTELLIGENCE SYSTEMS . . 413
CRISIS NEGOTIATION TEAM . . . . . 302
CUSTODIAL SEARCHES . . . . . 566

## D

DAMAGE BY PERSONNEL . . . . . 208
DEADLY FORCE . . . . . 38
DEADLY FORCE REVIEW . . . . . 46
DEATH INVESTIGATION . . . . . 239
DEATH NOTIFICATION . . . . . 241
DECONTAMINATION . . . . . 604
DEFECTIVE VEHICLES . . . . . 507
DEFINITIONS . . . . . 15



Adoption Date: 2014/08/15
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DEPARTMENT PROPERTY
Loss Or Damage . . . . . 500
DEPARTMENT-OWNED PROPERTY . . . 499
DEPLOYMENT . . . . . 367
DESTRUCTION OF ANIMALS . . . . . 75
DIGITAL RECORDERS . . . . . 429
DIPLOMATIC AGENTS . . . . . 360
DIPLOMATIC IMMUNITY . . . . . 359
DISASTER PLAN . . . . . 22
DISASTER SCENE . . . . . 300
DISCIPLINARY POLICY . . . . . 186
DISCLAIMER, POLICY . . . . . 15
DISCRIMINATION . . . . . 192
Complaints . . . . . 138
DISCRIMINATORY HARASSMENT
Definitions . . . . . 135
Supervisor's Role . . . . . 138
DISOBEDIENCE . . . . . 193
DISPARAGING REMARKS . . . . . 193
DISPUTED CLAIMS . . . . . 536
DNA SAMPLES . . . . . 265
DOMESTIC VIOLENCE . . . . . 98
DRIVING TACTICS . . . . . 83
DRUG USE . . . . . 595
DRUG-ENDANGERED CHILDREN . . . 146
DUI ENFORCEMENT . . . . . 467
DUTY FIREARMS . . . . . 72

# E

ELECTRICAL LINES . . . . . 378
ELECTRONIC MAIL
E-Mail . . . . . 31
EMERGENCY UTILITY . . . . . 378
EMPLOYEE COMMENDATIONS . . . . 633
EMPLOYEE CONVICTIONS . . . . . 593
ENDANGERED PERSON ALERT . . . . 170
ENFORCEMENT . . . . . 448
EUTHANIZE ANIMALS . . . . . 75
EVALUATION . . . . . 581
EVIDENCE . . . . . 526
EXAMINATIONS
Mental, Physical . . . . . 640
EXCESSIVE FORCE . . . . . 193
EXPLOSIVES . . . . . 336
EXPOSURE . . . . . 326
EXPOSURE CONTROL OFFICER . . . . 602
EXTENDED ILLNESS . . . . . 599
EYEWITNESS IDENTIFICATION . . . . 492

# F

FAILURE TO TAKE ACTION . . . . . 193
FALSIFICATION OF RECORDS . . . . . 193
FIELD CITATIONS . . . . . 355
FIELD DETAINEES . . . . . 401
FIELD INTERVIEW . . . . . 401
FIELD PHOTOGRAPHS . . . . . 401
FIELD STRIP SEARCHES . . . . . 569
FIELD TRAINING OFFICER . . . . . 397
FIGHTING . . . . . 190
Flying Armed . . . . . 77
Proficiency . . . . . 74
FIREARMS
Qualification . . . . . 74
FIREARMS DISCHARGE . . . . . 76
FITNESS FOR DUTY . . . . . 639
FOOT PURSUIT . . . . . 435
FORCE . . . . . 38
FOREIGN NATIONALS . . . . . 359
Arrest Or Detention . . . . . 359
In-Custody Arrests . . . . . 362
Traffic Collisions . . . . . 364
Vehicle Registration . . . . . 361

# G

GAMBLING . . . . . 193
GANGS . . . . . 415
GRATUITY . . . . . 193
GRIEVANCE PROCEDURE . . . . . 587
GROOMING STANDARDS . . . . . 663

# H

HANDCUFFING . . . . . 50
HATE CRIMES . . . . . 183
HAZARDOUS MATERIAL . . . . . 326
HELICOPTER ASSISTANCE . . . . . 400
HIGH-VISIBILITY VESTS . . . . . 449
HONORARY CONSULS . . . . . 361
HORSEPLAY . . . . . 190
HOSTAGES . . . . . 328

# I

IDENTITY THEFT . . . . . 243
IMMUNITY . . . . . 359
IMPAIRED DRIVING . . . . . 467
INFAMOUS
Disgraceful . . . . . 193
INITIATE A PURSUIT . . . . . 80
INJURY CLAIMS . . . . . 661
INSUBORDINATION . . . . . 193
INTERNET USE . . . . . 204
INTERROGATIONS, RECORDING . . . . 477
INVESTIGATION AND PROSECUTION . 477



Adoption Date: 2014/08/15
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## J

JAIL RELEASE . . . . . 355
JUVENILE INFORMANTS . . . . . 488
JUVENILES
Child . . . . . 121
Minors . . . . . 126
Suicide Prevention . . . . . 127
Use As Informants . . . . . 488

## K

KINETIC PROJECTILES . . . . . 55

## L

LEG IRONS . . . . . 51
LEG RESTRAINTS . . . . . 51
LIGHT DUTY ASSIGNMENTS . . . . . 679
LIMITED ENGLISH PROFICIENCY . . . 247
LINEUPS . . . . . 492
LIVE LINUP . . . . . 492

## M

MANDATORY APPEARANCE . . . . . 218
MANUALS . . . . . 23
MDC . . . . . 426
MEAL PERIODS AND BREAKS . . . . . 644
MEDIA RELATIONS . . . . . 67
MEDIA REQUEST . . . . . 212
MEGAN'S LAW
Predatory Offender . . . . . 231
MENTAL HEALTH PETITIONS . . . . . 344
MINIMUM STAFFING . . . . . 34
MISAPPROPRIATION OF PROPERTY . . 193
MISSING PERSON
Definitions . . . . . 160
MOBILE AUDIO VIDEO . . . . . 418
MOBILE DIGITAL COMPUTER . . . . . 426
MODIFIED-DUTY ASSIGNMENTS . . . 679

## N

NEWS MEDIA RELATIONS . . . . . 212
NOTIFICATIONS . . . . . 66
NUMERICAL FILING . . . . . 544

## O

OC SPRAY . . . . . 54
OFFICER IDENTIFICATION . . . . . 525
OFFICER-INVOLVED SHOOTING . . . . 64
OLEORESIN CAPSICUM . . . . . 54
ON-DUTY INJURIES . . . . . 658
ORGANIZATIONAL STRUCTURE . . . . 19
OUTSIDE AGENCY ASSISTANCE . . . . 229
OUTSIDE EMPLOYMENT . . . . . 653
Change In Status . . . . . 656
Obtaining Approval . . . . . 653
Prohibited Outside Employment . . . . 654
Security Employment . . . . . 655
OVERTIME PAYMENT . . . . . 648

## P

PAT-DOWN SEARCH . . . . . 401
PATROL FUNCTION . . . . . 291
PEACE OFFICER POWERS . . . . . 10
PEPPER PROJECTILES . . . . . 54
PERSONAL APPEARANCE . . . . . 663
PERSONAL PROPERTY . . . . . 499
Loss Or Damage . . . . . 500
PERSONNEL COMPLAINTS
Administrative Searches . . . . . 618
Disposition . . . . . 619
PERSONNEL FILES . . . . . 626
Purging Of Files . . . . . 632
Requests For Disclosure . . . . . 630
PERSONNEL ORDERS . . . . . 33
PETTY CASH . . . . . 515
PHOTO LINEUPS . . . . . 492
PHYSICAL BODY CAVITY SEARCH . . . 569
PHYSICAL CONDITION . . . . . 195
PHYSICAL EXAMS . . . . . 640
POLICY MANUAL . . . . . 15
POLICY MANUAL, ISSUING . . . . . 17
POLICY MANUAL, REVIEW . . . . . 17
POLICY MANUAL, REVISIONS . . . . . 17
PORTABLE RECORDERS . . . . . 429
PREGNANCY . . . . . 681
PRIVATE PERSONS ARRESTS . . . . . 245
PROMOTIONAL PROCESS . . . . . 585
PROPERTY PROCEDURES . . . . . 526
Controlled Substances . . . . . 528
Disputed Claims . . . . . 536
Property Booking . . . . . 528
Property Release . . . . . 535
PROTECTED INFORMATION . . . . . 553
PSYCHOLOGICAL EXAMS . . . . . 640
PUBLIC ALERTS . . . . . 168
PUBLIC INFORMATION OFFICER . . . . 386
PURSUIT INTERVENTION . . . . . 88
PURSUIT POLICY . . . . . 79
PURSUIT UNITS . . . . . 82

## R

RADIO COMMUNICATIONS . . . . . 525




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RANGEMASTER . . . . . 76
RAPID DEPLOYMENT TEAM . . . . . 367
REASONABLE SUSPICION . . . . . 401
RECORDERS . . . . . 429
RECORDS AND INFORMATION
Release . . . . . 546
RECORDS SECURITY . . . . . 546
RECRUITMENT . . . . . 572
REFLECTORIZED VESTS . . . . . 449
RELEASE OF RECORDS AND INFORMATION
Processing Requests . . . . . 547
REPORT CORRECTIONS . . . . . 210
REPORT PREPARATION . . . . . 206
REPORTING CONVICTIONS . . . . . 593
Family Violence . . . . . 593
Family Violence . . . . . 593
REPORTING LAW ENFORCEMENT ACTIVITY
. . . . . 369
RESERVE
Duties . . . . . 226
RESERVE OFFICERS . . . . . 225
Coordinator . . . . . 226
RESPONSE TO CALLS . . . . . 92
RESTRAINTS . . . . . 49
RESTRICTED INFORMATION . . . . . 216
RETALIATION . . . . . 590
RIDE-ALONG
Eligibility . . . . . 323
ROLL CALL TRAINING . . . . . 299

# S

S . . . . . 417
SAFE HAVEN . . . . . 145
SCHOOL EMPLOYEE REPORTING . . . 263
SEARCH AND SEIZURE . . . . . 117
SEARCHES
Vehicles . . . . . 463
SEARCHING
Dead Bodies . . . . . 240
SEAT BELT PROCEDURE . . . . . 622
SECURITY EMPLOYMENT . . . . . 655
SEXUAL CRIME . . . . . 484
SMOKING POLICY . . . . . 611
SPIT HOOD/MASK . . . . . 50
STANDBY . . . . . 218
STRIP SEARCHES . . . . . 567
SUBPOENA DUCES TECUM . . . . . 552
SUBPOENAS . . . . . 218
Acceptance . . . . . 219
Civil Subpoenas . . . . . 220
Failure To Appear . . . . . 220
SUCCESSION OF COMMAND . . . . . 20
SUPERVISION DEPLOYMENTS . . . . . 34
SUPERVISION STAFFING LEVELS . . . . 34

# T

TATTOOS . . . . . 664
TEAR GAS . . . . . 54
TERMINATE A PURSUIT . . . . . 81
THEFT . . . . . 193
TIME CARD . . . . . 647
TIME CARDS . . . . . 647
TRAFFIC CITATIONS . . . . . 449
TRAFFIC FUNCTION . . . . . 448
TRAFFIC OFFICER . . . . . 448
TRAFFIC SIGNAL . . . . . 378
TRAINING
Swat . . . . . 306
TRAINING PLAN . . . . . 27
TRAINING POLICY . . . . . 27
TRAINING, ANTI-RETALIATION . . . . 592
TRAINING, CRIMINAL INTELLIGENCE
SYSTEMS . . . . . 416
TRAINING, PROTECTED INFORMATION 556
TRAINING, SEARCHES . . . . . 570
TRANSFER PROCESS . . . . . 585
TRANSPORT BELTS . . . . . 51
TRANSPORTING PRISONERS . . . . . 622

# U

UNAUTHORIZED USE . . . . . 193
UNIFORM REGULATIONS . . . . . 666
UNITY OF COMMAND . . . . . 20
UNTRUTHFUL . . . . . 193
URINE TEST . . . . . 468
USE OF FORCE . . . . . 38
UTILITY SERVICE . . . . . 378

# V

VEHICLE MAINTENANCE . . . . . 507
VEHICLE SEARCHES . . . . . 463
VICTIM ASSISTANCE . . . . . 176
VICTIM RIGHTS . . . . . 484
VULNERABLE ADULT . . . . . 131

# W

WARNING SHOTS . . . . . 75
WASHING OF VEHICLES . . . . . 509
WATER LINES . . . . . 378
WHISTLE-BLOWING . . . . . 592
WORKERS' COMPENSATION . . . . . 658



Adoption Date: 2014/08/15
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