

Bisbee Police Department
Policy Manual

Table of Contents

INTRODUCTION 21

 Department Mission 21

 Definitions 22

CHAPTER 1 LAW ENFORCEMENT ROLE AND AUTHORITY 25

 1.1 State of Arizona Public Employee Loyalty Oath A.R.S. §38-231 25

 1.2 Law Enforcement Code Of Ethics 25

 1.3 Jurisdiction and Authority 25

 1.4 Interrogations and Confessions 26

 1.4.1 Fifth Amendment 26

 1.4.1.1 Miranda warnings 27

 1.4.1.2 Invocation of Miranda rights 29

 1.4.1.3 Miranda rights waiver 30

 1.4.2 Voluntariness 30

 1.4.3 Juvenile interrogations 31

 1.4.4 Sixth Amendment Right to Counsel 32

 1.4.5 Documenting Interrogations 33

 1.5 Search and Seizure 33

 1.5.1 Reasonable Suspicion 35

 1.5.2 Probable Cause..... 36

 1.5.3 Seizures of Persons 36

 1.5.3.1 Contacts and Stops 36

 1.5.3.2 Conduct during a Stop 37

 1.5.3.3 Field Interviews 40

 1.5.3.4 Arrests 40

 1.5.3.5 Requesting and requiring identification..... 44

 1.5.4 Seizures of Property 44

 1.5.5 Searches 45

 1.5.5.1 Reasonable Expectation of Privacy 45

1.5.5.2 Searches Not Subject to Fourth Amendment Protection	47
1.5.6 Search Warrants	48
1.5.6.1 Obtaining a Search Warrant.....	50
1.5.6.2 Telephonic and Faxed Search Warrants	50
1.5.6.3 Executing a Search Warrant.....	52
1.5.7 Consent Searches	55
1.5.7.1 Scope.....	56
1.5.8 Searches Incident to Arrest.....	56
1.5.8.1 Scope.....	56
1.5.8.2 Strip Searches.....	57
1.5.9 Community Caretaking.....	57
1.5.10 Searches of Residences.....	58
1.5.10.1. Abandoned Premises.....	58
1.5.10.2. Open Fields and Curtilage	58
1.5.10.3. Aerial Views	59
1.5.10.4 Consent Search of a Residence	59
1.5.10.5. Public Safety or Emergency Search of a Residence	60
1.5.10.6. Protective Sweep.....	60
1.5.10.7 Hot Pursuit Entry into a Residence or other Building	61
1.5.10.8 Entry to stop the Destruction of Evidence	61
1.5.10.9 Search of a Residence Incident to an Arrest	61
1.5.11 Vehicle Searches.....	61
1.5.11.1 Consent Searches	61
1.5.11.2 Search of Vehicles Incident to Arrest	61
1.5.11.3 Vehicle contains Evidence or Contraband.....	62
1.5.11.4 Vehicle Frisk.....	63
1.5.11.5. Vehicle Inventory.....	63
1.5.11.6. Vehicle Searches; other issues	63
1.5.12 Physical Characteristics Orders	64
1.5.12.1 Procedures to Follow to Obtain a Court Order	65
1.5.12.2 Execution of the Court Order.....	65

1.6	Laws of Arrest.....	66
1.6.1	Authority to Arrest.....	66
1.6.2	Probable Cause.....	67
1.6.2.1	Location of arrest; warrant requirements	67
1.6.3	Use of Force while Making an Arrest	68
1.6.4	De Facto Arrests	68
1.6.5	Arrest Procedures.....	68
1.6.6	Disposition following arrest.....	69
1.6.6.1	Full custodial arrest (booking).....	69
1.6.6.2	Booking for both felony and misdemeanor charges.	70
1.6.6.3	Cite and release	70
1.6.7	Arrests Involving Foreign Nationals.....	70
1.6.8	Diplomatic, Legislative and Statutory Immunity from Arrest.....	71
1.6.8.1	Legislators.....	71
1.6.8.2	Foreign dignitaries	72
1.6.8.3	National Guard members	72
1.6.8.4	Persons under subpoena.....	72
1.6.8.5	Juveniles.....	72
1.6.8.6	Military Personnel	73
1.6.9	Arrest Warrants.....	73
1.6.9.1	Obtaining an Arrest Warrant.....	73
1.6.9.2	Service of Arrest Warrant	74
1.6.9.3	Warrant verification.....	74
1.6.9.4	Juvenile arrest warrants.....	75
1.6.9.5	Non-service of warrants.....	75
1.6.9.6	Department Warrants – Extradition/Out-of-County Transfer Policy	75
1.6.10	Military members who are AWOL/ Deserters	76
1.6.11	Civil Arrest Warrants (non-child support).....	76
1.6.12	Civil Child Support Arrest Warrants	76
1.6.13	Citizen’s arrests	76
1.6.14	Telephone calls for arrested persons	77

1.7	Racial Profiling; Bias-Based Policing.....	77
1.8	Use of Force	78
1.8.1	Constitutional authority for use of force in law enforcement	78
1.8.2	Arizona law	79
1.8.3	Policy.....	79
1.8.4	The force model	80
1.8.4.1	The force model	80
1.8.4.2	Types of Resistance	81
1.8.4.3	Types of Force.	82
1.8.6	Physical Restraint Devices	89
1.8.7	Use Of Force Reporting And Review.....	90
1.9	Firearms.....	91
1.9.1	On-duty and off-duty carry.....	91
1.9.2	Firearms Safety And Security.....	92
1.9.3	Firearms Qualification.....	93
1.9.4	Handgun Specifications.....	93
1.9.5	Handgun Ammunition	94
1.9.6	Specialized firearms	94
1.9.7	Firearms Inspections.....	95
1.9.8	Weapons and ammunition tracking	95
CHAPTER 2	AGENCY JURISDICTION AND MUTUAL AID.....	96
2.1	Jurisdiction	96
2.2	Mutual aid agreements; multi-agency task forces.....	96
2.3	Specific agencies	96
2.3.1	Fire Department	96
2.3.2	County Sheriff’s Department.....	97
2.3.3	Arizona Department of Public Safety (DPS)	97
2.3.4	Arizona Department of Corrections (DOC).....	97
2.3.5	Arizona Department of Transportation.....	97
2.3.6	Arizona Department of Liquor Licenses and Control.....	97
2.3.7	Federal Law Enforcement Agencies	97

2.3.8	The Federal Bureau of Investigation.....	98
2.3.9	Bureau of Alcohol, Tobacco and Firearms (ATF)	98
2.3.10	United States Immigration and Customs Enforcement (ICE)	98
2.3.11	United States Secret Service (USSS).....	98
2.3.12	United States Marshal Service.....	98
2.3.13	United States Drug Enforcement Administration (DEA).....	98
2.3.14	United States Postal Service	98
2.3.15	United States Department of State.....	98
2.3.16	State and Federal Probation Officers.....	98
2.3.17	National Guard	99
CHAPTER 3 CONTRACTUAL AGREEMENTS; LAW ENFORCEMENT SERVICES		100
3.1	County Jail Services.....	100
Chapters 4-10 [Reserved]		100
CHAPTER 11 ORGANIZATION & ADMINISTRATION		101
11.1	Organizational Structure	101
11.2	Unity of Command; Cooperation; Coordination.....	101
11.3	Chain of Command	102
11.4	Rank structure	102
11.5	Seniority	103
11.6	Orders	103
11.7	Supervisory Responsibilities	103
11.8	Release from active duty for cause	104
11.9	Emergency Command	105
11.10	Administrative Reports	105
11.11	Correspondence.....	105
11.11.1	Agency correspondence.....	105
11.11.2	Personal Use of Department Address Prohibited	105
11.11.3	Council or City Manager Communication and Correspondence.....	106
11.11.4	Official certificates and commendations.	106
11.12	Communication; internal and external.....	106
CHAPTER 12 DIRECTION.....		107

12.1	General Orders Manual	107
12.2	Command Directives.....	107
12.3	Standard Operating Procedures and Unit Policies	108
12.4	Conflicts of policy or procedure.....	108
12.5	Dissemination, Tracking and Review	108
Chapters 13-15 [Reserved]		109
CHAPTER 16 ALLOCATION AND DISTRIBUTION OF PERSONNEL AND PERSONNEL ALTERNATIVES		110
16.1	Allocation of Personnel.....	110
16.2	Specialized Positions.....	110
16.3	Reserve Officer Program.....	110
16.4	Volunteer Program	111
CHAPTER 17 FISCAL MANAGEMENT AND AGENCY PROPERTY.....		113
17.1	Finance Section	113
17.1.1	Compliance with budget procedures	113
17.1.2	Property inventory and control.....	114
17.2	Department Vehicles	114
17.2.1	General requirements.....	114
17.2.2	Vehicle Equipment and Maintenance.....	115
17.2.3	Collisions involving City vehicles.....	115
17.3	Other Department Equipment	116
17.3.1	Department-Issued Cellular Telephones	116
17.3.2	Privately-owned cellular telephones.....	116
17.3.3	Radios	117
17.3.4	Operational readiness of stored property.....	117
17.4	Department Facilities	117
17.4.1	Emergency evacuation.....	117
Chapters 18-20 [Reserved].		118
CHAPTER 21 CLASSIFICATIONS; DUTIES AND RESPONSIBILITIES		119
21.1	Classifications	119
21.2	Duties and responsibilities	119

CHAPTER 22	COMPENSATION, BENEFITS AND CONDITIONS OF WORK.....	120
22.1.	Compensation.....	120
22.1.2	Uniform and equipment allowances.....	121
22.2	Working hours and overtime.....	121
22.2.1	Working hours.....	121
22.2.2	Overtime.....	121
22.3	Lactation Break Policy.....	122
22.4	Other Employee Leave and Benefits.....	122
22.5	Separation from employment.....	138
22.6	Retirement credentials.....	139
22.7	Light or Modified Duty.....	139
22.7.1	General light duty limitations.....	139
22.7.2	Light duty for industrial injuries.....	139
22.7.3	Light duty assignments.....	139
22.7.4	Time limits.....	140
22.7.5	Off-duty employment while on light duty.....	140
22.8	Medical Releases To Return To Work Following Industrial Injury.....	140
22.9	AWOL (Unauthorized Leave Without Pay).....	140
22.10	Fitness-for-Duty Examinations.....	140
22.11	Off-duty work as a Peace Officer.....	142
22.11.1	General requirements.....	142
22.11.2	Prohibited off-duty work.....	143
22.11.3	Emergency call to duty from off-duty work.....	143
22.11.4	Additional limitations.....	143
22.11.5	Maximum hours and maximum hours between shifts.....	143
22.11.6	Special circumstances.....	144
22.12	Outside employment (not as a peace officer).....	144
22.12.1	Eligibility.....	144
22.12.2	Maximum hours and maximum hours between shifts.....	144
22.13	Court appearances.....	144
	Employees shall comply with courtroom rules regarding the wearing of firearms.....	145

22.13.1	Conflicts.....	145
22.13.2	Subpoenas.....	145
22.13.3	Evidence	145
22.13.4	Attorney pre-trial interviews	145
22.13.5	Emergency situations.....	146
22.13.6	Civil matters	146
22.13.7	Compensation	146
CHAPTER 23 WORKPLACE SAFETY; ACCIDENTS AND INJURIES.....		147
23.1	Accidents Involving Police Personnel and Property	147
23.2	Occupational and Workplace Safety	147
23.2.1	Industrial Injuries.....	147
23.2.2	Worker’s Compensation Program	147
23.2.3	Treatment of Injuries	148
23.2.4	Documenting Industrial Injuries	148
23.5	Exposure to bodily fluids, infectious material, or communicable disease.....	148
23.5.1	Exposure Control Officer	149
23.5.2	Blood-Borne Pathogens Exposure Control Plan	149
23.5.3	Personal protective equipment (PPE); Universal Precautions.....	150
23.5.4	Tuberculosis (TB) Exposure Control Plan	150
23.5.5	Employee Exposure to Blood Borne Pathogens.....	151
23.5.6	Testing Sources of Significant Exposure.....	152
23.5.7	Decontamination of public areas or public property	152
23.8	Industrial Leave.....	153
CHAPTER 24 [Reserved].....		154
CHAPTER 25 GRIEVANCE AND APPEAL PROCEDURES		155
CHAPTER 26 DISCIPLINARY PROCEDURES		160
26.1	Code of Conduct.....	160
26.1.1	General Standards of Expected Conduct.....	160
26.1.2	Expected Conduct Toward the Public	160
26.1.3	Security and Confidentiality of Department Business	160
26.1.4	Lawful and proper conduct.....	161

26.1.5	Insubordination Prohibited	162
26.1.6	Failure to Follow an Order	162
26.1.7	Cowardice Prohibited	162
26.1.8	Abuse of Authority; Cruel, Unlawful or Improper Treatment Prohibited.....	162
26.1.9	Gifts, Gratuities, Fees, Rewards, Loans, Etc. Prohibited	162
26.1.10	Endorsements.....	162
26.1.11	Untruthfulness	162
26.1.12	Required Knowledge	163
26.1.13	General Responsibilities and Requirements	163
26.1.14	Reporting Violations Required.....	163
26.1.15	Actions Taken Under Color of Authority.....	164
26.1.16	Consorting Prohibited.....	164
26.1.17	Maintenance of Minimum Standards Required.....	164
26.1.18	Strikes or Labor Stoppages Prohibited	164
26.1.19	Prohibited Uses of Property.....	164
26.1.20	Chain of command.....	165
26.1.21	On-duty requirements	165
26.1.22	Prohibited On-Duty Conduct.....	165
26.1.23	Completion of Assignments	165
26.1.24	Alcohol, Intoxicants, or Drugs	165
26.1.25	Use of Tobacco Products.....	166
26.1.26	Investigations.....	166
26.1.27	Gambling	166
26.1.28	Offensive Conduct, Materials, and Statements	166
26.1.29	Call Out.....	167
26.1.30	Emergency Stand-by.....	167
26.1.31	Standards for Police Action While Off Duty.....	167
26.1.32	Involvement in Neighborhood Disputes Prohibited	167
26.1.33	Nepotism.....	167
26.1.34	Statutory conflicts of interest.....	168
26.1.35	Debts	168

26.1.36 Employee Personal and Emergency Contact Information.....	168
26.1.37 City and Personally-Owned Equipment	168
26.1.38 Outside Employment and Business Interests (non-law enforcement).....	168
26.1.39 Secondary work as a Peace Officer	169
26.1.40 Political Activity.....	169
26.1.41 Public Discussions.....	169
26.1.42 Endorsements/Recommendations.....	170
26.1.43 Reporting to Supervisors	170
26.1.44 Personal Use of the Internet and Social Media Sites.....	170
26.2 Use, ownership and examination of City property and employee personal property brought onto City premises	171
26.2.1. City/Department electronic information; use of computers, cell phones, and other communication devices	171
26.2.2 Work areas and vehicles	173
26.2.3 Personal property on Department premises.....	173
26.3 Available Resources	174
26.4 Uniform, Equipment and Appearance Standards	178
26.4.1 Purpose	178
26.4.2 Uniform, Equipment and Appearance Manual.....	178
26.5 Discipline	179
26.5.1 Determining appropriate discipline	179
26.5.2 Levels of Discipline.....	180
26.6 Equal Employment Opportunity	184
26.6.1 Discrimination	185
26.6.2 Harassment-, Discrimination-, and Retaliation-Free Work Environment.....	187
26.6.3 Responsibility of Supervisors and Commanders.....	187
26.6.4 Department employees	188
26.6.5 Confidentiality Required	188
26.7 Commendations and Awards.....	188
Chapter 27 Uniforms.....	189
Chapters 28 – 30 [Reserved].....	194

CHAPTER 31	RECRUITMENT	195
31.1	Recruitment	195
31.2	Minimum requirements	195
31.3	Oath of office	196
CHAPTER 32	SELECTION	197
32.1	Hiring of Employees	197
32.2	Polygraphs and Background investigations	197
32.3	AZPOST requirements	198
32.4	Probationary period	198
32.3.1	Extending Probation Periods	198
32.5	Retention of Applicant Records	198
CHAPTER 33	TRAINING AND CAREER DEVELOPMENT	199
33.1	Training	199
33.2	Recruit Training	199
33.3	Proficiency and Continuing Training Requirements.....	200
33.4	Daily training Program.....	200
33.5	Non-sworn Training	201
33.6	Remedial Training.....	201
33.7	Training for specialized duties, special assignments and promotions	201
33.8	Training files	201
CHAPTER 34	PROMOTIONS and TRANSFERS	203
34.1	Promotion	203
34.2	Transfer	203
CHAPTER 35	PERFORMANCE EVALUATION.....	204
35.1	Performance evaluations	204
35.2	Personnel files; Access.....	205
35.2.1	Applicant and Background file.....	205
35.2.2	Personnel file	205
35.2.3	Medical file.....	205
35.2.4	Supervisor’s desk file	206
Chapters 36-40	[Reserved].	206

CHAPTER 41	PATROL.....	207
41.1	General Reporting Procedures.....	207
41.1.2	Responsibilities of initial responding officers.....	207
41.1.3	Crime Scene/Traffic Collision Reports.....	208
41.2	General Patrol Procedures.....	209
41.3	Officer Needs Emergency Assistance.....	209
41.4	Emergency Community Notifications.....	210
41.5	Incident Command.....	210
41.5.1	Initial officers on-scene.....	210
41.5.2	Incident Command System.....	210
41.6	Emergency Vehicle Operations - pursuits and emergency driving.....	211
41.6.1	Definitions.....	211
41.6.2	Emergency Response Driving – Code Three.....	212
41.6.3	Pursuit driving.....	214
41.6.3.1	Pursuit procedure.....	214
41.6.3.2	Authorized pursuit vehicles.....	216
41.6.3.3	Air Support.....	216
41.6.3.4	Forcible stops of a pursued vehicle or fleeing felon.....	216
41.6.3.5	Pursuit Termination.....	217
41.6.3.6	Apprehension of the suspect.....	218
41.6.3.7	Inter-jurisdictional pursuits.....	218
41.6.3.8	Documentation.....	218
41.7	Routine response to calls and traffic enforcement.....	219
41.8	Body Armor.....	219
41.9	Missing Persons.....	220
41.9.1	AMBER ALERT; Arizona Missing/Abducted Child Alert Plan.....	222
41.9.2	SILVER ALERT; Arizona Missing/Abducted Person 65 or Older.....	223
41.10	[Reserved].....	223
41.11	Dealing with Persons of Diminished Mental Capacity.....	223
41.11.1	Dealing with Intoxicated Persons.....	224
41.11.2	Dealing with Vulnerable Adults.....	224

41.11.3 Dealing with the Mentally Ill.....	224
41.11.4 Mental Health Detentions	226
41.11.5 Emergency petition process when evaluation agency available (36-524).....	227
41.11.6. Emergency petition process when evaluation process not available or action is necessary (36-525).	immediate 227
41.11.7. Court-ordered committals (A.R.S. § 36-540).....	228
41.11.8 Order of medical director rescinding outpatient treatment (36-540).....	228
41.11.9 Patients who are absent without leave (AWOL)	228
41.11.10 Violent or potentially violent subjects.....	229
41.11.11 Transportation.....	229
41.11.12 Mentally-ill juveniles.....	229
41.11.13 Firearms seizure.....	229
41.12 [Reserved]	229
41.13 Providing Services to Individuals With Disabilities	229
41.14 Civil Disputes.....	231
41.14.1 Movers / Department of Weights and Measures	231
41.14.2 Auto repossessions	231
41.14.3 Residential Landlord-Tenant Disputes	232
41.14.4 Hotel and motel disputes	233
41.14.5 Mechanic’s Liens on vehicles.....	234
41.14.6 Towed Vehicles	234
41.14.7 Child Custody and Visitation Issues.....	234
41.14.7.1 Child Custody Matters Where there is no Court Order	235
41.14.7.2 Child Custody when there is a Court Order.....	235
41.14.7.3. Criminal Enforcement of Child Custody and Visitation Orders.....	235
41.15 Death Investigations.....	237
41.16 Animals	238
41.16.1 Bats, bees, and snakes.....	239
41.16.2 Animals Secured in Vehicles During Hot Weather.....	239
41.16.3 Destruction of Animals.....	239
41.17 Immigration.....	239

41.17.1 Undocumented Persons	240
41.17.1.1 Federal civil or criminal charges.....	241
41.17.2 Detention and Removal Order (DRO) Hold.....	241
41.17.3 NCIC ICE Immigration Violator File.....	242
41.17.4 Contacting federal agencies.....	243
41.17.5 U-Visas	243
41.18 Domestic Violence	243
41.19 Sexual Assaults	246
41.20 Aggravated Assaults.....	248
41.21 Stolen/Embezzled Vehicles.....	248
41.21.1 Stolen Vehicles	248
41.21.2 Embezzlement of a Vehicle (Rented, Leased, Borrowed or Loaned)	249
41.21.3 Recovered Stolen Vehicles	249
41.21.3.1 Ownership disputes	250
41.21.4 LOJACK, On Star, and similar systems	250
41.22 In-Progress Robbery.....	251
41.23 Identity Theft.....	251
41.23.1 Reports.....	252
41.24 Liquor Law Enforcement	252
41.25 City Code Offenses	252
41.26 Child abuse and neglect.....	252
41.27 SWAT and Hostage Negotiation Team	253
41.28 Civil disturbances and public demonstrations	253
41.30 School Resource Officers.....	253
41.31 Bias/Hate Crimes.....	254
CHAPTER 42 CRIMINAL INVESTIGATION.....	255
42.1 Investigative Protocols	255
42.2 Use of Polygraphs in Investigations.....	255
42.3 Cold Cases.....	255
42.4 Informants	256
42.5 Suspect Identification.....	256

42.5.1 Show-Up (One-on-one) Identification.....	256
42.5.2 Photographic Lineup Identification.....	257
42.6 Use of Interview Rooms.....	258
CHAPTER 43 VICE, DRUGS AND ORGANIZED CRIME.....	259
43.1 Vice, Organized Crime, and Drug investigations.....	259
43.2 Organized Crime and high level drug investigations.....	259
43.3 Confidential investigations; use of undercover officers.....	259
43.4 Medical Marijuana.....	260
43.4.1 Lawful possession, use, transportation.....	261
43.4.2 Seizure of marijuana.....	263
43.4.3 Marijuana dispensaries.....	263
43.5 Asset Forfeiture.....	264
CHAPTER 44 JUVENILE OPERATIONS.....	265
44.1 Arrests of Juveniles.....	265
44.2 Juvenile detention at police facilities.....	265
44.3 Interviews of Juveniles.....	266
44.4 Disposition of detained juveniles.....	267
44.5 Juvenile Traffic and Liquor Offenses.....	268
44.6 Juvenile Victims.....	268
44.7 Welfare Calls Involving Children.....	269
44.8 Department of Child Safety (DCS).....	270
44.9 Temporary Custody; Temporary Custody Notice (TCN).....	270
CHAPTER 45 CRIME PREVENTION AND COMMUNITY INVOLVEMENT.....	272
45.1 Neighborhood Meetings and Programs.....	272
45.2 Speaking Engagements.....	272
45.3 Neighborhood Watch Program.....	272
45.4 Special community events.....	272
CHAPTER 46 CRITICAL INCIDENTS.....	273
46.1 Handling and Investigation of Critical Incidents.....	273
CHAPTER 47 Emergency Management and Hazardous Materials.....	275
47.1 Hazardous Materials Incidents.....	275

47.2 Bomb Threats	275
47.3 Terrorism Liaison Officer Program.....	276
47.4 Visiting dignitaries; security operations.....	276
CHAPTERS 48-51 [Reserved].	277
CHAPTER 52 PROFESSIONAL STANDARDS.....	278
52.1 Investigation of complaints of employee misconduct.....	278
52.1.1 Receipt and Assignment of Complaints	278
52.1.2 Complaints assigned to Outside Agency	279
52.1.3 Complaints investigated by the supervisor	279
52.1.4 Sequence of Criminal and Administrative Investigations	279
52.1.5 Criminal Investigations.....	280
52.1.6 Administrative Investigations.....	280
52.1.7 Administrative Interviews with Department Personnel; A.R.S. § 38-1101, et. seq.	281
52.1.7.1 Completion of a Notice of Investigation (NOI).....	281
52.1.7.2 Service of a Notice of Investigation.....	282
52.1.7.3 Employee representative.....	282
52.1.8 Use of Polygraphs.....	283
52.1.9 Gathering of Evidence	283
52.1.10 Duration of Investigations	283
52.1.11 Completion of the investigation; Final Report	284
52.1.12 Dispositions	284
52.1.13 Review	284
52.1.14 Professional Standards File Maintenance and Security.....	284
52.1.15 Release of Reports	284
52.1.16 Professional Standards file	285
52.2 <i>Brady</i> material	286
CHAPTER 53 [Reserved]CHAPTER 54 PUBLIC INFORMATION.....	287
54.1 Public Information.....	287
54.2 Media Access to Police Scenes	287
CHAPTER 55 VICTIM/WITNESS ASSISTANCE	287
55.1 Victims' Rights	287

55.2	Address Confidentiality Program.....	290
55.2.1	Overview of the Program	290
55.2.2	Use of an ACP substitute address.....	290
55.2.3	Request for Emergency Disclosure of the Address	291
55.2.4	Service of Process on an ACP participant.....	292
55.2.5	Maintenance of Secure Address Records	292
55.3	Next of Kin Notification	293
55.4	Death Cases Involving other Jurisdictions	293
	Chapters 56-60 [Reserved].	294
CHAPTER 61	TRAFFIC OPERATIONS.....	295
61.1	Traffic Enforcement.....	295
61.2	Leaving the Scene	295
61.3	Enforcement of Parking Regulations	296
61.4	Suspended Driver License or Registrations	296
61.4.1	Seizure of Arizona Driver License	296
61.4.2	Seizure of Arizona Registration and License Plates.....	296
61.5	Issuing Citations.....	296
61.5.1	Traffic Enforcement Involving Juveniles.....	297
61.5.2	Traffic Enforcement Involving Legislators	297
61.5.3	Traffic Enforcement Involving Foreign Diplomats and Consular Officials.....	297
61.5.4	Citation Accountability.....	297
61.5.5	Uniform Traffic Enforcement.....	297
61.6	Traffic Collision Investigations.....	298
61.7	Driving Under the Influence of Intoxicating Liquor or Drugs.....	299
61.7.1	Standardized Field Sobriety Tests	300
61.7.2	Arrest of DUI Suspects.....	301
61.7.3	Administrative Per Se and Implied Consent.....	302
61.7.4	Chemical testing	303
61.7.4.1	Breath Testing.....	303
61.7.4.2	Blood Testing.....	303
61.7.4.3	Urine testing.....	303

61.7.5 Right to an Independent Test.....	303
61.7.6 Search Warrants for blood or urine testing.....	304
61.7.7 Disposition of the Suspect and Suspect’s Vehicle.....	304
61.8 Towing, Impounding And Inventory Of Vehicles	305
61.8.1 Vehicle Inventories.....	305
61.8.2 Towing Vehicles; Required vehicle inventories.....	306
61.8.3 Impounding Vehicles as Evidence	307
61.8.4 Vehicle Impounds Under A.R.S. §28-3511.....	308
61.8.4.1 Hearings to contest impound	309
61.8.4.2 Release of vehicle	309
61.9 Stranded Motorists	309
61.10 Roadway Hazards.....	310
61.11 Directed Traffic Enforcement	312
61.13 Escorts	313
Chapters 62 – 69 [Reserved].....	313
CHAPTER 70 DETAINEE TRANSPORTATION.....	314
CHAPTER 71 PROCESSING AND TEMPORARY DETENTION.....	316
71.1 Injury to Prisoners	316
71.2 Restraining Prisoners.....	317
71.3 County Jail Booking Procedures	317
71.4 Special transport situations.....	318
CHAPTER 72 and 73 [reserved].....	318
CHAPTER 74 LEGAL PROCESS.....	319
74.1 Enforcement of Court Orders	319
74.2 Injunctions Against Harassment.....	320
74.3 Orders of Protection	320
74.4 Out-of-State Orders of Protection	321
74.5 Emergency Orders of Protection	321
74.5.1 Procedure for Obtaining an Emergency Order of Protection	321
74.6 Preliminary Injunction (Divorce Cases).....	322
Chapters 75-80 [Reserved].	323

CHAPTER 81	COMMUNICATIONS	324
81.1	Radio Operational Guidelines	324
81.1.1	Radio Designators.....	324
81.1.2	Communication Codes	325
81.1.3	Multi-agency communication.....	325
81.2	Communications Section.....	325
81.2.1	Computer Aided Dispatch (CAD).....	328
81.2.2	Dispatch guidelines; Call priority system.....	328
81.2.3	Communications during Response to a Call for Service.....	329
81.2.4	Recording and Playback	329
	Communications personnel have the capability of playing back the last four radio transmissions and the most recent 911 calls.....	329
81.2.5	Emergency Messages	329
81.3	Emergency Communications Operations.....	330
81.4	Alternative Methods of Communication.....	330
81.5	Communications Center Facilities and Equipment.....	330
	A. Security. 330	
	B. Alternative Power Source	330
CHAPTER 82	CENTRAL RECORDS	331
82.1	General	331
82.2	Release of Police Reports and other Records.....	332
82.3	Public Records Requests	332
82.4	Internal Records Requests	335
82.5	Sealed and Expunged Records	335
82.6	Criminal Information Systems	335
CHAPTER 83	COLLECTION AND PRESERVATION OF EVIDENCE	336
83.1	Definitions.....	336
83.2	Evidence Section.....	336
83.3	Collection of Evidence at the Scene.....	337
83.3.1	Scene management	337
83.3.2	Fingerprints.....	337

83.3.3 Photographs	337
83.3.4 Biological Evidence Collection	338
83.4 Collection of Evidence at Police Facilities	339
83.4.1 Fingerprinting Subjects.....	339
83.4.2 Photographing Subjects	339
CHAPTER 84 PROPERTY AND EVIDENCE CONTROL	340
84.1 Submission of Evidence	340
84.1.1 Submission of evidence for laboratory analysis	340
84.2 Firearms.....	341
84.3 Other evidence.....	341
84.4 Submitting Property that is not Evidence.....	342
84.4.1 Found Property	342
84.4.2 Property for Disposal.....	342
84.4.3 Property Held for Safekeeping	342
84.4.4 Prisoner property	343
84.5 Security of Property Room.....	343
84.6 Checkout And Return Of Property.....	344
84.7 Release And Disposition Of Property	344
84.7.1 Conversion of Property to Department Use	345
84.7.2 Special retention for biological and cold case evidence.....	345
84.7.3 Destruction of marijuana and narcotics.	345

INTRODUCTION

Department Mission

The mission of the Bisbee Police Department is to serve and to protect the persons and the property in the City of Bisbee. The responsibilities associated with this mission are many. They include a personal code of conduct that encompasses a steadfast commitment to service and duty, always conducted with the highest ethics, professionalism, honor, loyalty, and courage. We protect citizens from harm, enforce city ordinances as well as federal and state law, maintain the peace and order of the city, protect property, and generally assist citizens in urgent situations. Upon joining this department, officers and support staff make its responsibilities their own. They are expected to carry out these responsibilities diligently and courteously and to take pride in the services they provide.

Department Purpose

It is the right of all persons within the department's jurisdiction to be free from criminal acts, to be secure in their possessions, and to live in peace. The department serves the people of the city by performing the law enforcement function in a professional manner and it is to these people that the department is ultimately responsible.

Definitions

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

AZPOST: Arizona Peace Officers Standards and Training Board.

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

City limits: The geographic area within the City's boundaries.

Commander: any rank above the rank of sergeant.

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

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

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

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

Department: This law enforcement agency and all personnel assigned to the agency.

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

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

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

May: Action is permissive.

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

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

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

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

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

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

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

Order: An instruction issued by a supervisor.

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

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

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

Reserve Police Officer: An paid part time member of the Department who is an AZPOST-certified peace officer.

Search: Examination of an area or item.

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

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

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

Shall: Action that is required, barring articulable, extenuating circumstances; synonymous with “must.”

Shift: Assigned duty hours.

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

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

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

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

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

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

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

Work Week: The work week will begin at 12:00:001 AM and end at 12:00 midnight on the following Saturday night.

CHAPTER 1 LAW ENFORCEMENT ROLE AND AUTHORITY

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

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

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

1.2 Law Enforcement Code Of Ethics

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

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

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

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

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

1.3 Jurisdiction and Authority

A. Pursuant to Bisbee City Code Article 4.1 - the Department is responsible for providing law enforcement services within the jurisdictional limits of the City of Bisbee.

B. Pursuant to A.R.S. §13-3871, the authority of an Arizona peace officer extends to any place in the State where the officer’s Department holds statutory jurisdiction, which is the right to

enforce the law, or where an exception to this requirement exists. An officer may not stop a person solely based on reasonable suspicion of criminal activity outside of the jurisdiction without the prior consent of the chief law enforcement in the jurisdiction, or that person's authorized representative, unless an extenuating circumstance exists, such as a hot pursuit that crosses into another jurisdiction, duly authorized by the Deputy Chief of Police.

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

D. Arizona certified peace officers have the authority to:

- a. Make full custody arrests for felonies and misdemeanors that occur in their jurisdiction and which constitute a misdemeanor or felony offense under state or local law, unless arrest authority is exclusively granted to others;
- b. Cite and release persons arrested for criminal misdemeanors, as authorized by law;
- c. Briefly detain individuals while conducting a brief investigation where the officer has reasonable cause to believe a crime may have occurred;
- d. Detain persons for civil traffic matters under A.R.S. Title 28; and
- e. Execute search warrants.

E. Officers are governed by all provisions of General Orders at any time they are exercising police powers or functioning as a peace officer.

1.4 Interrogations and Confessions

1.4.1 Fifth Amendment

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

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

1.4.1.1 Miranda warnings

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

You have the right to remain silent.

Anything you say may be used against you in a court of law.

You have the right to the presence of an attorney to assist you prior to and during questioning, if you so desire.

If you cannot afford an attorney, you have the right to have an attorney appointed for you prior to questioning.

Do you understand these rights?

B. Prior to asking questions that might cause a person to incriminate him or herself, an officer shall read *Miranda* warnings to a person when a person is both in custody and being interrogated.

1. A person is "in custody" when a person has been formally arrested or is in circumstances that would lead a reasonable person to believe he or she was in custody. The determination of whether a person is in custody for purposes of *Miranda* depends on the totality of the circumstances. A person is in custody for *Miranda* purposes when:
 - the person has been actually placed under arrest, or
 - the person's freedom of movement has been restrained to the degree associated with a formal arrest (i.e., handcuffs, guns, lockups, etc.).

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

2. "Interrogation" occurs when an officer:
 - asks direct questions which are likely to elicit an incriminating response, or
 - says something or performs some action that is reasonably likely to elicit an incriminating response (known as the "functional equivalent of 'interrogation'").

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

1. When public safety is paramount. The “public safety” exception is limited and applies only when public safety is paramount and it is necessary for the officer to act as quickly as possible. When an officer arrives at the scene of a violent crime, for example, he/she may ask those on scene if there is anyone who needs immediate medical assistance without first reading *Miranda*. Similarly, the officer who chases a suspect known to be armed through a public area, but finds the person to be unarmed upon arrest, may immediately ask what happened to the weapon. Officers must be aware that this exception is permitted only when absolutely necessary: once the danger is eliminated, no further questions may be asked.
2. At traffic stops. *Miranda* warnings do not need to be read to persons stopped for traffic violations involving infractions, but the officer must provide the *Miranda* warnings prior to questioning the subject if the stop involves a misdemeanor or felony-level crime, such as a DUI, if the officer reasonably believes they will likely arrest the individual. *Miranda* is not required for the initial stop and questioning; however, the person must be read their *Miranda* warnings before any interrogation if the person is or likely will be placed in custody.
3. When a person voluntarily enters a police station, or telephones a police officer, and makes a statement or confession. Until the person is taken into police custody, or if no longer free to leave at any time, *Miranda* rights are not required.
4. When a person who is in custody makes voluntary or spontaneous statements. Such statements are admissible as evidence even though *Miranda* rights have not been read, even when made by a person who is in police custody. Note though that officers may not ask clarifying questions about the volunteered or spontaneous statements in the absence of a valid waiver of *Miranda* rights. If rights have not been read, or if the person has invoked their rights, the officer should simply document the statements made without asking any follow-up questions.
5. During the initial questioning at an investigative detention. Even though a person subject to investigative detention is not free to leave, *Miranda* does not apply until an arrest is made or the person’s freedom of movement is limited to a degree commonly associated with an arrest. The initial few questions at an investigative detention, to determine whether criminal activity has occurred or is ongoing, do not require *Miranda*.
6. When asking routine booking questions. *Miranda* warnings are required only when a person is being interrogated about a crime. Routine booking questions are not considered interrogation.

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

1.4.1.2 Invocation of Miranda rights

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

A. Invocation of right to silence.

If a person invokes the right to silence, the interrogation must immediately be stopped. No further questioning may take place unless the person changes their mind, either on their own or after a later request by the officer.

1. A person may change their mind about invoking their right to silence. If the person changes his/her mind and seeks to speak with the officer again, the officer must first reread the *Miranda* warnings to the person and have the person waive their rights prior to any questioning.
 - a. An officer may seek to reinitiate questioning. If a person invokes their right to silence, an officer may approach the person after a reasonable break in questioning (at least two hours), reread *Miranda*, and seek a waiver from the person.
 - b. The right to silence is not offense specific. The right to silence, once invoked, applies to questioning about all crimes, not just the one the person has been charged with committing.

B. Invocation of right to counsel.

1. If a person invokes their right to an attorney, the interrogation must immediately be stopped.
 - a. A person may change their mind about invoking their right to an attorney. If the person changes his/her mind and seeks to speak with the officer again, the officer must first reread the *Miranda* warnings to the person and have the person waive their rights before commencing or resuming any questioning.
 - b. Once the right to counsel is invoked an officer may not approach the person again to try to persuade the person to change their mind. Thus, further questioning is prohibited unless:

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

1.4.1.3 *Miranda* rights waiver.

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

1. A person may waive their rights by clearly stating that they understand their rights and waive their rights. At that point, an officer may begin asking questions.
2. A person may waive their rights by simply answering questions once the rights have been read.
3. A person may make a conditional waiver: "Depends on the question," for example. At that point, an officer may begin asking questions. If the person indicates they do not wish to answer a question, officers may continue with other questions, until the person states they do not want to answer any questions or requests an attorney.
4. A person may respond by saying something that is unclear or equivocal. Such statements should be clarified before questioning begins (or continues). A person might say, for example, "I don't know. Do you think I need an attorney?" or "Maybe I should just wait and talk to you later," or "Hey, I don't have to answer your questions if I don't want to." These types of statements should be clarified by the interrogating officers. Officers should ask whether the person wishes to answer questions or not.

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

1.4.2 **Voluntariness**

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

1.4.3 Juvenile interrogations

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

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

1. make a reasonable effort to notify parents of the arrest of a juvenile.
2. permit an in-custody juvenile who asks to call a parent to do so.
3. ask, prior to the start of any questioning, if the juvenile wants a parent, guardian, or custodian present during the interview and, unless time is of the essence, delay a reasonable period of time to allow the person to arrive.
 - a. If a parent refuses or is unable to respond in a reasonable time, the officer should inform the juvenile of this fact and then clarify whether they are willing to answer questions without the parent being present.
 - b. If a parent is being disruptive during the interview, the officer may ask the parent to leave the interview. Prior to initiating any new questioning, the officer must clarify with the juvenile whether they are willing to answer questions without the parent being present.
4. if the juvenile does not want the parent to be present during questioning, and the juvenile appears to have the maturity and experience to reasonably make such a decision, exclude the parent from the interview.

C. Officers have an obligation to ensure that the juvenile understands their *Miranda* rights and waives those rights voluntarily. There is a heightened concern with the voluntariness of confessions by juveniles. An officer should not interrogate a juvenile if the officer believes the juvenile is incapable of intelligently understanding their rights. Officers should consider the age, intelligence, educational background, mental capacity, physical condition, prior experience in the

criminal justice system, need for an interpreter, and injury (if any) of the juvenile prior to questioning. Officers shall:

1. use or complete the form required by the prosecuting attorney or court for juvenile *Miranda*, if a specific form is required by the local prosecution office or court; if none, advise a juvenile of *Miranda* rights following the same guidelines for an adult interview or interrogation.
2. if further explanation of the rights is necessary, thoroughly document the explanation that was provided in the officer's report, and/or electronically record it.
3. advise the juvenile, when applicable, that the juvenile either may be, or will be, tried as an adult. See A.R.S. §13-501.
4. limit the duration of the interview to a reasonable period of time, which must not exceed two hours without supervisory approval.
5. limit to two the number of officers present during the interview (under normal circumstances).

1.4.4 Sixth Amendment Right to Counsel

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

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

1. the person's attorney is present.
2. the questioning relates to a different crime than the one for which the person is facing charges.
3. the person is in custody, and has been advised of and waived the right to counsel, although the Officer must advise the person of their *Miranda* rights prior to commencing any questioning.

4. whether or not in custody, the person initiates the conversation with the officer, although if the person is in custody, the officer must advise the person of their *Miranda* rights before commencing any questioning, and the person must waive their right to have an attorney present.
5. once the person is released from custody (or, if the person remains in jail or prison, is released into the general population) for at least 14 days. The officer may approach the person, remind him or her of the right to counsel, and seek to question the person.

1.4.5 Documenting Interrogations

A. During any investigation of a misdemeanor or felony crime, officers should electronically record (audio or video) the complete interrogation of all suspects.

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

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

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

1.5 Search and Seizure

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

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

C. Legal standards. Every decision officers, as well as prosecutors, courts, and even juries, make is based in a calculus of how true some fundamental *something* is. Under state and federal law, you will encounter five legal standards, and must understand each of them, They include:

1. **Reasonable suspicion:** 25-33%¹ certainty that something suspicious is going on and the person you're focused on is responsible. More than a random guess, but less than probable cause.
 - a. RS is a suspicion based on a reasonable reason.
 - b. Example: At 2:00 a.m., you pull up to a house and see someone run out the back door and away. The runner could be doing something lawful, such as they might just be frightened of police officers. There is no proof to believe that the runner has done something unlawful, but it is *very reasonable* to believe they have done something they should not have. Thus, RS exists, and you are justified in *stopping* (this term will be explained later) that person to conduct an investigation.
 - c. *Unreasonable* example: You pull up to the same house at 2:00 a.m. and walk to the door. When you knock, a person answers. You can tell he was not asleep. It is Saturday, and you assume that he has been ingesting illegal drugs, so you begin to conduct an investigation. You do not have RS in this example, and any evidence you find will not be admissible in court.
2. **Probable cause:** something less than 51% certainty, but close. A “substantial suspicion.”
 - a. Probable cause is defined as “a reasonable ground for belief of guilt, and that the belief of guilt must be particularized with respect to the person to be searched or seized.”
 - b. Example: In the above scenario, you stop the running man, and learn that he lives at the house from which he just fled. He tells you that he and his wife are fighting. Another officer has interviewed the wife, and the officer radios you and tells you that she said that the man just hit her and threw and broke her phone, and that he fled when he saw the police arrive. You ask him what happened tonight between him and his spouse, and he denies that any hitting or phone breaking occurred. If she seems credible, and he does not, you have PC to arrest.
3. **Preponderance of the evidence:** 51% certainty. All else is equal, but one small thing on one side tips the balance to that side.
 - a. Note that this is the standard used by judges to decide matters during most civil trials, and what employers and other investigators use matters such as personnel investigations.
 - b. Example: The woman above alleges that the man hit her, broke her phone, and ran (50%). The man says he ran because he has PTSD and the cops scared him (50%). But she has fresh, defensive bruises that cannot otherwise be accounted for, and a broken phone (each of those separately could be the evidence that tips the balance onto her side).

¹ Note that the percentage numbers assigned to the definitions are employed for illustrative purposes only, and are not necessarily based in any statute or other legal authority. If you have questions about these numbers, or any legal matter, talk to your legal adviser.

1. Note, too, that sometimes the officer will be forced to decide which person is telling the truth. In that case, the most reliable, corroborated speaker will suffice as the tipping evidence.
2. Note, too, that there are exceptions to this rule in domestic violence, stalking, and sexual assault cases, as victims may not be able to communicate as effectively, or to recount events as accurately, as the suspect due to their trauma. For further instructions in these cases, see the section on domestic violence.
4. **Clear and convincing evidence:** 75% certainty that the alleged matter is true.
 - a. Note that this is a civil trial standard used in some circumstances.
 - b. Example: The woman above alleges that the man hit her, broke her phone, and ran (50%). The man says he ran because he has PTSD and the cops scared him (50%). But she has fresh, defensive bruises that cannot otherwise be accounted for, and a broken phone (each of those separately could be the evidence that tips the balance onto her side). You later obtain a copy of her medical records from the night in question showing that the doctor noted in her patient notes that these are bruises consistent with a DV incident (which is the “plus plus” evidence).
5. **Beyond a reasonable doubt:** 98% certainty
 - a. Note that this is the criminal trial standard.
 - b. Nearly all the evidence supports a conclusion that what is said to happen actually did. No reasonable evidence (like a substantiated “she pointed a gun at me and told me to run”) exists that would cause a person to doubt that what is alleged to have happened did happen. Non-reasonable arguments do not detract: “Aliens possessed me at that moment and I could not control my legs” will not constitute reasonable suspicion, and two stories can be compared, and one believed, and one not.
 - c. BRD does not mean “without all doubt.” Some doubts can exist, but the vast bulk of the evidence must support a belief in the charge/allegation.

1.5.1 Reasonable Suspicion

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

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

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

1.5.2 Probable Cause

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

The required level of knowledge to make a lawful arrest. This has been defined by courts as “reasonably trustworthy knowledge, based on articulable facts and circumstances, that would lead a reasonable person to believe that a crime has been, is being, or is about to be committed, and that the person to be arrested has committed, is committing, or is about to commit that crime.” Probable cause is determined by the totality of the circumstances and may be established by the collective knowledge of all law enforcement personnel involved.

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

1.5.3 Seizures of Persons

The Fourth Amendment prohibits unreasonable seizures of persons or property. A *seizure* of a person occurs when a person is not free to leave until the officer (or another government official, such as a court) grants permission, and a *seizure* of property occurs when and during the time the officer takes and retains control and possession of that property. Another word for *seizure* is *detention*. With regard to seizures of persons, the United States Supreme Court has determined that an officer may seize a person when the officer has *reasonable suspicion* or *probable cause* to believe that the person is engaged in conduct that constitutes an infraction of city, state, or federal law, or the person’s conduct has violated one or more misdemeanor or felony criminal statutes.

1.5.3.1 Contacts and Stops

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

B. Persons contacted shall not be detained against their will or searched without their voluntary consent. An officer may not use force or coercion to initiate a contact or to attempt to obtain cooperation once the contact is made; officers shall instead and always act in a professional and courteous manner. A person who does not respond to the officer’s greeting or approach must be allowed to go on their way. Restraining the person in any manner converts the contact into a *stop*, which is not permitted unless circumstances exist as explained below.

C. A *stop* is considered a *seizure* under the Fourth Amendment and occurs whenever a person is detained (is not free to leave) by a police officer. An officer may stop a person if the officer has

reasonable suspicion or probable cause that the person has committed, is committing, or is about to commit a crime or a civil traffic offense. The purpose of a *stop* is to investigate the alleged or suspected crime. Officers shall make all stops in an objectively reasonable manner, which may include a verbal request, an order, or the use of physical force, but note that each level of force must be both reasonable and justified.

D. Vehicles may also be stopped to permit the officer to investigate based on the officer's reasonable suspicion or probable cause that person(s) in the vehicle, or the vehicle itself, is, has been, or will be involved in criminal or state or local code-violative activity, such as a traffic offense. The driver and passengers may be ordered out of the vehicle or ordered to remain within the vehicle, depending on the officer's best judgments regarding officer safety and other, relevant considerations.

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

1.5.3.2 Conduct during a Stop

A. Officers must be constantly mindful of the fact that every phase of a stop will be considered in the determination of whether the stop was reasonable and therefore lawful, and that cameras are everywhere.

B. A person may be detained at or near the scene of a stop for a reasonable period of time. The length of a stop may not exceed the time necessary to determine whether or not a crime or traffic offense has been committed and whether the person will be arrested, cited, or released.

C. **Without exception, officers shall act professionally and courteously toward the person stopped, and in every contact with every person they encounter.** Officers not in uniform making stops shall identify themselves as law enforcement officers as soon as practical. Officers shall explain the reason for the stop.

D. Officers may question a detained person for the purpose of obtaining the person's name and an explanation of the person's presence and conduct. The person may not be compelled to answer those or any other questions. See G.O. [1.5.3.6](#) regarding when the failure to state one's true full name or to produce identification may result in a person's arrest under Arizona law.

D.1: Note that if the person asks the officer why they have been stopped, the officer must tell them.

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

F.1: A *frisk* or *pat down* consists of a carefully conducted and limited touching of the outer clothing of the suspected person for the purpose of discovering weapons which might be used to assault the officer or others in the immediate vicinity. A frisk may be extended beyond the outer clothing to areas that the available information indicates might hold weapons. For example, this would apply when the person is wearing bulky clothing where the officer cannot feel the contents or when an officer sees or feels a bulge in some part of the person's clothing, which bulge might be a weapon. Note that a frisk is *not* an in-depth search.

F.2: Officers shall not frisk someone they stop and question absent reasonable suspicion “that criminal activity is afoot,” including in cases where they suspect or know that the person is carrying a weapon. A simple belief someone is “armed and dangerous” is not enough to justify a frisk without additional evidence of criminal activity, although an officer may request that the person hand over their weapon(s) during the stop. Remember, though, that absent reasonable suspicion that criminal activity has occurred and this person committed it, the individual remains free to walk away at any time.

F.3: Justification to perform a frisk exists when an officer has reasonable suspicion that a crime has occurred, the person with whom they are interacting committed the crime, and that the person poses a reasonable risk of harm to the officer or others in the immediate vicinity. The goal of the frisk is to identify and remove weapons accessible to the suspect and thus lower the risk of violence during the stop. Facts that may support a frisk include (but are not limited to):

1. The person's appearance, including clothing that bulges in a manner suggesting the presence of objects capable of inflicting injury or statements or actions suggesting the possibility that the subject is armed.
2. The person's actions, including furtive movement as if to hide or reach for a weapon when the officer approached; words or actions that are threatening.
3. In combination with other facts, prior knowledge of the person, including whether the person has an arrest record for weapons or other violent offenses, or whether the person has a reputation in the community for carrying weapons or for assaultive behavior.
4. In combination with other facts, location of the incident, including whether the area is known for criminal activity, is a high crime area, or is in a remote area.
5. In combination with other facts, time of day and whether the encounter is taking place in a well-lit area, or whether the area is dark.

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

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

F.4: Scope of Frisk: The frisk shall be confined in scope to an intrusion reasonably designed to discover guns, knives, clubs, or other instruments that might be used to assault the officer or others in the immediate vicinity.

F.5: Procedure: The frisk may be conducted immediately upon making the stop or at any time during the stop, but should be made as soon as the officer develops a reasonable belief that the person stopped is presently armed and dangerous and the frisk can be safely accomplished.

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

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

F.6: Securing Separable Possessions: If the person is carrying an object immediately separable from the person (e.g., a purse, shopping bag, briefcase) the object shall be removed from the person's control.

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

F.7: Plain Feel During A Frisk

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

F.8: Documentation:

1. Proper documentation of stop and frisk activity serves to ensure the proper exercise of law enforcement authority and enhance an officer's ability to reconstruct those factors that authorized the stop or frisk, and what took place during the confrontation. They also serve to protect the officer from baseless allegations of wrongdoing.
2. Officers who have stopped or frisked any person shall document the event in a formal police report.
3. If the stop or frisk was based in whole or in part upon an informant's tip, the officer making the stop or frisk will attempt to obtain and record the identity of the informant, and record the facts concerning the tip (e.g., how it was received, the basis of the informant's reliability, and the origin of the informant's information) in a report.

1.5.3.4 Field Interviews

The purpose of a field interview ("FI") is to assist in investigations and to help prevent crime.

A. Officers shall conduct an FI whenever a stop is made and may conduct an FI when a contact with any individual is made. An FI, like all encounters between citizens and officers, shall be conducted with professionalism and courtesy. Reasonable questions posed by a citizen shall be answered. The officer shall explain the reason for the contact or stop if asked to do so. Officers not in uniform should identify themselves as police officers and shall exhibit their badges or credentials prior to initiating any FI. All officers, whether in uniform or non-sworn dress, shall furnish a citizen with their identification number upon request. Required department documentation shall be completed when the officer determines that information gathered from the FI may assist in the prevention or investigation of a past, present, or future crime.

B. If an individual asks for a copy of the field interview report, the person shall be advised that he/she can present that request to the Records Section and ask for copy of the report, which will be made available to him/her in accordance with the existing public records' release protocols.

1.5.3.5 Arrests

An arrest is a *seizure* of a person that occurs when a person is taken into custody for the purpose of interrogation, or to commence a criminal prosecution. A seized person is not free to leave. An arrest must be based upon probable cause. See [G.O. 1.6](#) for additional information on arrests.

1.5.3.5.A Defining Levels of Crime

- **Felony:** a criminal offense punishable by one or more years in prison and a possible a monetary fine, too. The most serious criminal offenses are felonies.
- **Misdemeanor:** a criminal offense punishable by less than one year in jail and often also may include a monetary fine as well.

- **Infraction:** a violation of the law punishable by a fine and/or other non-incarceration penalties. Not a criminal offense, and so no authority exists that would ever permit a police officer to arrest a subject for an infraction.

1.5.3.5.B Authority for Arrests by Level of Crime

First: In every case where it is possible, an arrest warrant should be obtained prior to taking a suspect into custody. Unfortunately, emergencies happen, as do other real life situations that require the police's immediate attention, and in those cases, waiting to obtain an arrest warrant is not a reasonable response,

First, at any time when an officer has probable cause to believe that a **felony** has occurred, the officer may arrest the suspect. The officer may make the arrest in any public place, day or night, and may, in some instances, enter into the person's home without the person's consent to effect the arrest.

Regarding **misdemeanor** offenses, the U.S. Supreme Court has made a distinction between arrests occurring in a person's home and those occurring in the public domain.

1.5.3.5.B Four rules apply for *custodial* arrests for *misdemeanor* or *petty offenses*:

Because most misdemeanors are much less serious than felonies, there are three requirements (in addition to probable cause) that must be satisfied if the arrest was made without a warrant.

Time: The arrest must have been made between the hours of 6 A.M. and 10 P.M. There are, however, four exceptions to this rule. Specifically, officers may make a warrantless misdemeanor arrest at any time in any of the following situations:

- Domestic violence: The crime was a domestic violence-related offense.
- Citizen's arrest: The arrest was made by a citizen.
- Officer's presence: The offense occurred in the officer's presence.
- In a public place: The suspect was arrested in a public place.

In misdemeanor offenses, and in most cases, *custodial arrest*, a longer-term detention of a suspect, may only occur when an officer has *personally observed* the crime taking place (using any of their senses, and not just sight). A.R.S. § 13-3883. The only exceptions are those created by statute, and in Arizona include only *domestic violence assault*. See A.R.S. § 13-3601(B) ("A peace officer, with or without a warrant, may arrest a person if the officer has probable cause to believe that domestic violence has been committed and the officer has probable cause to believe that the person to be arrested has committed the offense, whether the offense is a felony or a misdemeanor and whether the offense was committed within or without the presence of the peace officer."). In those other cases where the officer did not witness the misdemeanor offense but probable cause does exist to believe that an individual did commit a specific misdemeanor

crime, an officer may issue the person a citation/summons, or may request an arrest warrant through their prosecuting attorney's office.

For *felony* offenses, nothing requires that an officer witness the offense; an officer need only have probable cause that the crime occurred and that the individual is the person who committed it.

No person may ever be arrested for an *infraction*, regardless of whether the officer witnessed it or not.

--

police officer who has probable cause to believe that a suspect has committed a felony may arrest the suspect in a public place without a warrant even if no exigent circumstances exist, but a warrantless entry into a dwelling to effect an arrest is per se unreasonable unless exigent circumstances require police to act before a warrant can be obtained. [State v. Love \(1979\) 123 Ariz. 157, 598 P.2d 976.Arrest 🔑63.4\(1\)Arrest 🔑68.2\(9\)](#)

A warrantless arrest cannot be justified by facts which police officer was unaware of at time. [State v. Valenzuela \(1979\) 121 Ariz. 274, 589 P.2d 1306.Arrest 🔑63.1Searches And Seizures 🔑36.1](#)

Where defendant had been arrested without probable cause, fact that defendant may have thereafter made statement at police station to the effect that he had smoked marijuana cigarettes earlier in the evening did not make the arrest lawful or justify search which was conducted subsequent to the unlawful arrest. [State v. Hansen \(App. Div.1 1977\) 117 Ariz. 496, 573 P.2d 896.Arrest 🔑71.1\(10\)](#)

Arrest of defendants on land of codefendant was not invalid on ground of public policy because arresting officers trespassed, where defendants, under circumstances, had no reasonable expectation of privacy, the land had been leased for grazing rights only and only barrier between highway and airplane, which landed shortly after midnight, was a barbed wire fence approximately 70 yards from where airplane landed. [State v. Wren \(App. Div.2 1977\) 115 Ariz. 257, 564 P.2d 946.Arrest 🔑68.2\(4\)](#)

Non-custodial arrests: or arrests after which a suspect is eligible for release

13-3883. [Arrest by officer without warrant](#)

4. A misdemeanor or a petty offense has been committed and probable cause to believe the person to be arrested has committed the offense. A person arrested under this paragraph is eligible for release under section 13-3903.

Nothing in the case law suggests that probable cause has a different meaning when the offense prompting the arrest is a misdemeanor. To make a warrantless arrest, a police officer must have probable cause to believe both that a crime has been committed and that the person to be arrested committed the crime. Probable cause derives from "reasonably trustworthy information and circumstances [that] would lead a person of reasonable caution to believe that a suspect has committed an offense." *State v. Hoskins*, 199 Ariz. 127, 137–38, ¶ 30, 14 P.3d 997, 1007–08 (2000), *suppl opin.*, 204 Ariz. 572, 65 P.3d 953 (2003). "Information is 'reasonably trustworthy' when it is received through official sources," such as other police departments. *State v. Williams*, 104 Ariz. 319, 321, 452 P.2d 112, 114 (1969). Further, whether probable cause exists depends on all of the facts and circumstances known at the time of the arrest, and *Lawson* expressly held that

those facts may include the collective knowledge of all of the officers involved in the case. 144 Ariz. at 553, 698 P.2d at 1272.

9 ¶ 16 In *Williams*, for example, an officer in one state stopped and arrested the defendant after hearing a bulletin that described him, his clothing, and his vehicle. 182 Ariz. at 557, 898 P.2d at 506. In *Lawson*, one deputy found the victim's body and spoke to a neighbor who said that the victim had owned a hunting knife, a second deputy **123 *33 saw a hunting knife in a car stopped earlier that day, and a third officer later stopped and arrested the defendant. 144 Ariz. at 552–53, 698 P.2d at 1271–72. In *Sardo*, a reliable informant and a DEA agent disclosed information to a fellow agent, who passed the information to a sheriff's deputy, and a second deputy arrested the defendant. 112 Ariz. at 511–12, 543 P.2d at 1140–41. In each case, the facts known to all of the officers were considered in the probable cause calculus. Probable cause is a flexible, nontechnical, and practical concept. *Gerstein v. Pugh*, 420 U.S. 103, 112, 95 S.Ct. 854, 43 L.Ed.2d 54 (1975). If the collective knowledge of law enforcement officers may be considered when they arrest an individual for a felony offense, we see no reason not to consider that collective knowledge when the warrantless arrest is for a misdemeanor offense.

State v. Keener, 206 Ariz. 29, 32–33, ¶¶ 15-16, 75 P.3d 119, 122–23 (App. 2003)

B: *Unreasonable Force* Claims Under the Fourth Amendment

Whether police officers have violated the Fourth Amendment during an investigation or arrest depends upon the resolution of two issues: (1) In using force, did officials “seize” the suspect within the meaning of the Fourth Amendment? and (2) Was the force used objectively unreasonable? If officers both seized the plaintiff and used objectively unreasonable force, then the plaintiff has stated a claim under the Fourth Amendment. If no seizure occurred, then the use of force is not actionable under the Fourth Amendment; the force, however, might be actionable under the Fourteenth Amendment. Resolving these two issues requires scrutiny of the Supreme Court’s definition of a “seizure” and of “objectively unreasonable” force. The Supreme Court has articulated the following three definitions for determining when officers have seized an individual: 1. Whether “the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen.” Whether a “reasonable person would have believed that he was not free to leave” and the person in fact submitted to the assertion of authority. Whether there was “a governmental termination of freedom of movement through means intentionally applied.”

1.5.3.6 Requesting and requiring identification

A. Arizona law provides that, when an officer has reasonable suspicion that a person has committed a criminal offense, the person must state their own true, full name. If the person refuses to do so, the law requires that the officer advise the person that their refusing to answer and provide this information is unlawful. If the person continues to refuse to provide their true, full name, they are subject to arrest for a violation of A.R.S. §13-2412.

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

1.5.4 Seizures of Property

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

B. Plain View/Plain Smell/Plain Feel. In order to seize evidence under the plain view/plain smell/plain feel doctrine, the officer must, while being present in a place they are legally permitted to be, see or smell an item whose value as evidence is immediately apparent. The officer must have inadvertently discovered the item, and seen, felt (such as during a pat-down), or smelled and immediately identified the item without touching or moving any other item.

C. Incident to Arrest. Immediately after an officer arrests a person, or contemporaneously with the arrest, the officer is permitted to search the "lunge area." This includes only the area that was in the immediate possession and under the control of the now-arrested person and which the person could have reached had they not been arrested, including the trunk of a car, if applicable. Officers are permitted to seize any items of contraband or evidence of criminal activity located during that search. An officer shall not open any sealed/locked containers, however, discovered during the search, but shall instead obtain a search warrant for any sealed container the officer wishes and has probable cause to search. (Non-sealed and -locked containers include wallets and cigarette packs.)

C.1: An officer may search an entire vehicle subsequent to arrest and after the vehicle's recent occupants have been arrested and secured if an officer can demonstrate an actual and continuing threat to the officer's (or other's) safety posed by an arrestee, or that probable cause exists that the vehicle contains evidence of criminal activity, or can show

a need to preserve evidence related to the crime of arrest from tampering by the arrestee. If a vehicle is to be seized and/or towed, an officer may perform an inventory of all items in the vehicle, including the trunk, but may not open any sealed or locked containers.

1.5.5 Searches

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

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

1.5.5.1 Reasonable Expectation of Privacy

A. Defining "search": Under the Fourth Amendment of the U.S. Constitution, a "search" occurs when an officer examines those things (including both physical places as well as a person's body) or areas (like clothes, phones, cars, homes, and more) in which a person has a reasonable expectation of privacy.

All citizens have a right to be free from "unreasonable" searches, and they also have a right to privacy. In order to be successful in your job, you will have to be able to articulate why you have authority, which means a right, to conduct that search, and note that a search includes gathering evidence from the person themselves. You do so by showing (1) your search is reasonable, and (2) you have authority to abridge the person's right to privacy.

A search may be extensive, or minimal, or somewhere inbetween.

Reasonable prong:

In short, your search is *reasonable* when you have an authorized reason for it. How reasonable the reason is will authorize how extensive the search is permitted to be. In other words, if you have a slight suspicion, you probably cannot search very much. The stronger your reason, the more extensive the search you are allowed to do, and the more private areas you will be able to search.

First rule: **All searches shall be supported by probable cause** ("PC"). Remember that PC is the *minimum* level of proof you must have in order to have authority to conduct a search, and unless

extenuating circumstances exist, you must first obtain a search warrant (upon oath, and signed by a judge) that authorizes your search.

Examples:

- You observe a car whose registration is expired. You stop the car. You approach the window, and while speaking to the driver you observe that the driver's pupils seem abnormally large, but you do not smell anything, or detect any other signs of intoxication. You can ask the person if they have used an intoxicant, but they say they have not. You do not have PC, so you are not permitted to search the person, such as by asking them to perform field sobriety testing.
 - Same situation, but when you approach the vehicle, the driver rolls down the window, and you smell the strong, and distinct, odor of alcohol. The driver's speech is slightly slurred. Enough evidence exists to support your contention that the driver is operating that vehicle while under the influence of alcohol, which means you have PC, and the person is driving a vehicle, so you may ask the driver to perform field sobriety tests (which is a search) without a warrant because the substance level will decrease and become undetectable if you wait for a search warrant, and the person is in a vehicle, which means that if you are right, they pose a threat to the safety of others. Thus, you do not need a search warrant prior to conducting your search (FSTs).
- You believe a home is being used to grow marijuana. Someone called in an anonymous tip to dispatch. From the sidewalk, and for several days, you have observed grow lights through the windows that are on 24 hours a day. You go knock on the door, and a woman answers. A cloud of smoke rolls out the doorway, and you can tell it is marijuana smoke. You ask the woman if you can come in, and she tells you to get a warrant, then slams the door in your face. After discussing the incident with your sergeant, you call in a confidential informant, and give him cash to go try and buy a small amount of marijuana from the woman. You drive him to the neighborhood, then drop him off a half block away. With binoculars, you watch him go up to the house, knock, and go in. He comes back out a minute later, then brings you a small baggie of marijuana he says the woman sold him.
 - You have PC, so you go get a warrant to search the house.
 - A person has an enhanced expectation of privacy in their home, so you will almost always have to get a search warrant to go inside a person's home without the consent of the person who has the right to possess the house (which is the owner if the house is owner-occupied, or the renter if the house is currently rented).

1.5.5.2 Searches Not Subject to Fourth Amendment Protection

As explained above, under the Fourth Amendment of the U.S. Constitution, a *search* occurs when an officer examines those things or areas in which a person has a reasonable expectation of privacy. But not every examination of a person or their property is considered a *search*. In some situations, a person has no legally-recognized right to expect privacy, so you can search without having any evidence, or making any showing at all. The most common situations include:

Garbage: When a person places garbage by the curb, or discards garbage into a communal dumpster, or places items in any public garbage receptacle, there is no longer any reasonable expectation of privacy in that garbage.

Abandoned Property: A person who abandons property by voluntarily relinquishing control of it, such as by leaving it on a public bench, or at someone else's home, or on the street, has surrendered any privacy interest the person may have had in the property. Such property is subject to search by an officer without a warrant.

Open Fields: An open field is defined by the Supreme Court as *any unoccupied or undeveloped area outside of the curtilage* of a home*. The area that is considered an *open field* is not subject to a reasonable expectation of privacy. A search of an open field is therefore not governed by the Fourth Amendment.

- “Curtilage” means the area immediately surrounding a home, such as the yard, and includes the most closely-associate buildings, like a storage shed, or a barn, over which no other person besides the home-occupier exercises control.

Personal Characteristics: A person has no reasonable expectation of privacy in those items that the person subjects to the plain view of others. Examples include a person's voice, handwriting, or personal appearance.

- Personal characteristics that are not subject to public examination (blood content, scrapings under a person's fingernails, etc.) are items in which a person has a legally-accepted expectation of privacy, and a search of those requires a search warrant.

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

Visual Aids or Photographic Equipment: The use of flashlights or photo surveillance to view or examine property that is otherwise open to public view is not considered a search, as it

simply enhances the officer's senses using equipment that is generally available to the public. Use of specialized equipment not generally available, or that shows something a person could not ordinarily sense – the use of heat sensing equipment on a residence, for example – is considered a *search*, and is subject to the Fourth Amendment.

Plain View: This is not a *search* issue per se, but rather a *seizure* issue, since no search is performed, but instead occurs while an officer is performing a search for something else. So plain view happens when, during an authorized search, another item is seen, felt, or smelled. When a police officer sees an object in “plain view” and there is probable cause it is evidence, contraband, or otherwise subject to seizure, the officer may seize it, as long as the officer can do so without reaching into an area in which the officer has no right to be and as long as the officer does not move or manipulate the item to establish the probable cause.

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

1.5.6 Search Warrants

A. A search warrant may only be issued based upon probable cause and must be supported by an affidavit naming and describing particularly the property or persons to be seized and the persons and/or premises to be searched. When applied to search warrants, the probable cause inquiry is focused on two separate questions:

First: is there probable cause to believe that the items sought are subject to seizure (e.g., are they evidence, contraband, or instrumentalities or fruits of a crime)?

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

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

1. Recover stolen or embezzled property,
2. Seize property used as a means of committing a public offense,
3. Seize property in the possession of any person who intends to use it as a means to commit a public offense,
4. Seize property in the possession of another to whom it may have been delivered for the purpose of concealing or preventing it from being discovered,

5. Seize property that shows or tends to show that a particular offense has been committed, or that a particular person has committed an offense,
6. Seize a person who is the subject of an outstanding arrest warrant,
7. Search and inspect property when done so by an appropriate official in the interest of public health, safety, or welfare as part of an inspection program authorized by law.

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

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

If there is probable cause that a person, an outbuilding, or a vehicle on the premises contains an item(s) subject to seizure, the person, outbuilding, and/or vehicle must also be listed and described as specifically as possible given the information known to the officer. A warrant to search premises does not automatically extend to include the search of persons, outbuildings, and vehicles at the premises at the time of the search.

If a person is named in the warrant, he/she should be specifically described. When a description is fairly generic or when multiple people at the location could match the description, officers should attach a photograph (if available) and/or list the officers who will be present who have seen the named person(s) and can identify the named person(s).

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

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

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

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

1.5.6.1 Obtaining a Search Warrant

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

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

1.5.6.2 Telephonic and Faxed Search Warrants

A. Telephonic and faxed search warrants may be used under the same circumstances as a standard search warrant and may be used whenever time is of the essence.

B. Faxed Warrant Procedure

1. Prepare the affidavit and search warrant.
2. Fax the affidavit and search warrant to the designated court.
3. If approved, the court will sign the search warrant and fax it back to the officer.
4. The faxed search warrant with the court's signature is deemed to be a valid search warrant.

C. Telephonic Warrant Procedure

1. Prior to making the call, officers should prepare notes outlining the presentation they plan to make to the court to establish probable cause.

2. As a courtesy, the court shall be called and told that the officer would like to obtain a telephonic search warrant. The officer should offer to call back in a few minutes, to allow the magistrate time to prepare for the call if necessary.
3. Equipment should be prepared to record the phone call, which is required.
4. The call to the court may be placed from any telephone, but should be placed from an area where there is little or no background noise.
5. When the court is prepared to begin, the recording equipment must be started, and these procedures followed:
 - a. If possible, another officer shall be present to serve as a witness to the conversation.
 - b. The requesting officer shall give name, rank, department, and identifying number to the court. The purpose of the call shall be stated to the court.
 - c. Prior to reciting any facts pertaining to probable cause, the court must place the officer under oath. The failure to give an oath will invalidate the warrant.
 - d. After stating the date and time, the officer shall then begin to recite the facts that constitute probable cause. Upon completion, the officer shall ask the court if there are any questions.
 - e. If the court finds that probable cause exists, the officer must read verbatim the previously completed *Standard Arizona Duplicate Original Search Warrant* to the court.
 - f. The court will then direct the officer to sign the duplicate original warrant. The warrant shall be signed by the officer for the court, the judge's name shall be listed, and both the officer and witness shall sign, indicating their name, rank, identifying number, and department.
6. When all these procedures are completed, and just prior to disconnecting the call, the officer shall state the time at which the conversation with the court is finished. The officer should then check the recording to ensure it worked.
7. After authorizing a signature on a duplicate original search warrant for the requesting officer, the court is required by law to make an original search warrant, with the time of issuance of the duplicate warrant entered upon the original.
8. When the court authorizes the officer over the telephone to sign a search warrant in the court's name, the duplicate original search warrant has the same authority as a search warrant signed by the court.
9. The *Duplicate Original Search Warrant* shall be executed in the same manner as an original search warrant. In addition, the exact time of the execution of the warrant must be entered on the face of the warrant by the officer executing it.

1.5.6.3 Executing a Search Warrant

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

B. A uniformed supervisor shall be in attendance for the duration of the search warrant procedure. Uniformed patrol supervisors and officers will be used as situations dictate but will be returned to their regular duty assignments as soon as reasonably practical.

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

D. Search warrant locations known or believed to involve drug laboratories or other hazardous scenarios will be, when feasible, referred to officers or units with training in handling such scenes, and the fire department shall be notified as soon as this information is known

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

1. In all instances in which a forced entry may be necessary, a briefing shall first be held. This briefing shall include raid and arrest operations planning which outlines at a minimum:
 - a. all personnel involved and their assignments,
 - b. diagrams, sketches, photographs, and/or maps of the target location,
 - c. special equipment needed or utilized such as body transmitters, recording devices, and video equipment.
2. One officer will be assigned to record, as completely as possible, all conversations surrounding the execution of the warrant. Special attention should be given to the announcement of presence and authority.
3. As soon as practical after a Department employee concludes that a search warrant may be executed, a surveillance of the target location shall be implemented, unless the premises are already secured.
4. If the warrant is to be served outside the Department's jurisdiction, the law enforcement agency for the jurisdiction in which the warrant is to be served will be notified.

F. Knock and Announce

1. Officers shall knock and announce prior to all entries to serve search warrants unless a court has authorized an unannounced entry in the issuance of a warrant, or a supervisor has approved the unannounced entry as authorized in A.R.S. §13-3916 (see below). The supervisor granting the approval shall prepare a police report completely documenting the facts and circumstances that justified the “no-knock” entry.
2. When knocking and announcing, officers shall announce, in a voice loud enough to be heard by occupants inside, that they are police officers and they have a search warrant for the premises. The knock and announcement as well as the entry should be audio- or videorecorded. The only exception to this paragraph is service on an individual or property already in police custody.
3. A.R.S. §13-3916 provides that an officer may break into a building, premises, or vehicle or any part thereof, to execute a warrant when:
 - a. After notice of the officer’s authority and purpose, the officer receives no response within a reasonable time.
 - b. After notice of the officer's authority and purpose, the officer is refused admittance
 - c. A court has authorized an unannounced entry.
 - d. The particular circumstances and the objective articulable facts are such that a reasonable officer would believe that giving notice of the officer’s authority and purpose before entering would endanger the safety of any person or result in the destruction of evidence.

G. Serving the Warrant

1. When the supervisor of the detail executing the search warrant anticipates forcing entry into an occupied structure and/or using force against the occupants, the supervisor shall:
 - a. Determine and make provisions for communications and specialized equipment needs.
 - b. Coordinate required assistance from specialized support units, (e.g., SWAT).
 - c. Place medics on standby in the area.
 - d. Develop strategies and tactics for approaching, entering, securing, and leaving the structure.
 - e. Discuss with all those involved in the entry and search teams the threat potential and the anticipated necessity for using force and making arrests.

- f. When the potential for violence is imminent or considered significant, review the plan of execution with the supervisor's immediate superior to evaluate effectiveness and approve the necessity of the action.
2. Photographs shall be taken of any damage caused by the execution of the warrant, the damage shall be documented and a memo, with the report number included, shall be forwarded to the Chief of Police or their designee.
3. The supervisor, or officer designated to do so by the supervisor, should have possession of the search warrant, hand it directly to the person upon whom the warrant is served, and explain its purpose to any occupants as soon after entry as feasible. It is not legally required that the person be shown the affidavit to the search warrant, but this is permissible. If the location is not occupied, the search warrant copy shall be left at a visible location within the searched area.
4. Deviation from these procedures must be lawful, based on sound judgment, but must first be cleared through the supervisor responsible for the search warrant. A sworn supervisor will be in charge of all search warrant executions.

H. Seizure of Property

1. Although several officers may engage in the search, only one officer shall be designated the "finder." That officer is responsible for documenting the circumstances of the search for and seizure of all property. Another officer shall be designated as the "recorder" and shall be responsible for marking, sealing, photographing, and recording each piece of evidence.
2. Officers may search only in those places where the evidence they are authorized to seek may reasonably be found. For example, an officer may not search for a sawed off shotgun in a matchbox.
3. During the execution of the warrant, officers executing the search may seize those items described in the warrant, as well as any contraband or items of property for which the officer has probable cause to believe have evidentiary value, even though such property is not named in the warrant. Such articles of contraband may be seized only if they have been found within the course of a proper search under the warrant.
4. When an officer seizes property under the warrant, a detailed receipt for the property seized will be given to the person from whom it was taken or in whose possession it was found. If the property is seized when a person is not present, the officer shall leave a

receipt where the property was found. Any officer present and participating in the search may sign the receipt.

I. Returning the Search Warrant

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

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

1.5.7 Consent Searches

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

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

Refer to [1.5.11.4](#) regarding consent searches of a residence in which there is more than one occupant.

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

1. Knowledge of the right to refuse. While officers are not required to inform the person of the right to refuse, they should do so if practicable.
2. Assistance of the subject in conducting the search.
3. Whether the subject was cooperative or uncooperative.
4. The subject's prior arrest record, which may demonstrate knowledge and experience with police procedures.
5. Whether the consent is given in writing, verbally, or inferred through actions of the person.

6. The length of time during which consent was sought. The briefer the time, the better.
7. Any stated or implied threat of consequences if consent is not given.
8. The surrounding circumstances, e.g., the number of officers present, if any weapons were displayed, and whether the suspect is detained in handcuffs.
9. Whether the subject is in custody, investigative detention, or was free to leave. Consent is most likely to be found *voluntary* if the subject is free to leave, and least likely to be found *voluntary* if the subject is under arrest.
10. Ability to understand the request for consent. If the subject does not speak English, the consent shall be sought in the subject's native language. If the person is disabled, or has a cognitive disability, allow their parent or guardian to attend and provide assistance.
11. Age, education, and intelligence of the subject.
12. Physical condition of the suspect, such as are they intoxicated, injured, etc.
13. Whether force was previously used against the subject. If force was used and it is feasible to do so, officers other than the ones who used the force should seek the consent.

1.5.7.1 Scope

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

1.5.9. Searches Incident to Arrest

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

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

1.5.9.1 Scope

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

However, the search incident to arrest of an arrestee who will be released is limited to a search for evidence related to the offense with which the person is charged. For example, a person arrested for shoplifting may be searched for additional stolen merchandise prior to being released.

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

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

1.5.9.2 Strip Searches

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

1.5.10 Community Caretaking

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

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

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

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

1.5.11 Searches of Residences

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

1.5.11.1. Abandoned Premises

A. A person has no reasonable expectation of privacy (and therefore no Fourth Amendment rights) in a residence or other premise that the person has intentionally or constructively abandoned. *Abandoned* means *permanently left*, and not just *temporarily departed*.

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

Intent to abandon will not be presumed. Whether abandonment has occurred will be determined by a review of all circumstances.

1.5.11.2. Open Fields and Curtilage

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

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

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

C. Curtilage generally will include the back yard and front yard, as well as the private portion of a driveway. In the absence of a warrant, consent or exigent circumstances, officers may enter the

front yard using only the sidewalk or pathway that is meant for the public to use to approach the main door of the residence.

1.5.11.3. Aerial Views

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

1.5.11.4 Consent Search of a Residence

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

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

1. Officers may search jointly-occupied premises without a search warrant if one of the joint occupants consents to the search.
2. Officers may not search jointly-occupied premises without a search warrant based on consent if one of the *physically present* occupants refuses to consent (even if another occupant consents).
3. If a joint occupant who has denied consent for a search is removed by an officer, as long as the removal is objectively reasonable, another joint occupant may consent to the search. Removal is objectively reasonable if it was the result of a valid detention or valid arrest.
4. Roommates, hotel employees, apartment managers, and the like may give consent to search common areas, and areas under their own control, but cannot provide lawful consent to search any area under the exclusive and lawful control of another person, such as a bedroom no one else is allowed to enter, or an apartment or a hotel room rented by someone else.

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

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

1.5.11.5. Public Safety or Emergency Search of a Residence

A. This rare exception to the warrant requirement generally relates to factual situations in which the officer reasonably believes that if they do not enter, a person may be injured or go without necessary medical assistance. Examples include welfare checks and domestic violence situations where the crime reasonably appears to be ongoing and entry into the home a mentally ill person **who is a danger to self or others or is in need of immediate aid.**

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

1. There must be probable cause to believe an emergency is presently occurring and that there is a related, and immediate need for assistance for the protection of life or property.
2. There must be a reasonable basis to associate the emergency with the area or place to be searched.
3. The search may extend only to those areas where it would be reasonable, in light of the nature of the emergency, to search.

1.5.11.6. Protective Sweep

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

1. The area "immediately adjacent" to the place of arrest. Officers may search this area for a person who may present a danger to them, without any reasonable suspicion to believe a person is present.
2. Other areas, near but not adjacent to the place of arrest. To do a lawful, protective sweep of such an area, an officer must have a reasonable belief, supported by specific and articulable facts, that the area harbors someone who could pose a safety threat.

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

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

1.5.11.7 Hot Pursuit Entry into a Residence or other Building

To justify entering a building or home when in hot pursuit, the pursuit must be ongoing and the officer must have been in pursuit of the subject, often all the way from the scene of the crime, but certainly from a point where the primary purpose of joining the pursuit was not to enter the residence. Although an officer need not be in sight of the fleeing suspect at all times, the officer or another person must be in active pursuit of the fleeing suspect if this exception is to be applied.

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

1.5.11.8 Entry to stop the Destruction of Evidence

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

1.5.11.9 Search of a Residence Incident to an Arrest

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

1.5.12 Vehicle Searches

1.5.12.1 Consent Searches

As in all consent searches, the main issue is the voluntariness of the consent. The owner or the person with apparent authority over the vehicle (the driver) may consent to its search. A third party may give consent, if that person has joint access to or control over the vehicle, as long as no one objects who has equal or greater access or control. The officer should audi- or videorecord the consent, or have the person sign a *Consent to Search* form.

Neither reasonable suspicion nor probable cause is required. The extent of the search is limited by the consent given. The subject can stop the search at any time, or restrict the scope of the search at any time.

1.5.12.2 Search of Vehicles Incident to Arrest

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

- When it is reasonable to believe that evidence relevant to the crime for which the person is being arrested may be found in the vehicle, or
- When the person being arrested is unsecured and within reaching distance of the passenger compartment at the time of the search.

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

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

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

1.5.12.3 Vehicle contains Evidence or Contraband

A vehicle may be searched without a warrant if an officer has probable cause to believe there is contraband, evidence, or any item subject to seizure in the vehicle. Examples of facts that would constitute probable cause include:

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

If probable cause exists only for a single item (for example, all that was taken from the home during the burglary was the flat screen television), the search must cease once that item is found (e.g., the TV is in the back seat of the vehicle). If probable cause exists for contraband or evidence generally (the smell of burning marijuana; the proceeds of a home burglary), the search may continue throughout any portion of the vehicle, including the trunk, which may contain the evidence or contraband, if probable cause supports this intrusion. That means that you must have articulable facts that support a reasonable conclusion that the contraband or evidence exists **and** that it may be in the trunk.

1.5.12.4 Vehicle Frisk

For a vehicle to be frisked the officer must have made a lawful stop based upon reasonable suspicion or probable cause and the officer must have a reasonable suspicion based on articulable facts that the vehicle contains weapons or ammunition that poses a danger to the officer.

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

1.5.12.5. Vehicle Inventory

Prior to tow or release, officers will inventory any vehicle required to be inventoried under [G.O. 61.8.2](#).

1.5.12.6. Vehicle Searches; other issues

- A. Opening Locked Containers - When possible, officers shall open a locked vehicle, container, trunk, or glove compartment with a key or combination rather than by force. If keys are unavailable, and time permits, officers shall contact a locksmith to respond and open the vehicle or container. If time does not permit, the officers shall explain to the owner or person in possession, if the officer is in contact with that person, that the item will be opened with force if the key or combination is not provided.
- B. Location of Search - In those cases where it is not feasible to conduct the search at the scene of the incident, and there is probable cause to search the vehicle or consent to move the vehicle, the vehicle shall be secured in police custody at all times until it is searched. The search shall be conducted as soon as practicable.
- C. Search for Vehicle Identification Number (VIN) - The VIN is normally visible through the windshield. If the vehicle is unlocked, an officer may move items on the dashboard of a vehicle that are blocking the view of the public VIN from the outside of the vehicle. When checking the registration of a vehicle, the officer may compare the VIN on the registration with the VIN on the vehicle.
- D. Motor Home/Mobile Home - A motor home or mobile home, if apparently mobile, is treated the same as a motor vehicle for the purposes of warrantless searches. Motor homes and mobile homes that are apparently affixed to a location, e.g., water hookups, skirts, lack of wheels, shall be treated as residences, not as vehicles.
- E. Aircraft and watercraft - Aircraft and watercraft are subject to the same exceptions to the warrant requirement as are automobiles.

- F. Abandoned Vehicle - If a vehicle is truly abandoned, there is no need for a search warrant or other exception to the warrant requirement, as there would be no reasonable expectation of privacy in the vehicle. This does not mean a vehicle that is dismantled, or possibly junked on a person's private property, is abandoned. Any time a person would have a reasonable expectation of privacy in the vehicle, it is not abandoned.
- G. Registration - A search for registration in a vehicle can be done without a warrant only if the officer has reasonable suspicion to believe the vehicle is stolen.
- H. Forfeiture - An officer does not need a warrant to seize a vehicle in a public place if there is probable cause to believe it is subject to forfeiture. Otherwise, the vehicle that is to be seized for forfeiture must be lawfully seized as part of a criminal case or subject to a court order.

1.5.13 Physical Characteristics Orders

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

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

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

When the request is made for a blood sample, the affidavit must include a statement of probable cause (rather than reasonable cause) to believe that procurement of evidence of identifying physical characteristics will contribute to the identification of the person responsible for the offense.

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

1. The alleged criminal offense that is the subject of the application.
2. The specific type of identifying physical characteristic evidence that is sought.
3. The relevance of the evidence to the particular investigation.
4. The identity or, if the suspect's identity is unknown, a description of the individual who is to be detained for obtaining the evidence.

5. The name and official status of the investigative officer authorized to detain the individual and obtain the evidence.
6. The place at which the evidence will be obtained.
7. The time that the evidence shall be taken, except that no person may be detained for a period of more than three hours for the purpose of taking evidence.
8. The period of time, not exceeding fifteen days, during which the order shall continue in force and effect. If the order is not executed within fifteen days and is not extended by the magistrate, a new order may be issued upon request. The magistrate may extend the time for execution of the order for no longer than fifteen days.

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

1.5.13.1 Procedures to Follow to Obtain a Court Order

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

1.5.13.2 Execution of the Court Order

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

The officer executing the order may use a reasonable amount of force to take the evidence specified in the order. Note that most orders to obtain bodily fluids must be executed by a medical professional. If the nature of the physical characteristic evidence requires the cooperation of the suspect (e.g., giving a voice or handwriting sample), and there is no cooperation, the suspect's refusal violates the court order and the suspect can be held in contempt of court for failure to comply with the order or may be arrested for A.R.S. §13-2810.

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

1.6 Laws of Arrest

1.6.1 Authority to Arrest

A. Pursuant to A.R.S. 13-3883, a peace officer, without a warrant, may arrest a person if the officer has probable cause to believe:

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 the officer's presence and probable cause to believe the person to be arrested has committed the offense.
 - a. The officer may use any sense to witness the crime, including sight, smell, taste, and touch.
 - b. Officers may arrest a suspect and take them to jail when they have probable cause to believe the suspect committed a domestic violence misdemeanor, even when the misdemeanor occurred outside the officers' presence. ("Domestic violence" means any act that is a dangerous crime against children as defined in section 13-705 or an offense prescribed in section 13-1102, 13-1103, 13-1104, 13-1105, 13-1201, 13-1202, 13-1203, 13-1204, 13-1302, 13-1303, 13-1304, 13-1406, 13-1425, 13-1502, 13-1503, 13-1504, 13-1602 or 13-2810, section 13-2904, subsection A, paragraph 1, 2, 3 or 6, section 13-2910, subsection A, paragraph 8 or 9, section 13-2915, subsection A, paragraph 3 or section 13-2916, 13-2921, 13-2921.01, 13-2923, 13-3019, 13-3601.02 or 13-3623. See A.R.S. 13-3601.)
3. The person to be arrested has been involved in a traffic accident and violated any criminal section of title 28, and that such violation occurred prior to or immediately following such 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. A person arrested under this paragraph is eligible for release under section 13-3903. (Called "cite and release.")
 - a. If a person is arrested for a misdemeanor offense or a petty offense and the offense is listed in section 41-1750, subsection C², the person shall not be released pursuant to this section until the person provides either a fingerprint or a two fingerprint biometric-based identifier to the arresting agency. The arresting agency shall provide to the arrested person a mandatory fingerprint compliance form that includes instructions on reporting for ten-print fingerprinting, including available times and locations for reporting for ten-print fingerprinting.
 - b. In any case in which a person is arrested for a misdemeanor offense or a petty offense, the arresting officer may prepare in quadruplicate a written notice to appear and complaint, containing the name and address of the person, the offense

² These include felony offenses or offenses involving domestic violence as defined in section 13-3601 or violations of title 13, chapter 14 or title 28, chapter 4 that have occurred in this state.

charged, and the time and place where and when the person shall appear in court, provided:

1. The time specified in the notice to appear is at least five days after arrest.
2. The place specified in the notice shall be the court specified in section 13-3898.
3. The arrested person, in order to secure release as provided in this section, shall give his written promise so to appear in court by signing at least one copy of the written notice and complaint prepared by the arresting officer. The officer shall deliver a copy of the notice and complaint to the person promising to appear. Thereupon, the officer shall forthwith release the person arrested from custody.
4. The officer, as soon as practical, shall deliver the original notice and complaint to the magistrate specified therein. Thereupon, the magistrate shall promptly file the notice and complaint and enter it into the docket of the court.

c. Note that this section does not affect a peace officer's authority to conduct an otherwise lawful search incident to his arrest even though the arrested person is released before being taken to the police station or before a magistrate pursuant to this section.

5. The person to be arrested has committed any public offense that makes the person removable from the United States.

1.6.2 Probable Cause

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

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

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

1.6.2.1 Location of arrest; warrant requirements

A. With probable cause to do so, an officer may make an arrest with or without a warrant under the following circumstances:

1. At any time, in a public place, or in any building in which an officer has the legal right to be present.
2. At the subject's private residence if the officer has entered lawfully, or if the subject is outside of the residence.

3. Af the officer is invited into a third party’s residence (or the officer has otherwise entered lawfully) where the arrestee is located.

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

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

D. Forced entry into a residence to make an arrest with a warrant should generally be limited to felony and violent misdemeanor offenses. Officers shall not, except when approved by a lieutenant or higher-ranked officer, force entry into a person’s home to serve anywarrant.

1.6.3 Use of Force while Making an Arrest

All suspects and prisoners shall be treated professionally, humanely, and with regard for their legal rights. When making an arrest, officers shall use only that force which is objectively reasonable and necessary to compel compliance by an unwilling subject so that the officer may carry out their lawful duties.

1.6.4 De Facto Arrests

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

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

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

1.6.5 Arrest Procedures

Unless doing so would compromise an investigation or arrest, or would place the officer or another person at imminent risk of bodily injury or death, prior to taking any police action, including an arrest, an officer shall identify him/herself to the suspect as a police officer. An officer who makes an arrest shall:

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

In addition to the exceptions noted above, officers are not required to provide the foregoing information to an arrestee if:

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

1.6.6 Disposition following arrest

1.6.6.1 Full custodial arrest (booking)

A. Officers **shall** make a custodial arrest of any person (1) arrested for a felony offense; (2) when required by law (for example, certain domestic violence offenses); or (3) pursuant to an arrest warrant. Exceptions to this policy required the approval of a supervisor.

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

- There is probable cause to believe that the suspect has committed a misdemeanor criminal offense but the suspect cannot be satisfactorily identified.
- It is reasonable to believe that arresting the suspect would significantly reduce the chances of further disruption and danger, such as to the victim.
- The suspect refuses to sign a promise to appear or, by overt action or statement, gives the officer reason to believe that the person will not appear in court.
- The suspect committed the misdemeanor in the officer's presence and a release would be inappropriate.
- Reliable information indicates that similar charges are pending against the subject.
- A supervisor directs the custodial arrest of the suspect.

B. Officers making a full custodial arrest of an individual shall search that individual incident to arrest and shall inventory all property and items removed during that search. If the arrestee has a vehicle, its contents will be inventoried prior to towing or storage.

C. Under Arizona Rules of Criminal Procedure, a person arrested on criminal charges shall be taken before the nearest and most accessible magistrate in the County in which the person is arrested. The initial appearance before a magistrate must occur within twenty-four hours of the arrest, and if this is not possible, the person must be released.

1.6.6.2 Booking for both felony and misdemeanor charges.

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

1.6.6.3 Cite and release

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

- A custodial arrest is mandated by statute or Department procedures (for example, in certain cases of domestic violence).
- The offender is under the age of 18 and comes under the jurisdiction of the Juvenile Court for an offense for which citation and release is not authorized by the Juvenile Court. Any questions should be referred to the Cochise County Juvenile Detention Facility at (520) 803-3000.
- In the opinion of the officer the release is reasonably likely to jeopardize the safety and welfare of the suspect or any other person.
- The suspect has been cited and refuses to leave, or continues to commit a violation of the law.
- The suspect refuses to identify themselves, or tries to conceal their identity.
- An identification (obtaining fingerprints or photograph) or custodial arrest would be more appropriate.

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

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

1.6.7 Arrests Involving Foreign Nationals

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

B. Whenever a foreign national is arrested or detained, the arresting officer shall determine whether notification is by treaty mandatory or voluntary. The U.S. State Department maintains a web page containing a list of countries and their status as voluntary or mandatory. That list is found at: <https://travel.state.gov/content/travel/en/consularnotification/countries-and-jurisdictions-with-mandatory-notifications.html> . .

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

D. If the arrestee is from a country that requires mandatory notification of consular officials then the arresting officer shall advise the arrestee that their consulate will be notified of the arrest. The officer shall document in their report that the arrestee was so notified.

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

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

1.6.8 Diplomatic, Legislative and Statutory Immunity from Arrest

1.6.8.1 Legislators

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

1. While the legislature is in session, and
2. While traveling from or returning to their homes to attend a session.

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

1. While the legislature is in session, and
2. For 15 days prior to the start of the session.

C. The officer shall first consult their supervisor before arresting a legislator. Legislators should only be arrested for felonies and the following misdemeanors:

1. Any violent offense,
2. Disturbance of public order (such as disorderly conduct or trespass),
3. Driving while under the influence of intoxicating liquor (DUI).

1.6.8.2 Foreign dignitaries

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

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

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

1.6.8.3 National Guard members

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

1.6.8.4 Persons under subpoena

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

1.6.8.5 Juveniles

A. A peace officer *shall* take a child into temporary custody when:

- There is probable cause to believe that the child has committed a criminal or delinquent act, which if committed by an adult could be a felony or breach of the peace, or
- The child has been apprehended in commission of the criminal or delinquent act, which if committed by an adult could be a felony, or in fresh pursuit, or
- Pursuant to an order of the juvenile court, or

- Pursuant to a warrant.

B. A peace officer *may* take a child into temporary custody

- When the officer has probable cause to believe that the juvenile has committed a delinquent act, or
- The child is incorrigible, or
- The child is a runaway.

C. The decision whether to arrest a juvenile will generally follow the usual practice when dealing with an adult arrested for a similar crime, with additional consideration of the circumstances related to the age and experience of the offender. Pursuant to state law, officers may release juveniles only to a parent, legal guardian, legal custodian of the juvenile, or to the juvenile court. Officers must also comply with statutorily mandated sight and sound restrictions for the holding of juveniles who have been arrested. See [G.O. 44](#) regarding juvenile offenders for complete information.

1.6.8.6 Military Personnel

If an active-duty member of any of the armed forces of the United States is arrested for a crime other than minor civil infractions or minor traffic offenses, the arresting officer shall notify the Fort Huachuca Military police at (520) 333-3000. Be prepared to provide the following information:

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

1.6.9 Arrest Warrants

1.6.9.1 Obtaining an Arrest Warrant

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

1.6.9.2 Service of Arrest Warrant

A. Arrest warrants may be served by peace officers. Officers who have reasonable cause to believe that a warrant exists for a person may detain that person pending validation of the warrant. The warrant must be confirmed as soon as possible, and always prior to arrest.

B. A warrant shall:

- Be issued in the name of “the State of Arizona”;
- Contain the name and date of birth, or other identifying information, of the person to be arrested or, if the name is unknown, any name or description by which the person can be identified with reasonable certainty; Include the criminal charges and shall command that the person be arrested and brought before a magistrate;
- State the bond amount, if bail is available as a matter of right; and
- Contain the magistrate’s signature or wording indicating that the original warrant has a signature.

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

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

1.6.9.3 Warrant verification

A. No warrant shall be served until Dispatch verifies its validity. If a Cochise County entity issued the warrant, Dispatch shall immediately verify the warrant’s current validity and timely inform the requesting officer.

B. If an agency outside Cochise County issued the warrant, either the officer or the Communication section shall contact the issuing agency by telephone and request warrant verification, and confirmation that the issuing agency will extradite the subject. The name and identification number of the person who verifies the warrant shall be included in the arresting officer’s report. A computer entry from ACIC or NCIC is not sufficient for verification of a warrant and may not form the basis for an arrest.

C. If an agency outside Arizona issued the warrant, the warrant itself is not valid inside Arizona. However, the person may still be arrested pursuant to A.R.S. §§ 13-3842 and 13-3849, a felony, providing that the warrant is for treason, a felony or other crime, and the issuing agency confirms that they will extradite the fugitive back to the issuing county. Before making an arrest, Dispatch must contact the issuing agency and confirm that the warrant is still valid and that the issuing agency will extradite the person back to the issuing agency’s county. If they do not, the person must be released. If the issuing agency so confirms, however, the arresting officer will make the arrest and transport the person to the county jail, and ensure that the arrestee is taken forthwith

before a judge of a court of record in Cochise County to commence the fugitive case. A.R.S. § 13-3850.

1. NOTE: State and local law enforcement officers do not have authority to make arrests on international warrants. If Dispatch notifies you that someone has an international warrant, contact your supervisor, who will contact the Chief. A federal law enforcement agency must be called and permitted to make the arrest.

C. It is not necessary to obtain a copy of any arrest warrant prior to serving it; however, if the suspect requests to see a copy, the officer shall secure a copy and provide it to the arrestee as soon as practicable. A.R.S. § 13-3887.

D. If the warrant itself is verified but the issuing agency is unable to immediately confirm that they will extradite (sometimes called “out-of-county transfer” for in-state extraditions), the officer shall not serve or arrest the subject on that warrant. If the issuing agency verifies the warrant but states that they will not extradite the subject, or if the warrant is no longer valid, the officer shall not serve or arrest the subject on that warrant. In this second instance, the officer shall notify the subject of the warrant’s existence and terms. Persons arrested on out-of-county or out of state warrants shall be booked at the jail in the county of arrest so that they may be arraigned as soon as possible.

E. The officer shall include within the written report all efforts made to establish the subject’s identity and to confirm the warrant, and all responses the agencies provided. If the warrant is not served, the report shall include a complete explanation of the reasons for the non-service.

1.6.9.4 Juvenile arrest warrants

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

1.6.9.5 Non-service of warrants

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

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

Other law enforcement agencies inquiring about the Department’s extradition and out-of-county transfer policy on warrants shall be advised this Department will extradite and cooperate with

out-of-county transfers, and all out-of-county transfers and warrants should be directed to a supervisor.

1.6.10 Military members who are AWOL/ Deserters

A. When a person is suspected of being absent without leave, often called “a deserter,” from the armed forces, the officer shall confirm the person’s status with the Fort Huachuca Military police at (520) 333-3000. If the Military Police informs the officer that a written detention order for this subject exists, the officer shall detain and arrest the service member, and shall request that a copy of the detention order be immediately sent to the Communications Center and to the Cochise County Jail. The officer shall list the arresting charge as “Desertion in violation of Article 86, Uniform Code of Military Justice.”

1.6.11 Civil Arrest Warrants (non-child support)

A. A "civil arrest warrant" is a court order issued in a non-criminal matter directing officers to arrest a person, and sometimes may order the officer to bring the person to the court.

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

1.6.12 Civil Child Support Arrest Warrants

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

B. Child support warrants may be verified by contacting the Clerk of the Court to verify the warrant and the release amount. If the warrant is valid, the person may be transported directly to the court; otherwise the person shall be booked into jail under A.R.S. §25-681, Civil Child Support Arrest Warrant. The officer shall complete a DR documenting the service of the warrant.

1.6.13 Citizen’s arrests

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

- When the person to be arrested has in the citizen’s presence committed a misdemeanor amounting to a breach of the peace (for example trespass, DUI, assault, threatening and intimidating, and disorderly conduct), or a felony; or

- When a felony has in fact been committed and the citizen has reasonable grounds to believe that the person to be arrested committed it.

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

C. The involved citizen should be advised that they are not required to sign a criminal complaint, but that they will receive a subpoena to testify in court as a witness. The officer will record all of the information on a standard police report and shall provide that as if they had made the arrest.

1.6.14 Telephone calls for arrested persons

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

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

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

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

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

1.7 Racial Profiling; Bias-Based Policing

A. It is the policy of the department to treat all persons equally and without bias during every contact or encounter. Police action based upon personal, societal, or organizational biases or

stereotypes constitutes bias-based policing. Examples of biases and stereotypes include but are not limited to those based on race, color, religion, ancestry, sex, age, disability, national origin, socioeconomic status, sexual orientation, or marital status.

B. Except where race or ethnicity is part of an identifying description or characteristic of a possible suspect, any consideration by employees of the Department of race, color, or ethnicity in deciding whether to stop, question, search, or arrest a person or to seize or forfeit property, constitutes racially-biased policing.

C. Bias-based policing, including racially biased policing, is expressly prohibited. Officers who engage in bias-based policing are subject to discipline.

1.8 Use of Force

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

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

1.8.1 Constitutional authority for use of force in law enforcement

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

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

the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

* * *

The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are

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

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

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

1.8.2 Arizona law

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

- A.R.S. §13-409 Justification; use of physical force in law enforcement
- A.R.S. §13-410 Justification; use of deadly physical force in law enforcement

1.8.3 Policy

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

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

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

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

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

1.8.4 The force model

1.8.4.1 The force model

A. The force model has been developed for illustrative purposes, to explain the various levels of resistance and force that may take place during a use of force incident. The model is based upon the concept that, as the resistive individual increases the type of resistance or threat to the officer, the officer may increase the amount and type of force necessary to overcome the resistance. Conversely, the officer may decrease the level of force as compliance is attained.

B. When applying the concept of a force model, the totality of the circumstances involved in the incident must be considered. Officers may initiate the use of force at any level of the force model that is reasonable under the circumstances. The most important circumstances that may influence the amount and type of force that is objectively reasonable for an officer to use shall include:

1. whether the subject poses an immediate threat to the safety of the officers or others, including the behavior and actions of the subject, such as resistive actions, aggressive acts, weapons known or reasonably believed to be available to the subject, etc. Whether the subject poses an immediate threat to the safety of the officers or others is the most important factor to be considered.
2. the nature of the offense, including the severity of the crime and the level of violence.
3. whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

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

4. the actions and behavior of the person; what the person is doing or saying that creates a reasonable concern for the safety of the officer or others.
5. apparent abilities of the subject and the officer, including size, age, fighting skills known or exhibited, unusual strength or resistance to pain that may be associated with drug or alcohol ingestion, injuries, conditioning, and level of exhaustion.
6. the availability of weapons, or the threat to use weapons to which the subject may reasonably have access.
7. whether the subject has a known history of violent behavior.
8. whether more than one suspect or officer is involved or readily available to assist.
9. whether other dangerous or exigent circumstances exist at the time of arrest.

1.8.4.2 Types of Resistance

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

- clenched fists; puffing up the chest,
- assuming a fighting stance by turning sideways, widening foot stance, etc.,
- facial expressions that may warn an officer of the subject's emotional state.

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

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

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

C. Passive Resistance. Passive resistance includes physical actions that do not directly prevent the officer's attempt at control. When using passive resistance, the offender never makes any

attempt to defeat the physical actions of the officer. Passive resistance is usually in the form of a relaxed or “dead weight” posture intended to make the officer lift, push, or pull the subject to establish control.

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

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

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

1.8.4.3 Types of Force.

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

1. **Officer Presence.** The officer is clearly identified as an officer and his/her authority is established by presence in uniform, or by verbally identifying him/herself, and when possible, clearly displaying a badge or identification.

The presence of a police canine at a scene falls under this category.

2. **Verbal Direction.** Verbal direction is communication by the officer intended to control the actions of a subject, including direction or commands.
3. **Empty Hand Control.** Empty hand control is a phrase that incorporates a number of subject control methods. These may be as simple as gently guiding a subject’s movement, or more dynamic techniques such as strikes. Empty hand controls are divided into two categories:
 - a. Soft control techniques, which present a minimal risk of injury. Generally, these techniques are used to control passive or defensive resistance. However, soft control

techniques can be utilized for any level of resistance if tactically appropriate and legally permissible.

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

- 1) Handcuffing or the use of other authorized restraint devices
- 2) Control holds - involving pain compliance, including wrist locks, joint locks, pressure points, and other authorized techniques.

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

- 1) Hard control techniques may include, but are not limited to: closed fist strikes, hammer fist strikes, palm strikes, elbow strikes, knee strikes and kicks. Officers shall target large muscle groups with strikes and kicks.

Hard control techniques should not be intentionally used on the suspect's head, neck, kidneys, groin, joints, spine, or sternum. While there may be situations that will justify a strike to these areas, the officer must be able to specifically articulate the facts and circumstances that supported the strikes to those areas. When hard control techniques are applied to these areas and the subject is under control he or she shall be asked if they want medical assistance, unless the need is obvious. If the need is obvious or the subject asks for medical assistance, medical assistance will be sought and a supervisor will be notified. If the subject is booked, jail staff will be advised of the use of force and it will be noted on the booking slip.

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

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

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

Department Issued X26 Taser

Department Issued OC Spray

Department Issued Expandable Baton

a. Oleoresin Capsicum (OC) spray and Chemical Agents. These are generally used when reasonably necessary to subdue a person who is threatening or attempting physical harm to himself or others, resisting or interfering with an arrest, to disperse an unruly crowd, to prevent an attack by an animal or to prevent rioting or disperse rioters. The department authorized chemical agent is Oleoresin Capsicum (OC) OC spray that contains alcohol or any other flammable ingredients shall not be used.

1) The following are guidelines for the use of OC spray:

- OC spray may be used against subject(s) who are using, at a minimum, defensive resistance.
- Direct a one-second burst directly to the face.
- When possible, spray from a distance that allows the spray to atomize, usually 4 to 6 feet.
- Do not spray from a distance of 4 feet or less.
- Assess the effect and reasonableness of additional applications prior to spraying additional times.

Following use of the spray:

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

2) The use of other chemical agents including pepper ball guns and CN (chloroacetophenone) and CS (Orthochlorobenzalmononitrile) gas requires

additional specialized training prior to any officer being authorized to deploy them. The training will include prescribed first aid measures for any person exposed to these chemical agents. The department will maintain records of those employees trained and authorized to use chemical agents

These chemical agents may be used only upon the approval of a supervisor.

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

1) The authorized impact weapon is the expandable baton.

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

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

d. Electronic Control Device. Department authorized and issued electronic control devices may be deployed when reasonable against a subject engaging in acts of active aggression or aggravated active aggression, or to prevent a person from harming him/herself.

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

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

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

4) Prior to use of the electronic control device:

a) When circumstances permit, the officer shall advise the subject that, if the subject's disruptive behavior does not cease, the electronic control device will be used.

- b) When possible, officers shall announce their deployment of the electronic control device as a safety precaution to any officers providing cover with firearms.
 - c) In inter-agency operations, officers shall confirm that officers from another agency have not used flammable OC spray on the subject prior to deploying the electronic control device.
- 5) The electronic control device shall be carried/secured by each employee using an authorized duty holster, on the opposite side from the primary firearm.
- 6) Person(s) authorized to carry the electronic control device should upon issuance and at least weekly perform a spark test and inspect the weapon for proper functioning, battery charge, and count of cartridges. The lead electronic control device instructor or officer's supervisor shall be responsible for inspecting the weapon on a quarterly basis.
- 7) Methods of deployment.

The electronic control device may be deployed by two methods:

- a) Drive stun, which involves contact with the suspect.
 - b) Probe deployment, which involved firing the cartridge from a distance
- 8) Target areas for deployment:
- a) the subject's back, below the neck to the legs, if practicable.
 - b) the subject's side or front, splitting the belt line (one probe into the lower chest area and one below the pelvic region or into the upper thigh).
 - c) officers will not intentionally target the face or genitals.
- 9) Officer's responsibilities following deployment.

Once the subject has been taken into custody, officers will (while wearing latex gloves), remove the probes, unless the probes have penetrated the neck, face or groin area. In that case, officers will either call paramedics to the scene or transport the subject to the hospital for probe removal. Once the probes have been removed, the subject shall be transported to jail.

If an officer uses three or more cycles of the device on a subject, either paramedics will be called to the scene or the subject will be transported to the hospital to be medically evaluated.

10) Prohibited uses of the electronic control device. The electronic control device shall not be deployed on:

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

1)

5. Deadly Force.

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

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

b. Authorized use of deadly force. Deadly force is authorized in the following situations:

1) When reasonable to protect the officer or a third person from another's imminent use or threatened use of deadly force.

2) To prevent the escape of a subject whom the officer has probable cause to believe has committed or intends to commit a felony involving the infliction or threat of serious physical injury or death and is likely to endanger human life or cause serious physical injury to another unless apprehended without delay.

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

1) Officers may discharge a firearm in connection with police duties:

- a) At department approved range training,
- b) To kill an imminently dangerous or seriously injured animal,
- d) When deadly force is authorized, as stated above.

2) Officers will not:

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

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

4) Following the use of deadly force:

a) If a person is injured by the use of deadly force, medical assistance will be summoned. If the scene is not secure, the medical assistance will be directed to a secure area nearby until it is safe to proceed.

b) Officers who have used deadly force that resulted in serious physical injury or death shall be removed from active duty, for their well-being and for administrative and investigative purposes. The removal from active duty shall be for no less than 3 shifts and may last as long as the duration of the investigation, as deemed appropriate by the Police Chief. Officers who have used deadly force that did not result in serious physical injury or death may be removed from active duty, for their well-being and for administrative and investigative purposes, as deemed appropriate by the Police Chief.

1.8.6 Physical Restraint Devices

A. Restraint Devices

1. Restraint devices are intended to prevent a person from, among other things:
 - a. Leaving the scene of an investigative detention or arrest.
 - b. Initiating or escalating violence against the officer, another person and/or themselves.
 - c. Destroying evidence or property.
2. Unless medical circumstances reasonably preclude the officer from placing a person in a restraining device, officers shall restrain individuals as necessary and appropriate in accordance with the Fourth Amendment. As soon as practical, a restrained person shall be placed in an upright position. The only exception is for transportation by a medical transport.
3. The following restraint devices are authorized by the Department:
 - a. Handcuffs. Only Department approved handcuffs are authorized for use by department personnel. Officers shall carry at least one set of handcuffs; additional handcuffs may be carried at the officer's discretion. All handcuffs must be carried in Department approved carriers.
 - b. Handcuffs shall be doubled locked to avoid injury to the suspect. If a suspect complains that the handcuffs are too tight, officers will check the handcuffs. Generally, officers should be able to slide a finger between the suspect's wrist and the handcuffs.
 - c. Barring unusual circumstances a person shall be restrained by handcuffs with the person's arms behind his/her back with the palms facing out.

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

Alternative restraint devices, including “Zip-ties,” may be used when handcuffing a person is not sufficient to minimize the risk of injury or the destruction of property, in mass arrest situations, in exigent circumstances, or otherwise when reasonable to do so. When an officer does not have handcuffs available, that officer may utilize alternate restraint devices to secure a person. If Zip-Ties are used, they shall be removed as soon as practical and replaced with handcuffs. “Zip-ties should never be removed with a knife.

For exigent circumstances, as well as in prisoner transport and court appearances, leg irons and or belly chains may be used to prevent prisoner mobility.

1.8.7 Use Of Force Reporting And Review

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

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

a. use of force at the level of hard empty hand control, non-deadly weapons, carotid control technique, or deadly force, and/or

b. if the officer is injured, if the person on whom the force was used is injured, or if any other person is injured as a result of the officer’s conduct.

C. Documenting the use of force.

Officers shall document in their department reports all uses of force beyond officer presence and including verbal commands, other than for training or recreational purposes, , including any situation in which the officer points their firearm at another person. The report shall include a description of all visible injuries, whether the subject complained of pain or discomfort, what medical treatment was offered, what the individual’s response to the offer was, and what medical treatment was provided.

The reports will be forwarded through the chain of command to the Deputy Chief of Police for review for adherence to policy.

D. The Deputy Chief shall, where appropriate, make recommendations to the Chief regarding:

1. Whether the use of force was within department policy. The chain of command should make this decision taking into consideration the U.S. Supreme Court’s direction that an

officer's use of force must be judged from the perspective of a reasonable officer on the scene at the time of the use of force. This must allow for the fact that police officers are often forced to make split-second judgments-in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation, given the totality of the circumstances.

2. Any tactical considerations and/or training recommendations.
 3. If the officer(s) involved had the appropriate training.
 4. Whether the training was properly documented.
 5. Whether department policy needs to be modified.
 6. The overall quality of supervision the officer received.
- E. The Deputy Chief of Police shall archive and annually review all documentation of uses of force to ensure consistency and completeness. This annual review shall include any patterns or trends that could indicate training needs, needed equipment upgrades, and/or recommended policy modifications.

1.9 Firearms

1.9.1 On-duty and off-duty carry

- A. Only sworn employees are permitted to carry firearms while on duty, on City property, or in City vehicles, except when handling firearms as a part of their assigned duties.
- B. Officers will not loan their City-issued firearm to another officer or any other person without specific authorization from the Chief.
- C. Off-duty non-sworn employees may carry firearms in compliance with State and federal law. Sworn personnel may carry firearms off-duty in compliance with State and federal law and subject to the following limitations:
1. Only Department-authorized firearms will be carried concealed by officers while off duty. Officers may carry non-approved firearms for sporting or leisure activities, but those firearms shall not be carried concealed.
 2. Officers who are off duty and not acting in a police capacity who desire to engage in firearms practice/training with a City-owned firearm at other than a police range will:
 - a. Use only new or commercially-produced factory reload ammunition.
 - b. Immediately notify an on-duty supervisor in the event of an accidental or unintentional discharge involving injury or property damage.

- c. Be governed by, and subject to, all provisions of this policy relating to the use and handling of firearms.

D. All firearms carried on or off duty in a police capacity, Department-or privately owned, shall remain unmodified from their original factory condition, except as approved by the Deputy Chief or Chief of Police. Officers shall submit new accessories and/or modifications for approval prior to use. If the Department authorizes weapon mounted lights:

1. Officers carrying a firearm with a light attached to the firearm are required to carry another unattached flashlight.
2. Officers will not point a firearm at a person or other target that they are not authorized to use deadly force upon for the sole purpose of illuminating that target with the firearm-attached light.

1.9.2 Firearms Safety And Security

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

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

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

1.9.3 Firearms Qualification

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

1. Firearms qualification course, and
2. Target identification and judgment course.

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

B. For each firearms qualification event, officers will be provided with three opportunities to qualify. Following a second failed attempt, the officer will schedule a time to return to the range to receive remedial training. The officer will then be provided with three additional opportunities to qualify. Officers who fail to qualify following remedial training and a second attempt will not be authorized to carry a firearm in a police capacity, including for secondary work, until they do qualify. Officers who are excused from annual qualification due to injury or approved leave must qualify prior to returning to or executing any peace officer duties.

C. A record shall be maintained of each qualification shoot, the course fired, and all scores attained by each officer. This record shall be retained by the department for the duration of the officer's employment, and for five years following the cessation of the officer's employment.

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

1.9.4 Handgun Specifications

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

Glock model 21 issued by department

Glock model 30 issued by department

Any handgun authorized by the Deputy Chief or Chief of Police

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

Glock model 30 issued by department

Glock model 21 issued by department

Any handgun authorized by the Deputy Chief or Chief of Police

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

Glock model 30 issued by department

Any handgun authorized by the Deputy Chief or Chief of Police

D. Officers are authorized to qualify with a maximum of two primary and two secondary handguns. Only one primary and one secondary handgun may be carried at any one time.

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

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

1.9.5 Handgun Ammunition

Only Department-issued ammunition shall be used in primary or secondary weapons carried while on or off duty. In addition, officers shall carry high-capacity magazines in all handguns that are designed for high-capacity magazines. Handguns shall be carried with a round in the chamber and magazines loaded in the manner instructed by the armorer.

1.9.6 Specialized firearms

Shotguns and rifles are issued by the department and are considered specialized firearms and are thus subject to the following restrictions:

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

1.9.7 Firearms Inspections

A. All officers shall annually present all primary and secondary weapons with which the officer intends to qualify to the armorer for annual inspection. Inspection of Department firearms will be completed according to the manufacturer's standards. The Armorer shall either perform the inspection (if certified in the weapon), or have the weapon inspected by a qualified, outside vendor. Issued firearms in need of repair will be repaired by the Department or a qualified, outside vendor. Personally-owned firearms in need of repair will be repaired by a qualified vendor at the expense of the officer and shall not be carried until repaired and re-inspected by the Department's armorer or qualified, outside vendor.

B. All firearms carried on or off duty in a police capacity, whether Department or privately owned, shall remain unmodified from their original factory condition, except as approved by the Deputy Chief or Chief of Police. Officers shall submit new accessories and/or modifications for approval prior to use.

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

1.9.8 Weapons and ammunition tracking

A. No weapon, deadly or non-deadly, shall be assigned for use or used prior to inspection by the Deputy Chief or Chief of Police.

B. All weapons, deadly or non-deadly, and all ammunition shall be tracked and accounted for by the Deputy Chief of Police.

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

CHAPTER 2 AGENCY JURISDICTION AND MUTUAL AID

2.1 Jurisdiction

Pursuant to City Code section 4.1.1, the Department is responsible for providing law enforcement services within the jurisdictional limits of the City.

2.2 Mutual aid agreements; multi-agency task forces

A. The Department has written intergovernmental agreements that specify the Department's responsibilities for mutual aid with the following agencies:

Arizona Department of Public Safety

Cochise County Sheriff's Department

All Cochise County Law Enforcement Agencies

Customs and Border Protection Agency

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

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

2.3 Specific agencies

2.3.1 Fire Department

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

2.3.2 County Sheriff's Department

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

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

2.3.3 Arizona Department of Public Safety (DPS)

The Arizona Department of Public Safety (DPS) is the State law enforcement agency and handles most traffic matters outside the city limits. DPS is also responsible by state statute for a variety of other duties, including being the central state agency for the ACIC and NCIC computer systems.

2.3.4 Arizona Department of Corrections (DOC)

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

2.3.5 Arizona Department of Transportation

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

2.3.6 Arizona Department of Liquor Licenses and Control

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

2.3.7 Federal Law Enforcement Agencies

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

2.3.8 The Federal Bureau of Investigation

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

2.3.9 Bureau of Alcohol, Tobacco and Firearms (ATF)

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

2.3.10 United States Immigration and Customs Enforcement (ICE)

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

2.3.11 United States Secret Service (USSS)

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

2.3.12 United States Marshal Service

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

2.3.13 United States Drug Enforcement Administration (DEA)

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

2.3.14 United States Postal Service

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

2.3.15 United States Department of State

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

2.3.16 State and Federal Probation Officers

Probation Officers may request the assistance of sworn personnel in arresting a probationer, searching a probationer, or searching a probationer's property. The role of the responding officers

is to preserve the peace while the probation officers perform their duties. However, if a violation of state or local law is observed, the officer may take enforcement action.

2.3.17 National Guard

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

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

CHAPTER 3 CONTRACTUAL AGREEMENTS; LAW ENFORCEMENT SERVICES

3.1 County Jail Services

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

Chapters 4-10 [Reserved]

CHAPTER 11 ORGANIZATION & ADMINISTRATION

11.1 Organizational Structure

The Department shall be organized as follows:

Office of the Police Chief

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

Patrol Division

- Managed by the Deputy Chief of Police, the Patrol Division includes all personnel assigned to patrol and traffic duties, their first-line supervisors, and any non-sworn support personnel assigned to the division.
- The Deputy Chief of Police is responsible for ensuring that juveniles who come into contact with the Department are treated as required by General Orders and for coordinating all agency activities associated with juvenile outreach programs.

Investigative Division

- Managed by the Deputy Chief of Police, the Investigations Division includes all personnel assigned full-time to follow-up investigative duties.

Support Division

- Managed by the Deputy Chief of Police, the Operational Support Division includes all personnel assigned to the Communication Division and Animal Control.

11.2 Unity of Command; Cooperation; Coordination

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

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

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

11.3 Chain of Command

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

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

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

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

11.4 Rank structure

A. Ranks within the Department shall be as follows:

- Police Chief. The Police Chief is the head of the Department, as per City Code 4.1.1 and reports to the City Manager. The Police Chief may delegate or grant particular authority to employees of the Department as may be necessary for the efficient administration of the Department.
- Deputy Chief of Police. This person may act as the Police Chief when designated to do so by the Chief or by the City Manager; when the Chief is incapacitated; when the Chief is off-duty and out of town; or when the Chief is otherwise unable to act.
- Sergeant/supervisor. First-line supervisor of a unit.
- Officer/non-sworn personnel. Sworn personnel handle general patrol functions, conduct investigations and provide police services. Non-sworn personnel provide line-level services in support of the law enforcement mission.

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

11.5 Seniority

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

B. Seniority between employees of equal rank shall not be exercised except in emergency situations and then only when necessary. All employees are expected to work together, maintain a respectful and professional demeanor toward others at all times, and to cooperate with one another toward effective provision of police services.

11.6 Orders

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

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

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

11.7 Supervisory Responsibilities

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

B. Supervisors shall:

- Take the necessary efforts to supervise subordinates to ensure efficient, effective, and correct performance of duties;
- Assume command of any situation that logically requires assumption of command;
- Submit written reports of exceptional employee conduct;
- Ensure that required reports are completed accurately and completely and submitted on time;
- Report to the appropriate supervisor or superior any neglect of duty or misconduct by an employee;
- Comply with [G.O. 26.1.14](#) regarding reports of inappropriate conduct of any type by subordinates; and
- Treat every person with respect and professionalism at all times.

C. Supervisors may:

- When necessary and appropriate, place any lower-ranking employee on administrative leave, and immediately submit to the Deputy Chief a written report of both the action taken and the factual basis for that action;
- Issue orders that deviate from written orders during an emergency, and shall report those orders to the supervisor's superior as soon as reasonable;
- Delegate duties as appropriate; and
- Take actions lawful and necessary actions to meet the Department's needs. All unusual actions shall be documented in writing and reported to the Deputy Chief.

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

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

11.8 Release from active duty for cause

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

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

C. When an employee is relieved from active duty, the relieving supervisor may require the surrender of any police credentials and all City-owned or Department-issued property to include the employee's city-owned take-home vehicle.

D. Employees released from active duty may not take any police action until they are reinstated and shall not work off-duty. Employees shall remain available to attend court and return to work as required, and shall follow all lawful orders of the Chief or the Chief's designee.

11.9 Emergency Command

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

11.10 Administrative Reports

The following reports shall be produced as indicated:

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

11.11 Correspondence

11.11.1 Agency correspondence

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

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

B. The use of electronic mail is encouraged when it improves the delivery of service by the Department. Personnel shall ensure that all communications with others, whether intradepartmental or to persons outside the Department, and including mail and electronic mail, is consistently professional both in tone and content. Any concern as to whether the use of electronic mail or the content of a particular message is appropriate in a specific situation shall be referred to a supervisor.

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

11.11.2 Personal Use of Department Address Prohibited

Employees are prohibited from using the Department address for any personal or private correspondence or business unless authorized by the Chief. It is permissible to use the

Department address to receive professional journals or related materials that are directly work related.

11.11.3 Council or City Manager Communication and Correspondence

The Chief shall be the communications conduit between the Department, the Mayor, and City Council.

11.11.4 Official certificates and commendations.

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

11.12 Communication; internal and external

A. Effective, respectful, and professional communication with the community, within the City of Bisbee, and within the Department is critical to success of the core mission of the agency. Personnel are encouraged to ensure that all communication conforms to this policy. Approved City of Bisbee forms and formats should be used when possible.

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

C. All communications, whether rendered by memorandum, electronic mail, or electronic messaging, and regardless of to whom the communication is addressed, should contain only professionally-prepared, business-related content, and shall be respectful both in tone and content.

CHAPTER 12 DIRECTION

12.1 General Orders Manual

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

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

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

1. All employees shall read the Manual at least annually.

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

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

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

1. Command Directives – see [G.O. 12.2](#).

2. Standard Operating Procedures – issued by a commander subject to the approval of the Chief.

12.2 Command Directives

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

shall be returned to the employee who proposed it, with a brief explanation of the reason for return.

B. When necessary, Command Directives may be issued by the Police Chief. A Command Directive is effective immediately, amends General Orders, and remains in place until revoked or incorporated into the General Orders Manual. Command Directives shall be issued in writing and dated. All Command Directives shall be incorporated into General Orders no later than 60 days after issuance; upon incorporation, the Command Directive is no longer in effect.

C. Unless specifically referenced in and adopted by this manual, or subsequently approved by the Police Chief, all existing Department General Orders, policies, procedures, and rules are revoked after 60 days of issuance.

12.3 Standard Operating Procedures and Unit Policies

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

12.4 Conflicts of policy or procedure

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

12.5 Dissemination, Tracking and Review

A. Each employee will have electronic access to the General Orders Manual and all Command Directives. A printed copy of the Manual and Command Directives will be placed at each Department station and will be kept up to date by an assigned employee.

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

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

1. All employees shall review all written directives, including the listed compilations above, at least annually, and are responsible for knowing their contents.

D. The Chief or the chief's designee will establish and publish the schedule for formatting and indexing, and regular review, purging and revising of all published General Orders, Command Directives, S.O.P.'s and Unit Procedures.

Chapters 13-15 [Reserved]

CHAPTER 16 ALLOCATION AND DISTRIBUTION OF PERSONNEL AND PERSONNEL ALTERNATIVES

16.1 Allocation of Personnel

A position-management system shall be maintained, to include the number and type of each position authorized by the budget, the location of each such position in the organizational structure and the position status (vacant or filled) for each authorized position. Agency personnel shall be allocated according to authorized staffing levels, budgetary requirements, workload, response times, geographical coverage, and service demands, as directed by the Chief. Allocation of personnel should be reviewed as necessary, but at least once per year in conjunction with the development and approval of the Department budget.

16.2 Specialized Positions

Specialized positions within the agency (for example, School resource officers, taskforce officers, evidence custodians and animal control officers) may be subject to specialized training requirements, application processes and assignment limitations. These requirements shall be developed with the assistance of City HR, shall be in writing and shall be available to all agency personnel. The continued need for specialized positions should be reviewed during review of the annual Department budget by evaluating each assignment, the purpose for each assignment and evaluation of the initial problem or condition that brought about the assignment.

16.3 Reserve Officer Program

A. The Reserve Officer Program is supervised by the Deputy Chief of Police. Reserve officers must meet the same selection criteria as full-time officers, including educational requirements (G.E.D. or high school diploma). They must be AZPOST-certified peace officers. Each reserve officer must complete (or have completed) a Field Training program and meet all required annual training and proficiency testing (including use of force and firearm and other weapon proficiency) required of a certified peace officer.

B. All appointments for the position of Reserve Police Officer shall be made by Police Chief. All Reserve Officers serve at the pleasure of the Chief; service as a Reserve Officer may be terminated at any time by the Police Chief, and that decision is not subject to notice or appeal.

C. Reserve officers are trained to perform the same duties as full-time police officers and are required to comply with all Department General Orders and policies, rules, and procedures, except those that as written clearly apply only to paid employees.

D. All necessary and required supplies and types of equipment that are issued to paid officers shall be issued to reserve officers, shall remain the Department's property and shall be returned upon request of the Department or separation from the reserve officer program. Reserve officers shall wear and be subject to the same uniform requirements as paid officers, but may be issued a

badge noting reserve status. When working for the department, reserve officers shall be provided the same liability protection as paid police officers.

E. Reserve officers may work off-duty only with the approval of the Police Chief.

16.4 Volunteer Program

A. The Department accepts qualified, unpaid, non-sworn volunteers who wish to donate time and skills to assist the Department in the fulfillment of its mission. Volunteers are not police officers and do not have law enforcement authority, but may serve in a variety of different capacities within the Department. The Volunteer program is administered by the Deputy Chief of Police, who shall screen applications, arrange for backgrounds, approve applications, and assign volunteers to a specific supervisor. Assignments range from clerical duties (data entry, filing reports, and so on) to tasks involving public contact, such as traffic-point control, urban search, special events, etc.

B. Volunteers must be at least 18 years old, complete a volunteer application form, and pass a background investigation. Those on parole or probation or who have felony or recent, serious misdemeanor convictions may not be eligible; applications are reviewed on a case-by-case basis.

C. All orientation and basic training will be coordinated and scheduled by the supervisor to whom the volunteer is assigned. A volunteer's training varies according to what is appropriate for each assignment. All training shall be completed by qualified instructors and shall be documented in the volunteer's file.

D. The Department shall provide the equipment needed by volunteers to perform their assigned tasks. Volunteers who need to be readily identifiable as associated with the Department (those doing traffic control, for example) will be provided with Department-issued shirts to wear. The shirts will clearly distinguish volunteers from sworn police officers. All provided equipment and uniform shirts shall be surrendered upon request or separation from the program.

E. Volunteers may not operate Department vehicles without a valid Arizona driver license, appropriate training, and Department authorization. Any volunteer who is authorized to drive a Department vehicle shall have an MVD records check performed annually by their supervisor; the records check shall be documented in the volunteer's file. Volunteers may not transport a passenger (other than another Department volunteer or Department employee) without prior approval of a supervisor and shall not allow any unauthorized person to operate a Department vehicle. Volunteers will immediately report any traffic accident or other damage to department property to a supervisor. Volunteers may operate a Department radio, computer, or other electronic device provided they have received the specific training, any needed certification, and have authorization from a supervisor.

F. Any unauthorized use of any Department vehicle or equipment will be grounds for immediate termination from the volunteer program and the any criminal conduct shall subject the volunteer to criminal prosecution.

G. To remain active in the volunteer program, a volunteer must work a minimum of ten hours in each quarter. Any volunteer may be removed from the program at any time, with or without cause and without appeal.

CHAPTER 17 FISCAL MANAGEMENT AND AGENCY PROPERTY

17.1 Finance Section

A. The Chief has the ultimate authority over and responsibility for the fiscal management of the agency. The Chief shall ensure that agency accounts are periodically subject to independent audit, as required by City procedure.

B. No expenditure of budgeted account funds exceeding \$250.00 shall occur without the Chief's approval. No expenditure of cash from any cash accounts exceeding \$100.00 shall occur without the Chief's approval.

C. The Chief is responsible for the following responsibilities:

- Coordinating the development and presentation of the operating budget as part of the City's annual budget process and monitoring expenditures throughout the year;
- Preparing the capital budget, including long-range capital needs;
- Compliance with the City's policies and procedures concerning procurement and budgetary matters, including ensuring all necessary entries are made into the City's accounting system, meeting reporting deadlines and procedures, advising employees of appropriate expenditure authority, requesting supplemental or emergency appropriations or fund transfers; and obtaining and meeting other City accounting system requirements;
- Ensuring initial approval of all expenditure accounts by the Chief and provision of monthly status reports, including expenditures and encumbrances and the unencumbered balance at the beginning and end of the month for each such account;
- Projecting expenditures to provide information to department units to assist them in ensuring that the budget is not overspent;
- Administering the distribution and expenditure of Anti-Racketeering Funds (RICO);
- Preparing the necessary documentation for Council approval of grants;
- Maintaining financial records for grants;
- Coordinating the receipt of any donations or contributions;
- Maintaining logs for requisitions, check requests, and travel orders;
- Coordinating the acquisition of goods and services with City procurement; and
- Assisting with disbursement and management of investigative cash funds and audits of those funds.

17.1.3 Compliance with budget procedures

Every employee is responsible for the employee's expenditure of public funds. Employees shall follow City procedures and requirements when making any purchase or renting any equipment, including compliance with all bidding procedures and all procedures related to emergency purchases.

17.1.5 Property inventory and control

Department employees shall comply with the police department's property inventory and control system. A property inventory and control system shall be used to track the issuance/reissuance of all personally assigned property.

17.2 Department Vehicles

17.2.1 General requirements

A. Employees shall:

- Drive only vehicles they are authorized to drive;
- Abide by all state and local laws and City and Department policies;
- Not drive any vehicle unless trained and qualified in the safe operation of that type of vehicle;
- Report any damage to the vehicle or its assigned equipment immediately to a supervisor;
- Drive only with a valid Arizona driver license for the class of vehicle driven;
- Immediately report any civil or criminal citation or a suspension, restriction, or revocation of their license to a supervisor;
- Submit to an annual review of their driving privileges;
- Always wear a seatbelt when driving or riding as a passenger in a moving motor vehicle;
- Ensure that all passengers, including children, and all prisoners in a motor vehicle use either seat belts or appropriate restraint devices;
- Not smoke in any City vehicle;
- Not swap or exchange assigned vehicles without the express approval of a supervisor;
- Ensure that the employee's assigned vehicle is serviced properly at the city garage when due; repairs needed to vehicles outside the capabilities of the city garage will be authorized by the Deputy Chief;
- Ensure proper fuel levels are maintained at all times;
- Use a swing vehicle when authorized and when their assigned units are undergoing service or repair;
 - Officers using swing vehicles will return them to the police department with no less than three-quarters of a tank of fuel and all trash removed.
- Not make any modifications to Department vehicle bodies, systems, electrical/electronic components, or markings without first receiving written permission from the Chief of Police.

B. A vehicle may be assigned on a 24-hour take home basis to a specific employee as determined by rank or assignment. Only assigned vehicles may be taken home and only if the employee lives within ten miles of the city limits or when authorized by a supervisor.

C. Specialized vehicles, such as SWAT trucks, bomb disposal vehicles, mobile command posts, aircraft, motorcycles, and bicycles may only be operated by those personnel who have been authorized by the supervisor of the unit to which the vehicle is assigned. The unit procedures for each unit with assigned specialized vehicles shall establish written training standards for each type of specialized vehicle and a list of all equipment to be kept within each such vehicle. Except as necessary for training purposes, no one may operate a specialized vehicle without meeting the established training standards. The supervisor of the unit shall be responsible for the condition and maintenance of the vehicle.

17.2.2 Vehicle Equipment and Maintenance

A. An employee is required to inspect a vehicle for proper operation and for the presence of required equipment assigned to the vehicle **at the beginning of each shift**. Any damage, missing property or equipment shall be reported to a supervisor. An employee assigned a vehicle in need of repair or service shall schedule such repair with the city mechanic. The City Vehicle Work Order form will be completed and a copy will be forwarded to the Administrative Assistant. Employees learning of Swing Vehicles in need of repair or service will schedule the repair or service and notify the Deputy Chief.

B. Any vehicle used for prisoner transport shall be searched before and after each prisoner transport, and again at the end of shift, for contraband, weapons, etc. At the end of the shift, the vehicle shall have at least 3/4 tank of fuel, all trash shall be removed, and the keys shall be returned to the assigned location in the locked key box in dispatch.

C. The security of City vehicles and the equipment within those vehicles is the responsibility of the employees using the vehicle. All vehicles shall be locked when left unattended and any provided steering wheel locking device or security system shall be engaged.

D. Every police vehicle will contain a first aid kit and a fire extinguisher.

E. Vehicles used in routine or general patrol service, whether or not marked as police vehicles, shall be equipped with operational emergency lights and a siren.

17.2.3 Collisions involving City vehicles

A. Personnel shall immediately report to Communications, who shall dispatch a supervisor, and notify the Deputy Chief, of any collision involving:

1. A City-owned or -leased vehicle.
2. An employee's privately-owned vehicle when the employee is on City business and has been formally authorized to use a private vehicle.
3. An officer's privately-owned vehicle when the officer is on the way to or from work.

If the collision occurs in another police jurisdiction, the local law enforcement agency shall also be contacted.

B. If within City jurisdiction, the Deputy Chief will determine if the accident is minor and if so will be investigated by a supervisor, or if the accident is major and will be turned over to an outside agency for investigation. In either situation the Deputy Chief will direct a supervisor or other officer to document the incident, whether it occurred on a public roadway or on private property.

C. If investigated internally investigating officer shall complete a traffic accident report (when appropriate), a DR and a diagram and shall take any appropriate enforcement action, including the issuance of traffic citations. Photographs shall be taken. Investigation and documentation shall occur even when there is no obvious damage and no injury is alleged. Department vehicles that have been damaged in a collision shall not be placed in service, even if serviceable, until a damage estimate has been completed unless authorized by the Deputy Chief.

D. The final reports will be reviewed by the employee's chain of command for any necessary corrective or disciplinary action. Corrective or disciplinary action will be considered without regard to any enforcement action that may have been taken.

17.3 Other Department Equipment

17.3.1 Department-Issued Cellular Telephones

The Department may issue cellular telephones to specific employees, based both on rank and assignment, as determined by the Chief. As with all issued equipment, cellular phones are to be used for Department business; personal use should be limited to emergency situations. Employees may be required to reimburse the City for the cost of personal use of the phone.

If a unit is assigned a shared phone, a log shall be maintained reflecting the assignment of the equipment at specific times.

All employees using the Department's communication equipment shall bear in mind that all records created by those devices are likely public records and thus subject to disclosure and publication. All use of Department-issued devices shall be conducted with the utmost professionalism. Web surfing on Department-issued devices is strictly prohibited, as is the access, consumption, storage, or transmission of offensive or nonprofessional or non-work-related materials, and any violation of this policy constitutes a serious policy violation, and thus shall result in significant discipline, including termination of employment.

17.3.2 Privately-owned cellular telephones

Employees may elect to use a personally owned cellular telephone or pager while on duty. Employees doing so must understand that:

1. The City will not reimburse the employee for the use of the phone for City business, nor for purchase, replacement, repair or damage to the equipment or associated accessories.
2. An employee's use of their personal phone for City business while on- or off-duty constitutes the creation of public records, and thus may require the employee to disclose some or all of their personal phone's contents for examination, disclosure to the public, and possible publication, as well as provision in accordance with public records requests or subpoenas. **There is no mechanism for appeal of this matter, and an employee's use of their personal phone for City business, or for any purpose that benefits the City or Department, thus constitutes consent to this policy.** An employee's refusal to comply with this policy provision constitutes a serious policy violation, and thus shall result in significant discipline, including termination of employment.

17.3.3 Radios

All officers are issued one individual radio. All supervisors will be issued two radios. Radios needing repair or new batteries will be taken directly to a supervisor along with a memo detailing the repair needed or describing the malfunction and the item will be replaced. The supervisor will forward the faulty equipment to the Deputy Chief who will replace the item or have it repaired.

17.3.4 Operational readiness of stored property

All operational property (radios, handcuffs, batons, special equipment, etc.) shall be stored and maintained in operational readiness (working, clean and available) by the supervisor or commander over the function to which the property is assigned. The supervisor/commander is responsible for determining the operational property needs for the function and requesting that such property be obtained.

17.4 Department Facilities

- A. All employees are responsible for the security of Department facilities and are required to know and adhere to the Department's security requirements.
- B. Employees are issued keys for access to police facilities. Lost keys shall be immediately reported through the chain of command.

17.4.1 Emergency evacuation

- A. Each Department facility must have an evacuation plan that is made available to all who work within the facility. Unit supervisors are responsible for familiarizing new employees to the evacuation plan. The plan shall be kept current by the Deputy Chief
- B. Each work area shall have an emergency evacuation coordinator, who shall ensure that exit and emergency signage remains in place; fire exits remain accessible at all times; employees who may need assistance in the case of an evacuation receive assistance; and that all employees vacate an area when required.

C. In the event of an emergency evacuation order or fire alarm, employees shall promptly vacate their work areas in accordance with the plan. The last employee to leave an area should close the door, leaving it unlocked.

D. Visitors and prisoners are the responsibility of the person who brought them into the facility, or the on-site supervisor. Prisoners who are evacuated shall be promptly transported to another facility or the jail for continued detention.

E. Re-entry to the facility shall be governed by the responding fire or incident commander.

Chapters 18-20 [Reserved].

CHAPTER 21 CLASSIFICATIONS; DUTIES AND RESPONSIBILITIES

21.1 Classifications

The development of position task analysis and written position classifications is the responsibility of the City Personnel Department, and must be done in compliance with City Personnel rules and procedures. The Police Department shall review and approve each position classification for which a police department employee may be assigned, ensuring that the essential functions, work behaviors, frequency with which the work behavior occurs and criticality of the job-related skills, knowledge, and abilities of each position within the agency are adequately described within the classification description. This review is critical as the position classification establishes hiring, promotion, training and job performance criteria. The Chief maintains copies of these position classifications and makes them available, upon request, to an employee.

21.2 Duties and responsibilities

The assignment of the duties and responsibilities of each individual within the agency is the Department's responsibility. It is the responsibility of all supervisors to ensure that the duties and responsibilities assigned to a specific employee fall within the employee's classification.

CHAPTER 22 COMPENSATION, BENEFITS AND CONDITIONS OF WORK

22.1. Compensation

A. The general compensation, benefit, and employment policies of the Department are based on City policies, and state and federal laws. Additional information on these policies may be obtained from the Personnel Department.

B. Adjustments in the compensation plan shall be applied to Department employees as directed by the City. Compensation may be adjusted, consistent with City policies, when an employee is promoted, demoted, or reclassified based upon a change in duties. Compensation may also be adjusted to reflect increases in the rates within the compensation plan, increases merited by performance and justified by annual performance evaluations, and decreases as a result of the downgrade of a position or a reduction in pay.

Personnel Rules and Regulations Chapter 4 Section 14

IV. COMPENSATION AND BENEFITS Section 14. Pay Adjustments

A. Upon the approval of a new salary range for a position, each employee in that position shall receive an increase in pay in the amount, if any, that is required to raise the employee's rate of pay to the new salary range. Any such increase shall be effective upon the effective date of the new salary range.

B. An employee who is promoted to a new position shall receive any increase in pay in the amount, if any, that is required to raise the employee's rate of pay to the new salary range for that position. This increase shall be effective upon the date of promotion.

C. An employee who is demoted to a position with a different salary range shall receive a reduction in pay in the amount, if any, necessary to include that employee's rate of pay within the salary range for the new position. An employee who is demoted as the result of a disciplinary action may also receive an additional salary reduction as a result of that disciplinary action.

D. An employee may receive an increase in pay based upon the exemplary performance of their job. A recommendation for any such increase shall be submitted by the Department Head to the City Manager for final approval. The approval of such a request is at the discretion of the City Manager and is contingent upon the availability of funds.

E. An employee may receive an increase in pay of up to five percent (5%) for obtaining a certification that enhances the ability of the employee to perform their work. A qualifying certification must be issued by a state or federal agency or by a recognized professional organization and must be one that is not a prerequisite for the position. To be considered for any such increase, the employee must have demonstrated an ability to perform their work at a higher level of proficiency. A recommendation for any such increase shall be submitted by the

Department Head to the City Manager for final approval. The approval of such a request is at the discretion of the City Manager and is contingent upon the availability of funds.

22.1.3 Uniform and equipment allowances

All Sworn personnel are authorized \$1,000.00 of uniform allowance per year.

Animal Control Officers will receive \$300.00 of uniform allowance.

Any officer who leaves the Department's employment before serving two years at the Department shall reimburse the Department for all to-date expended uniform allowance. The uniform allowance amount shall be deducted from the officer's final check, and any remaining balance is due within thirty days.

22.2 Working hours and overtime

22.2.1 Working hours

A. Each employee will generally be assigned to a regularly scheduled shift with designated days off, although certain assignments may require unusual or irregularly scheduled shifts.

B. Employees are responsible for verifying and approving, either manually or electronically, their time worked record, and recording the actual hours worked, no later than the last day of each pay period. Employees are not permitted to perform voluntary work for the Department. All hours worked must be recorded on the time worked record. Failure to verify and sign the time worked record when due may result in a delay in the issuance of the employee's paycheck.

C. The pay period for Department employees begins at 12:00:01 A.M. on Sunday and end at 12:00 midnight on the following Saturday night, and consists of seven consecutive days.

D. The Chief reserves the right to schedule employees as required to meet the needs of the Department.

22.2.2 Overtime

IV. COMPENSATION AND BENEFITS

Section 6. Overtime Pay

A. Each non-exempt employee shall be entitled to compensation at the rate of one and one half (1 1/2) times their regular pay for any overtime hours that the employee works during each designated work period. For those employees who are not public safety employees, overtime pay will be paid for hours in excess of forty (40) hours worked each week. Differing work periods and overtime periods may be established for certain designated police or firefighter employees.

B. Each non-exempt employee shall obtain specific authorization from their supervisor prior to working outside of their regularly scheduled work hours. An employee may be granted time off during the same work period in order to limit the amount of overtime pay that may be

required during that work period. For nonemergency situations, the supervisor shall make a reasonable effort to provide the employee with not less than twenty-four hours of advance notice prior to scheduling any required overtime work. A. Department and City policies for overtime shall conform to applicable state and federal laws.

B. Employees who are exempt under the Fair Labor Standards Act are not paid additional compensation for work beyond forty hours in a pay period. Exempt employees are not eligible for overtime and receive the same amount of compensation regardless of the number of hours worked in a workweek. Exempt employees at the Police Department include the Chief of Police.

C. Overtime for eligible employees shall be compensated by cash payment at one and one-half times the regular rate of pay.

D. In order to control overtime expenditures, the Police Chief may adjust the work hours of overtime eligible employees to meet the demands of the Department.

E. All overtime work must first be authorized by a supervisor.

22.3 Lactation Break Policy

A. An employee is entitled to reasonable break time to express breast milk for her nursing child for one year after the child's birth.

B. Employees should generally use existing authorized breaks for this purpose, if provided. However, the number of breaks needed and time of the breaks may vary from person to person. If additional breaks are necessary, or if the time needed exceeds authorized break time, the additional time and/or breaks shall be unpaid time and should be recorded as such by the employee on the time worked record.

As with all other out of service breaks, employees who are assigned to the field should notify Communications before taking the break. Lactation breaks should not be interrupted except in the case of emergency.

C. Each police facility shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk. The place does not have to be reserved for this purpose, but must be functional as a space for expressing breast milk and must be a space that can be protected from view and intrusion while being used.

D. If the employee uses a Department refrigerator to store the breast milk, the milk must be clearly labeled and taken with the employee at the end of shift.

22.4 Other Employee Leave and Benefits

City of Bisbee Personnel Rules and Regulations Chapter IV. COMPENSATION AND BENEFITS lists the following;

Section 1. Compensation and Work Periods

A. All employees shall be paid every two weeks. Each employee shall be paid on the Friday that follows the end of the preceding two-week pay period.

B. For all employees other than public safety employees, each regular weekly work period shall begin at 12:00:01 A.M. on Sunday and end at 12:00 midnight on the following Saturday night. Different work periods may be established for public safety personnel, as allowed by applicable law, provided that they are also paid every two weeks.

Section 2. Benefits

A. The City of Bisbee will provide each of its employees with all of the benefits which the City is required to provide under applicable State and Federal law. These benefit programs are fully defined in the respective statutes and regulations. At the present time, these mandatory benefits include the following:

1. Social Security benefits for all employees except firefighters who are not participants in this system.
2. Worker's Compensation insurance for all employees.
3. Arizona State Retirement System (ASRS) benefits for all eligible employees.
4. Arizona Public Safety Personnel Retirement System (PSPRS) benefits for eligible law enforcement and fire personnel.
5. Continued health coverage upon termination of employment, as required by federal law ("COBRA").
6. A Long Term Disability Plan for Arizona State Retirement System eligible employees, funded by contributions from both the employee and the City of Bisbee. Members of the Public Safety Retirement System have a Long Term Disability Plan provided by the City of Bisbee.

B. The City also provides certain additional benefits to employees, subject to the availability of appropriate plans and the approval by the Mayor and Council of specific contracts with the providers. The specific nature and scope of each of these benefits is defined in the respective contracts or plan documents. At the present time, these additional benefits include the following:

1. Health insurance for full time employees, paid by the City, and optional coverage for spouses and eligible dependents, at the expense of the employee.
2. Dental insurance for full time employees and their eligible dependents.

3. Basic Life Insurance for full time employees, currently in the amount of \$50,000 paid by the City. Optional coverage for spouses and eligible dependents is available at the expense of the employee.

4. An Employee Assistance Program which provides full time employees and their family members with three face to face and unlimited telephonic clinical consultations per incident. Telephonic consultations are also available for childcare and eldercare assistance, financial, legal, identity theft recovery and daily living services. On site critical incident debriefings are an additional benefit provided with the Employee Assistance Program.

5. A Deferred Compensation Plan, through which employees may defer a designated portion of pre-tax income into an investment account, as authorized by Section 457 of the Internal Revenue Code.

6. A Cafeteria Plan for full time employees in the amount of \$67.62 monthly which the employees can elect to place in a Deferred Compensation Plan or apply towards dependent health insurance coverage through the City.

7. A Short Term Disability plan for full time employees to cover disability prior to the availability of any long-term disability.

C. These benefit plans may be altered, based upon changes in the applicable laws or based upon the determination of the Mayor and Council as to which plans and types of benefits are in the best interests of the City and its employees at any point in time. The City reserves the right to amend, modify or terminate, in whole or in part, this benefit package, at its sole and absolute discretion, based upon these criteria. The Personnel Director is authorized to revise this description of the available benefits, as included in this Section, from time to time, as may be necessary to accurately reflect the nature and scope of the benefits that are available at that time. Employees shall be notified in writing of any changes to these benefits.

Section 3. Paid Time Off

(O-09-14, O-10-04, O-12-18)

A. Paid Time Off (PTO) is accrued each pay period by full time employees, at the rates specified in paragraph B. below, to provide time off from work for vacation, short term illness, personal business or other family matters PTO is not accrued for the period in which an employee is on a leave of absence, including family medical leave, military leave, or a leave of absence without pay, for a period of more than thirty consecutive days or for any period in which the employee is receiving benefits under the City's Supplemental Benefits Plan.

B. Employees accrue PTO at rates based upon the length of their respective service with the City. Classified certified fire department personnel accrue more PTO due to their longer work periods. The rates for the accrual of PTO are as follows:

Length of Service	Hours per pay period	Hours annually
Fire Department		
Less than 5 years	7.5	195
5 years or more	9.5	247
10 years or more	12	312
Non-Exempt Employees		
Less than 5 years	5	130
5 years or more	6.5	169
10 years or more	8	208
Exempt Employees		
Less than 5 years	6.5	169
5 years or more	8	208
10 years or more	9.5	247

On the employee's fifth and tenth anniversary dates, the employee's PTO accrual rate will be increased to reflect the new rate.

C. PTO is provided with the understanding that the employee's performance as a City employee will be enhanced by periodic breaks from service and if sufficient time is provided to address any necessary personal or family business. For this purpose, employees may use up to forty (40) hours of PTO prior to accrual, with the written approval of their department head, or the City Manager, for emergency, medical or other unforeseeable personal or family purposes each year. Any such prior use will be subject to reimbursement from the employee's subsequently accrued PTO and from any compensation that may be due to a terminating employee, as applicable.

D. PTO is not intended to be carried forward as a retirement benefit. It is the policy of the City of Bisbee that continuing employees may not carry forward to any subsequent year more than one year's amount of accrued PTO hours. Any amount of PTO remaining for any employee as of December 31 of each year that is in excess of the amount accrued for that year will be forfeited.

E. An employee who has requested the use of a specific amount of PTO with reasonable advance notice and who has been denied the opportunity to use this PTO due to the particular circumstances of that department during that calendar year, will not forfeit that requested amount of excess PTO if the particular circumstances of that department prevented the employee from being able to use that PTO during the calendar year. The retention of any such PTO must be approved in writing by the City Manager and must be used within the next six months of the following year or it will be forfeited at that time.

F. Employees must request and receive advance written approval from their supervisor or department head for the use of PTO, except for purposes of sick leave or an emergency situation. Any such request may be denied if the employee fails to request the time off with reasonable advanced notice, as necessary to schedule any other employees that may be necessary to complete the work, or if the time off would seriously impair the ability of the remaining employees to complete any necessary tasks of that department at that time. All reasonable requests will be accommodated as circumstances permit, in order to assist the employee in using this PTO for the purposes intended. An employee shall advise their supervisor or department head of any leave for illness or an emergency at the earliest possible time and, if requested by a supervisor or department head, may be required to provide sufficient confirmation of the reasons for any such leave taken without prior notice.

G. If a paid, legal holiday occurs within a period in which an employee is taking PTO, the employee will receive the benefits of the paid, legal holiday and PTO will not be deducted for that day. If an employee is scheduled to work on a holiday and the employee uses approved PTO for that day, at the request of the employee, the employee may use PTO and receive compensation for both PTO and holiday pay.

H. PTO may not be used to extend the period of employment for an employee who has submitted a resignation. Absent specific approval from the City Manager in appropriate circumstances, PTO will not be available for use during the last two weeks of employment.

I. Upon termination, an employee will be entitled to compensation for their unused PTO at the employee's current hourly rate of pay.

J. If an employee has used more PTO during the year of their termination than the amount available from the carry over for prior years and the amount accrued for that year, as of the date of termination, the value of this excess use of PTO will be deducted from the employee's final pay check or checks.

K. An employee may use PTO and receive compensation for additional hours of PTO during a pay period in which the employee also receives other forms of disability related compensation such as workers compensation benefits or other disability compensation, but only if the employee is not receiving benefits under the City's Supplemental Benefit Plan. For any employee who receives other forms of disability related compensation in any particular pay

period, the amount of PTO used and the compensation for it shall be limited to such amount as will not cause the employee's total compensation and benefits from all sources to exceed the amount of the employee's regular compensation for City work during any pay period. This additional compensation may result in a reduction of the amount that is available from certain disability programs. The employee should consult with the Personnel Director and confirm the total amount of benefits that will be available from each source prior to electing to use PTO in any such situation.

Section 4. Extended Illness Bank

A. The Extended Illness Bank (EIB) provides additional compensation to a full time employee who is suffering from a more serious illness or disability, prior to the period in which short-term or long-term disability payments are received. The employee's accrued time in EIB may be used for an extended period of illness or disability after the twenty-fourth (24th) consecutive hour of work missed due to any such illness or disability for an employee subject to a seven day work period. For firefighters and any other employees whose work periods are longer than seven days, accrued time in EIB may be used for an extended period of illness or disability after the thirty-sixth (36th) consecutive hour of scheduled work missed due to any illness or disability.

B. EIB is accrued by regular, full time employees who are subject to a seven day work period at the rate of two (2) hours per pay period, until a maximum limit of one hundred twelve (112) hours are accrued. EIB is accrued for full time firefighters and any other full time employee whose work periods are longer than seven days at the rate of three (3) hours per pay period, until a maximum of three hundred thirty-six (336) hours are accrued. When an employee reaches the maximum limit, no additional EIB will be accrued unless or until the employee expends all or any portion of their EIB. Additional EIB is not accrued during the period in which an employee is on leave, including family medical leave, military leave or leave of absence without pay, for a period of more than thirty consecutive days.

C. Paid Time Off shall be used for the period of missed work prior to the beginning of the EIB period. EIB may be used thereafter, upon the request of the employee and with the approval of the Personnel Director and City Manager. In the absence of circumstances that clearly indicate the existence of an extended illness or disability, the employee may be required to provide confirmation of their physical condition to be eligible for EIB, including a doctor's statement. If the employee is not able to return to work prior to expending all of their available EIB, the employee may use any remaining PTO prior to receiving payments under either the available short-term or long-term disability coverage, as applicable.

D. If a paid City holiday occurs within a period in which an employee is eligible for the use of EIB, the employee shall be compensated for the holiday and EIB shall not be used for that day.

E. Any employee who had accrued more than the allowable maximum amount of EIB prior to August 1, 1996, and who still maintains more than this maximum amount, may continue to

maintain such amount until it is used. Any such amount that is carried forward shall be used prior to the use of any additional EIB to which the employee is eligible. Any employee who was hired prior to November 1, 1978, shall be compensated for any unused EIB at their current rate of pay per hour upon termination of employment, up to a maximum of 1080 hours for firefighters and a maximum of 360 hours for all other employees. No other employees shall be entitled to any compensation for any unused EIB upon termination of employment.

F. An employee may receive EIB compensation during a pay period in which the employee also receives other forms of disability related compensation such as workers compensation benefits or other disability compensation. For any employee who receives multiple forms of such compensation in any particular pay period, the amount of EIB payments shall be limited to such amount as will not cause the employee's total compensation and benefits from all sources to exceed the amount of the employee's regular compensation for City work in any pay period. This additional EIB compensation may result in a reduction of the amount that is available from certain disability programs. The employee should consult with the Personnel Director and confirm the total amount of benefits that will be available from each source prior to electing to use EIB in any such situation.

Section 5. Holidays

A. Full time employees shall be provided with time off with pay for the holidays that are formally recognized by the City. The holidays that are observed annually by the City are as follows:

New Year's Day

Dr. Martin Luther King, Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Thanksgiving and the following Friday

Veterans' Day

Christmas Day

If a designated holiday falls on a Saturday or Sunday, the holiday shall be observed on the same day that the holiday is observed by the state and federal government.

B. Full time, nonexempt employees who are required to be on duty during any designated holiday shall receive pay for the holiday, at the rate of a full day's pay, in addition to compensation for the hours actually worked during any such holiday. Full time exempt employees who are required to be on duty during any designated holiday shall receive pay for the holiday, at the rate of a full day's pay, and additional PTO time in the amount of the time actually worked during any such holiday.

Section 6. Overtime Pay

A. Each non-exempt employee shall be entitled to compensation at the rate of one and one half (1 1/2) times their regular pay for any overtime hours that the employee works during each designated work period. For those employees who are not public safety employees, overtime pay will be paid for hours in excess of forty (40) hours worked each week. Differing work periods and overtime periods may be established for certain designated police or firefighter employees.

B. Each non-exempt employee shall obtain specific authorization from their supervisor prior to working outside of their regularly scheduled work hours. An employee may be granted time off during the same work period in order to limit the amount of overtime pay that may be required during that work period. For non-emergency situations, the supervisor shall make a reasonable effort to provide the employee with not less than twenty-four hours of advance notice prior to scheduling any required overtime work.

Section 7. Bereavement Leave

A. An employee who suffers a death in their family shall be entitled to a period of leave with pay for purposes of participating in any funeral or other events with the surviving family members and assisting in the resolution of the affairs of the deceased family member. For purposes of this provision, a death in the family shall mean the loss of a relative to the second degree, by either blood or marriage, including a spouse, or grandparent, parent, brother, sister, child, or grandchild of the employee or of their spouse.

B. The bereavement leave period shall be three (3) work days. If the employee will be required to undertake extended travel outside of this immediate area or if there are other particular circumstances that require a longer period to accomplish the purposes of this leave, an employee may be authorized to take up to two (2) additional days of such leave with the approval of the Department Head.

C. For firefighters and other employees whose work period is longer than seven (7) days, the period of paid bereavement leave shall be those hours during which the employee is scheduled to work during a consecutive three (3) calendar day period necessary for this purpose, or the scheduled hours during a five (5) calendar day period, if the longer period is approved by the Department Head.

Section 8. Family and Medical Leave

A. All employees who are eligible under applicable federal law shall be entitled to take family and medical leave during each calendar year for any purpose or purposes authorized by the applicable law. Federal law requires that the following general notice about the nature and scope of Family Medical Leave Act be provided to all employees:

Employee Rights and Responsibilities

Under the Family and Medical Leave Act

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is:

- (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition”.

Benefits and Protections

During FMLA leave, the employer must maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of “Serious Health Condition”

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from

performing the functions of the employee’s job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

B. Any employee taking Family and Medical Leave will be required to use any available Paid Time Off (PTO) during this leave period. If this leave is due to a serious health condition of the employee, the employee shall also be required to use available Extended Illness Bank (EIB) time during this leave period. If paid leave is used during any such period, it shall count against the total available Family and Medical Leave time. If the employee has no remaining paid leave, the Family and Medical Leave shall be without pay.

C. Eligibility for all Family and Medical Leave shall be determined on a calendar-year basis. The Personnel Director shall provide each City employee with an eligibility notice, in the manner required by law, within five (5) business days, absent extenuating circumstances, after the employee requests Family and Medical Leave or after the City acquires knowledge that the employee's leave may be for an FMLA-qualifying reason.

D. The City reserves the right, to the full extent allowed by federal law, to request medical certification and re-certification from a health care provider that includes all of the information about the basis for FMLA leave which can be lawfully requested.

Each employee who takes Family and Medical Leave due to their own serious health condition shall obtain and present a certification from the employee's health care provider that states that the employee is fit to return to work prior to returning to work. This certification shall be a condition for the return to City employment.

E This Section shall be applied in a manner that is consistent with all applicable federal and state laws, as they may be amended from time to time. Nothing stated herein shall authorize any violation of any such law. Upon changes in the applicable federal law regarding the nature or descriptions of these rights, or the statements or disclosures that must be provided to employees, the Personnel Director is authorized, without further approval, to revise this Section.

Section 9. Jury Duty and Court Procedures

A. The City of Bisbee encourages all of its employees to accept the obligation and the privilege of serving on a jury when called for jury duty. An employee who is called for jury duty at the time that he or she is scheduled for work will be excused with pay. The amount of compensation to be provided to the employee during jury duty will be the difference between the employee's full salary for regularly scheduled work and the amount of the jury fee, excluding travel expenses, received by the employee.

B. An employee who is called to jury duty shall advise their supervisor of the scheduled date or dates as soon as the employee is certain when he or she will be required to report. An employee

who serves on jury duty shall provide the Finance Department with a copy of the payment records received by the employee for jury duty upon their return to work as a condition for any payment from the City.

C. An employee who is required or requested to provide testimony in connection with any work-related incident, in a deposition, trial or other hearing, shall be compensated in the same manner as for other City work during the time required for any such event. An employee who may be required to participate in any private litigation or deposition that does not involve the City or that does not involve information that the employee observed or obtained in connection with the performance of their work for the City will be required to take Paid Time Off or leave without pay to participate in any such procedure.

Section 10. Military Leave

A. Leave for active-duty military service and for military training obligations shall be granted to all City employees in the manner required by applicable state and federal law. Members of the National Guard or of any branch, reserve or auxiliary of the armed forces of the United States shall be granted leave with pay for all days in which they are called for training duty or to attend camps, maneuvers, or drills for a period not to exceed a total of thirty (30) days in any two consecutive calendar years. City employees who are called to active duty shall be granted leave without pay for the period of any such service.

B. The City shall make both the employer and the member contributions for any City employee who was an active member of the Public Safety Retirement System on the day before he or she began active military duty. To qualify, the employee must be honorably discharged and return to City employment following separation from active military duty, as required by applicable state law (A.R.S. § 38-858). For any employee who is called to active duty, the City shall continue to provide, at the employee's request and expense, dependent health insurance coverage in the same manner that this coverage is provided for other employees during the period of any such active duty.

C. Any employee who is called for active duty military service or for training shall have a right to return to their prior position, or a higher open position commensurate with their ability and experience, upon the completion of any such military service or training.

Section 11. Leave of Absence Without Pay

A. A leave of absence without pay, for time off in excess of the employee's current amount of Paid Time Off and other authorized leave, is inconsistent with the general needs and requirements of the City and will only be granted in those situations which are clearly within the overall best interests of the City.

B. A request for a leave of absence without pay must be approved, in writing, by the Department Head, with the written consent of the City Manager. All available PTO shall be used prior to incurring any leave without pay. Permission to take leave without pay may be denied at the discretion of the Department Head or the City Manager and the denial of any such request shall not be subject to grievance or any other additional review.

C. A full time employee who is granted a leave of absence without pay shall continue to be treated as a full time employee for purposes of eligibility of health insurance. The City Manager may authorize continued health insurance to any such employee on the same basis as it was provided prior to the leave, for the period of the authorized leave. The employee shall be required to pay the City directly for the full costs of any additional insurance coverage for a spouse or dependents in order to retain any such coverage during this period. An employee who is granted leave without pay shall not be entitled to accrue paid time off, extended illness bank time, longevity time, life insurance or any additional benefits to which a full time employee may be entitled during the period of any such approved leave.

Section 12. Travel Reimbursement

A. The City of Bisbee will reimburse each employee for authorized business travel taken on behalf of the City as provided for in this Section. Vehicle use shall be subject to the Vehicle Use Policy of these regulations. An employee shall obtain prior approval from their Department Head prior to undertaking any overnight travel.

B. The City will reimburse employees for meal expenses incurred in connection with overnight travel away from the City for business purposes. The City will also reimburse employees for meal expenses incurred in those other situations which, under the applicable rules of the Internal Revenue Service, reimbursement would not constitute wages for tax purposes. This may include compensation for meals while attending business meetings or conventions of certain exempt organizations, such as governmental or professional organizations, where the meals are provided at the site of the meeting or convention, as part of that event.

C. For eligible meals, the City will provide reimbursement for the expenses incurred, up to a maximum of thirty two dollars (\$32.00) per day, upon submission of receipts for the actual expenses incurred. For a claim for an entire day, the employee may allocate the daily per diem amount for breakfast, lunch or dinner as he or she may choose, provided that reimbursement will not exceed the maximum total per day. For partial days, the City will provide reimbursement, upon submission of receipts for meal expenses, up to the following amounts for each meal

Breakfast 5 AM to 10 AM \$8.00

Lunch 10 AM to 2 PM \$10.00

Dinner 5 PM to 10 PM \$14.00

Expenses incurred for alcoholic beverages shall not be reimbursed.

D. The City will provide reimbursement for overnight lodging for business-related travel. The employee shall seek the most reasonable available accommodations, considering the purpose of the trip, convenience and availability. Receipts will be required for reimbursement. If the Finance Department provides a listing of eligible and recommended accommodations for certain areas, such as Tucson or Phoenix, the employee must make a reasonable effort to stay in a designated or similarly-priced accommodation, unless this would be inconsistent with the purposes of the trip.

E. For travel by airline or other public carrier, the employee shall use the lowest price available class of service and shall attempt to reserve the ticket as early as reasonably possible to get the best available fare. The employee must present a receipt for reimbursement.

F. An employee may be reimbursed for other reasonable and necessary incidental travel-related expenses such as parking, a rental car, public transportation, or similar expenses. A receipt will be required for any reimbursement.

Section 13. Longevity Pay

A. The City of Bisbee recognizes that an experienced and trained work force provides additional benefits to the City and its citizens and seeks to reward longstanding employees for their dedication to this service to the City.

B. Each full-time, employee shall receive additional compensation, applied as an increase to their regular rate of pay, based upon the years of full-time service of that employee. Longevity compensation adjustment shall be computed as follows:

1. Upon the completion of five (5) years of continuous employment, an increase of two percent (2%) will be added to the employee's hourly rate of pay.

2. Upon the completion of ten (10) years of continuous employment, an increase of an additional three percent (3%) will be added to the employee's existing hourly rate of pay.

3. Upon the completion of fifteen (15) years of continuous employment, an increase of an additional four percent (4%) will be added to the employee's existing hourly rate of pay.

4. Upon the completion of twenty (20) years of continuous employment, an increase of an additional five percent (5%) will be added to the employee's existing hourly rate of pay.

5. Upon the completion of twenty-five (25) years of continuous employment, an increase of an additional six percent (6%) will be added to the employee's existing hourly rate of pay.

Section 14. Pay Adjustments

A. Upon the approval of a new salary range for a position, each employee in that position shall receive an increase in pay in the amount, if any, that is required to raise the employee's rate of pay to the new salary range. Any such increase shall be effective upon the effective date of the new salary range.

B. An employee who is promoted to a new position shall receive any increase in pay in the amount, if any, that is required to raise the employee's rate of pay to the new salary range for that position. This increase shall be effective upon the date of promotion.

C. An employee who is demoted to a position with a different salary range shall receive a reduction in pay in the amount, if any, necessary to include that employee's rate of pay within the salary range for the new position. An employee who is demoted as the result of a disciplinary action may also receive an additional salary reduction as a result of that disciplinary action.

D. An employee may receive an increase in pay based upon the exemplary performance of their job. A recommendation for any such increase shall be submitted by the Department Head to the City Manager for final approval. The approval of such a request is at the discretion of the City Manager and is contingent upon the availability of funds.

E. An employee may receive an increase in pay of up to five percent (5%) for obtaining a certification that enhances the ability of the employee to perform their work. A qualifying certification must be issued by a state or federal agency or by a recognized professional organization and must be one that is not a prerequisite for the position. To be considered for any such increase, the employee must have demonstrated an ability to perform their work at a higher level of proficiency. A recommendation for any such increase shall be submitted by the Department Head to the City Manager for final approval. The approval of such a request is at the discretion of the City Manager and is contingent upon the availability of funds.

Section 15. On Call and Call Out

A. Applicability The provisions of this Section apply only to those employees who are not subject to a Memorandum of Understanding between the City and an employee organization.

B. On Call Each employee who is assigned by their supervisor to be on call during an off-duty period shall receive a minimum of two (2) hours pay for each twenty-four hour period in which that employee is on call. The twenty-four hour, on-call period shall commence at a time set by the Department. An employee who is on call has the freedom to effectively use this time for their own purposes, unless a call is received. The employee is entitled to additional compensation as provided herein in exchange for the benefits that the City receives from having this employee available for a possible return to work. An employee who responds to a call during any such on call period to perform unscheduled duties which are in excess of their regular hours of work shall receive the minimum number of paid on-call hours plus actual time worked.

C. Call Out

1. Each employee who is called back to work by their supervisor during an off-duty period in which the employee is not on call to perform unscheduled duties which are in excess of their regular hours of work shall receive a minimum of three (3) hours of compensation per occurrence or the actual hours worked, whichever is greater.

2. Whenever call-out duty exceeds four hours, a meal break will be included if circumstances permit.

A. The City offers a variety of leaves and benefits for employees, to include health insurance, life insurance, dental insurance, vision insurance temporary disability insurance, retirement, liability protection, employee education benefits, and assistance with line-of-duty injury and death benefits. Written leave policies are available from the City of Bisbee Personnel Department, as are descriptions of the benefits offered. Employees with questions about leave policies or benefits, including how to request a specific leave or benefit, or notify the City of leave, should contact the City Personnel Department. Whenever leave is requested, the employee's supervisor should be notified as soon as practical.

B. Law enforcement employees are sometimes involved in work-related critical incidents that may result in placement of an employee on administrative leave or may place additional stress on the employee or employee's family. The department is committed to supporting its employees in such situations; employees in such situations should contact their supervisor or the City's Personnel Department to access assistance that may be available through existing city benefit programs.

C. Serious injuries and line of duty deaths. The Chief is responsible for providing or arranging for notification of an employee's family in the event of serious injury to or death of an employee. The Personnel Department shall develop and maintain familiarity with available City, state and federal benefits for employees in such situations and shall be prepared to assist the family and/or employee as necessary.

22.5 Separation from employment

A. An employee who wishes to resign or retire shall submit a memo indicating the resignation or retirement, including the final date of service, through the employee's chain of command to the Chief. The resignation or retirement is effective upon the signature of the Chief, or Chief's designee. The memo shall then be processed by City procedures.

B. Employees who are involuntarily separated from the Department shall be provided a written statement citing the reason for the dismissal and the effective date of the dismissal. Employees

shall be referred to the Personnel Department for an explanation of any fringe or retirement benefits following dismissal.

22.6 Retirement credentials

A. Department employees will be issued an alternate identification upon retirement. As required by A.R.S. §13-3112 and approved by the Police Chief, sworn employees retiring in good standing will be issued an “honorably retired” commission card; all other sworn employees will receive a retired commission card.

B. Employees who leave the Department for reasons other than retirement will generally not be granted credentials. The Police Chief may grant exceptions to this policy as circumstances warrant.

C. Badges remain Department property, whether paid for by the Department or the employee. Any personally owned badges must conform to adopted agency requirements in both form and style. Employees shall return all badges at the time of separation from the Department, other than upon retirement.

22.7 Light or Modified Duty

22.7.1 General light duty limitations

A. Light/modified duty assignments will be available to employees injured during working time, but only on a temporary basis and then only when the Department actually has necessary and conforming work available that is within the employee’s capabilities. The Department will not create positions or modify current positions to meet an employee’s capabilities; instead, employees will typically be required to remain off work until they obtain and present to the Department a medical clearance. The Chief will analyze these instances on a case-by-case basis.

B. Employees who are unable to fully perform their duties due to non-work-related illness or injury may use sick leave, compensatory time, vacation leave, or leave without pay (within the limits of City policy) until able to resume their duties.

22.7.2 Light duty for industrial injuries

An employee who has suffered an industrial injury and is cleared by a licensed physician to return to light-duty work shall contact the employee’s supervisor and provide a copy of the physician’s release and limitations form. The supervisor shall forward the documentation to the Chief. The Chief shall determine whether a light duty assignment is available and appropriate. At the Chief’s discretion, employees may be sent to a City-selected physician when additional medical information/clarification is needed to determine the employee’s fitness for work.

22.7.3 Light duty assignments

If the Chief determines that a light-duty position is available, the employee will be assigned to that position. No employee is permitted to refuse to work an assignment within the limits of their

capabilities as defined by their physician's statements. Any employee who refuses to work an assignment shall be removed from the light-duty position and placed on appropriate leave, and may be subject to disciplinary action.

22.7.4 Time limits

Light-duty positions are not intended to be and shall not become permanent positions. If the employee is unable within a reasonable amount of time to return to full-duty, the employee shall be referred to the Human Resources Department to discuss other options that may be available, including a reasonable accommodation, reclassification, medical retirement, long-term disability, and medical termination.

22.7.5 Off-duty employment while on light duty

Employees who are on light duty will normally not be permitted to work off-duty in a police capacity.

22.8 Medical Releases To Return To Work Following Industrial Injury

No later than the beginning of their next regularly scheduled shift, an employee returning from industrial or more than three days of medical leave will provide their supervisor with a copy of a written full-duty or light-duty release from a medical professional. At the commander's discretion, employees may be sent to a City-selected physician when additional medical information/clarification is needed to determine the employee's fitness for work.

22.9 AWOL (Unauthorized Leave Without Pay)

An employee is "considered" AWOL if the employee does not return from authorized leave as scheduled or if the employee is absent for any amount of time from their assigned duties without authorization.

22.10 Fitness-for-Duty Examinations

Two types of Fitness-for-Duty Examination situations exist: officer initiated and Department initiated; Both governed by A.R.S. § 38-1112

A. Officer-initiated. A Department employee may request to be evaluated to determine if a medical or mental health condition is materially limiting their ability to perform the essential functions of their position. All requests for fitness-for-duty assessments shall be discussed in detail with the Chief. If the Chief agrees that an assessment is necessary, a draft order to the officer shall be prepared, containing the information required. If the Chief approves the draft order, the matter shall be discussed with the City Manager, and the City Attorney.

Upon approval of the request, an appointment shall be scheduled with the selected, licensed medical/psychological health provider, providing at least ten days notice to the officer. The notice to the officer shall be completed and presented to the officer. The officer shall be advised

that attendance is mandatory and that they will be compensated for the time spent at the appointment.

B. Department-initiated. The Department may order an employee to submit to an examination with a medical or mental health care professional if the officer has acted or failed to act in an observable manner that indicates that there is a physical, medical, or mental health condition materially limiting the officer's ability to perform the essential functions of the officer's job, within the officer's job description.

1. The Department shall provide the officer with a written order that includes all of the specific, objective facts upon which the order for the examination is based, except that the names of the individuals who reported the observed conduct may be omitted.
2. The order shall specify the time, place, manner, conditions, and scope of the examination and the person(s) who will conduct the examination. The order shall provide the officer with at least ten days' notice.
3. The officer may have a representative present during the examination if the person conducting the examination agrees.

C. The Department may provide a copy of the order to the provider, along with any additional information it may have related to the fitness for duty. In addition, the person doing the examination shall be advised that they may consider and report on only:

1. The officer's medical or other records that are directly relevant to the actions in question;
2. Medical or other records that record preexisting conditions that are relevant to the examination;
3. Any condition of the officer that the provider identifies during the course of the physical examination that endangers the safety of the officer or the community.

D. If the officer advises the Department that they will be seeking an independent medical or mental health examination, the Department shall provide the physician selected for the independent medical examination with copies of all materials that are provided to the physician selected for the fitness for duty examination.

E. Upon receipt of the final report of the examination containing the providers's findings, the employer shall notify the officer that the report has been received.

F. The report shall be provided only to the employer and the law enforcement officer and shall not be provided to any other person except as required for any subsequent appeal or certification action involving the law enforcement officer.

G. If the officer presents the Department with a final report of an independent medical or mental health examination or if the officer waives any right to request an independent medical

examination, the Department ordered fitness for duty final report will be provided to the officer immediately.

H. If the officer does not present the results of an independent medical examination within twenty days after the employer provides the officer notice that the report has been received by the employer, the officer is deemed to have waived the right to present the results of the independent medical or mental health examination.

I. The employer shall not take any final action until after the law enforcement officer has had at least twenty days to review the fitness-for-duty report, unless the officer waives the twenty day period or the employer grants an extension.

J. Following receipt of all report(s), the police chief shall make a decision as to the continued employment status of the employee.

K. Fitness-for-duty reports and independent medical or mental health examinations are confidential and shall be placed in the employee's confidential medical file. Only those in the employee's chain of command will be advised of any of the contents of the report, and the information that will be shared will be limited to whether the employee will remain employed and, if so, what if any limitations have been placed on the employee.

L. All information requested, provided, and otherwise obtained pursuant to this section is disclosable to the Chief, the City Manager, the Personnel Director, the City Attorney, and the subject employee, except as required for any subsequent appeal or certification action involving the law enforcement officer. In all other cases, this information is confidential, and shall not be provided or disclosed to any other person under any circumstances unless the subject employee waives their right, in whole or part, to specific persons or in general, and in writing.

22.11 Off-duty work as a Peace Officer

22.11.1 General requirements

A. Officers may not work off-duty as a peace officer – for a private employer for pay, for another law enforcement agency for pay or for any entity on a volunteer basis - without complying with this policy. Officer compliance is the responsibility of both the officer and the officer's immediate supervisor, who shall bring any violation up the chain of command to the attention of the Chief

B. Working off-duty is a privilege, and not a right. Officers wishing to work off-duty as a peace officer shall complete an off-duty work request, including in the request a description of the work to be performed. The request must be approved prior to the performance of the work by the Chief. The approval to work off-duty may be revoked by an officer's supervisor or commander;

revocation is not subject to grievance or appeal. Officers on initial probation may not work off-duty.

C. Off-duty work may not interfere with an officer's performance with the Department. All officers working off-duty continue to be bound by Department policies and the General Orders Manual.

D. While working off-duty, officers shall take those enforcement actions and make those arrests that the officer would if working on-duty. Officers shall not perform tasks outside the scope of law enforcement duties when engaged in off-duty work (e.g., acting as a cashier while employed to provide law enforcement services). Officers shall immediately notify their supervisor and then submit a written report documenting the circumstances of any of the following should they occur while working off-duty: incident involving use of police powers, injury to the officer or others, complaints involving the officer's services, court appearances resulting therefrom, or liability concerns.

22.11.2 Prohibited off-duty work

Any off-duty work that does or may conflict with law enforcement duties or the Department's best interest is not permitted. Examples include, but are not limited to, the following: acting as an expert witness in litigation, collection of bad debts, adjusting claims, recovering property covered by a security agreement in default of payment, investigation and/or reconstruction of accidents, private investigations or security consultant services, working as a bouncer, working at the scene of a labor dispute, or working at any business or location where the primary focus is the sale of alcoholic beverages or dispensing or use of medical marijuana, or the adult entertainment industry.

22.11.3 Emergency call to duty from off-duty work

Officers must advise off-duty employers that the Chief may determine at any time, and for whatever duration may be necessary, that all City officers are needed to perform regular police duty and will not be permitted to work off-duty. Officers working off-duty shall immediately respond to a call to active duty.

22.11.4 Additional limitations

Off-duty work shall never occur while an officer is on-duty.

22.11.5 Maximum hours and maximum hours between shifts

No officer may work off-duty or engage in outside employment more than thirty hours in a pay period without taking vacation or compensatory time off from regular duty. All officers shall have a rest period of not less than eight (8) continuous hours out of any twenty-four (24) hour period, whether working on-duty, off-duty, or outside employment. No officer shall work more than twelve (12) hours of off-duty work or outside employment in any twenty-four (24) hour period.

22.11.6 Special circumstances

The Police Chief may grant exceptions to these rules, for specific periods or specific events, when doing so is in the best interest of the City.

22.12 Outside employment (not as a peace officer)

22.12.1 Eligibility

A. All employees are eligible to engage in outside employment by complying with the City's policy for approval of outside employment which states;

V. JOB PERFORMANCE REQUIREMENTS AND RESTRICTIONS

Section 5. Outside Employment

A. City employment must be the primary employment for all full-time employees. No City employee shall engage in any outside employment with any other employer without first obtaining specific written approval from their Department Head or Supervisor to engage in any such additional employment. An applicant for employment must disclose any continuing outside employment in connection with their application.

B. Approval for additional employment will be granted unless the outside employment conflicts with the interests of the City. Outside employment will not be allowed in those situations in which the additional employment may interfere with the prompt and effective performance of all official duties, including on-call or scheduled overtime work; the employee's association with the other employer may give rise to any conflict of interest; or the additional employment is not clearly distinguishable from the City employment and may give rise to any confusion as to which employer the employee is representing at any point in time.

B. Employees on City sick leave may work in outside employment only if the work conforms to the limitations of the employee's physical or mental condition and only with the approval of their chain of command. Employees who are on leave without pay status, or who are assigned to home pending investigation, may not engage in outside employment.

22.12.2 Maximum hours and maximum hours between shifts

All employees shall have a rest period of not less than eight (8) continuous hours out of any twenty-four (24) hour period, whether working on-duty, off-duty, or outside employment. No employee shall work more than twelve (12) hours of off-duty work or outside employment in any twenty-four (24) hour period.

22.13 Court appearances

Attendance at court or quasi-judicial hearing and proceedings is required of most Department employees from time to time as a part of the employee's duties; employees shall attend when notified to do so. Employees shall be prompt, dress professionally (uniform long sleeve with a

tie, or business attire long sleeve with a tie, jacket optional; Class C uniform will not be worn unless otherwise authorized by a supervisor), and arrive prepared to testify. Employees shall be attentive and respectful and shall testify for both the prosecution and the defense as required and in a respectful and impartial manner. Testimony shall be truthful.

Employees shall comply with courtroom rules regarding the wearing of firearms.

22.13.1 Conflicts

When an employee receives conflicting notices to appear (for example, from both City Court and Superior Court), the employee shall honor them in order, first, of the issuing court (United States District Court, Superior Court, Justice of the Peace Court, and City Magistrate Court, in that order), and second, by the date of service. The employee shall immediately notify the party requesting both subpoenas of the conflict and inform the parties of the employee's responsibility to honor which subpoena. If the conflict is between a court and an administrative hearing, the employee shall immediately notify the employee's supervisor. The supervisor shall contact the prosecutors or others in charge of the conflicting matters to resolve the conflict.

22.13.2 Subpoenas

A. Employees shall accept any subpoena served on them. Any questions regarding the validity of a subpoena or the need to attend a particular hearing shall be directed to a supervisor, who shall contact the City Attorney. Employees subpoenaed by the defense attorney shall immediately notify the prosecuting attorney who is handling the case.

B. Any subpoena that requests records be produced ("subpoena duces tecum") shall be given to the Records Section for response. The Records Section employee shall immediately provide the City Attorney with a copy of the subpoena. Questions concerning response to a subpoena for records should be referred to a supervisor and/or the City Attorney.

22.13.3 Evidence

Officers are responsible for delivering evidence to the courtroom when requested by a prosecutor to do so. Notify the City Attorney prior to the court date for further instructions.

22.13.4 Attorney pre-trial interviews

A. Employees shall cooperate with attorneys (defense or prosecution) or unrepresented defendants in response to requests for pre-trial interviews. When requested by a particular prosecution officer or prosecuting attorney to do so, employees shall always coordinate defense attorney interviews with the prosecutor, and may also contact the City Attorney for assistance in scheduling, and in requesting the City Attorney to appear with the officer. Generally, attorney interviews should be scheduled during an employee's duty hours and between the time period of 0800 to 1800, Monday through Friday. If the officer does not work during those hours, the interview should be scheduled to begin at the closest time to the employee's tour of duty that begins during those hours/days. Interviews may take place at a police facility or at an appropriate location upon which the parties mutually agree.

B. When contacted by an attorney on a civil matter, the officer must determine whether the case involves the City as a party. If it does (a traffic accident involving the officer, for example) the employee must first discuss the request with the City Attorney.

C. Interviews may be recorded by either party to the interview. Equipment for the recording is the responsibility of the party wishing to record the interview.

D. An officer who is a victim in a criminal case is not required to grant an attorney interview to the defense attorney.

22.13.5 Emergency situations

If an employee encounters an emergency situation and cannot attend an interview or respond to the court in a timely fashion, the employee shall immediately contact the attorneys involved, or a supervisor who shall contact the attorneys on behalf of the employee.

22.13.6 Civil matters

A. Employees who are served with a lawsuit involving actions taken on duty, or while performing police duties, shall immediately inform their chain of command. Given the limited time period for responding to lawsuits, officers shall not delay in notifying their chain of command. Supervisors receiving copies of lawsuits shall advise the Police Chief and route the lawsuit to the City Attorney's Office upon receipt.

B. Any Department employee who receives court-related documents shall immediately provide a copy of those documents to the City Attorney.

C. Officers shall not discuss civil cases with the other parties or their attorneys. Officers shall not attempt to enter into civil compromises or otherwise settle cases involving the City.

D. Employees who become involved in litigation over matters not involving the Department shall advise their chain of command of the case and all relevant facts. Under no circumstances should one Department employee accept service of process on a matter that relates solely to another employee's private, non-police-related business.

22.13.7 Compensation

Any compensation for a judicial or quasi-judicial appearance (other than as a juror) paid by any source other than the City (for example, witness fees) shall be immediately turned over to the Department. No employee shall appear as an "expert witness" for any entity other than the City or the County Attorney's Office without written permission from the Police Chief.

CHAPTER 23 WORKPLACE SAFETY; ACCIDENTS AND INJURIES

23.1 Accidents Involving Police Personnel and Property

Any accident (other than one involving a vehicle; see [G.O. 17.2.3](#)) involving an injury to an on-duty employee or damage to City property shall be immediately reported. A supervisor shall respond to the scene to investigate the accident. The supervisor shall call for assistance in the investigation when appropriate (for example, contacting a superior to involve the Detective Division, or outside agency).

Unless the investigation is turned over to the Detective Division or outside agency, the supervisor shall complete the investigation, thoroughly document the incident (including photographs), and send a report of the investigation and any recommended disciplinary action to the chain of command. The supervisor shall also complete any necessary worker's compensation documentation.

23.2 Occupational and Workplace Safety

Workplace safety is the responsibility of all employees. The Department provides personal protective equipment to all employees as appropriate to specific assignments; employees shall use the assigned equipment. Employees shall report any safety problem or health hazard to a supervisor; supervisors shall act to resolve the problem or hazard.

The nature of the work done by employees necessarily includes the risk of exposure to infection. When aware in advance of a hazard, employees shall use assigned equipment to prevent exposure. Employees shall document and report all exposures as required. For additional assistance or information, contact a supervisor.

23.2.1 Industrial Injuries

An industrial injury is any injury arising out of and in the course of employment. In addition, under Arizona law, an injury that occurs to a certified peace officer while traveling to and from work as an on-duty law enforcement officer, or to and from secondary work as a peace officer, or while off-duty if injured while taking a police action, is also considered an industrial injury.

23.2.2 Worker's Compensation Program

In Arizona, employees or reserve officers who have suffered an injury or illness arising from and in the course of their employment with the City, must seek compensation and medical payments through the Worker's Compensation Program unless the employee has previously waived coverage under the program.

Employees who choose to waive coverage must file a waiver prior to the injury occurring. Waivers are available from the Personnel Department

23.2.3 Treatment of Injuries

- A. An employee who suffers a minor injury not requiring treatment by a physician may be administered first aid. The injury shall be documented with a memorandum from the injured employee and a Supervisor's Report of Industrial Injury. The memorandum and Supervisor's Report will be retained for one year in the employee's medical file; if complications from the injury develop, a complete package of industrial injury forms will be completed at that time by the supervisor and using the information contained in the original memo and report.
- B. An employee who suffers a minor injury requiring medical treatment may respond either to the City-contracted physician or a private physician to care for the injury.
- C. Employees who are seriously injured shall be treated at the nearest hospital. An on-duty supervisor shall be notified immediately; that supervisor shall respond to the hospital to make any necessary arrangement for the further care of the employee and to provide assistance to the employee and employee's family regarding employee benefits.
- D. The supervisor will notify the Chief through the chain of command.

23.2.4 Documenting Industrial Injuries

- A. An employee who suffers any injury must complete a memo to the first line supervisor explaining the incident and providing copies of any documents detailing the need for follow-up treatment, doctor or therapy visits, etc.
- B. The first line supervisor shall complete, within 24 hours of the injury, the Supervisor's Report of Industrial Injury. This report requires the employee's signature. If the employee is unable to sign the form, the employee's spouse may sign the form. If neither is available to sign the form, the form shall be completed and forwarded within the required time frame. This form is time critical as it must be processed by City Personnel Department and filed with the Arizona Industrial Commission within ten days of the injury.
- C. Employees who have been injured as the result of a malicious act by a third person will be photographed, in color, to reflect the injury and/or damage to clothing and equipment.

23.5 Exposure to bodily fluids, infectious material, or communicable disease

- A. Exposure to communicable diseases, including blood borne pathogens (BBP) and diseases transmitted through the air, is a hazard of law enforcement work. This policy is intended to assist employees in minimizing this risk through the use of appropriate work practices, the use of personal protective equipment (PPE) and prompt evaluation and treatment should exposure occur.
- B. The following job classifications have been identified as those reasonably anticipated to have some occupational exposure to communicable diseases:

1. All sworn personnel
2. Non-sworn employees assigned to evidence control
3. All Animal Control Officers

23.5.1 Exposure Control Officer

The Chief shall designate an exposure control officer. This officer shall be responsible for (in conjunction with the Chief) implementation and revision of this exposure control policy, provision of PPE, arranging for necessary medical examination, and follow-up in the event of an exposure, and training of personnel in exposure control. The Training Sergeant is responsible for ensuring that personnel attend scheduled training and follow the practices and procedures required by this policy.

23.5.2 Blood-Borne Pathogens Exposure Control Plan

A. Blood-borne pathogens may include HIV, and Hepatitis A, B, and C Viruses, among others.

B. HIV is a virus that attacks and disables a person's immune system, weakening their resistance to other diseases. There is no known vaccine or cure for the virus. Officers may be exposed to this pathogen by contact with contaminated drug needles, with infected body fluids or other potentially infectious materials (any body secretion)..

The Hepatitis viruses are viral infections that may result in jaundice, cirrhosis, or cancer of the liver. The incubation period is from six weeks to six months; carriers of the virus may appear well for varying periods of time. Officers may be exposed to these viruses through contact with persons with open wounds, presenting body fluids or solids, or other potentially-infectious materials, or by being stuck with a contaminated needle,. Hepatitis is a very hardy virus and can live for several days, including on a dry surface.

C. Preventative measures that employees shall observe include the following.

1. Employees should wash their hands frequently with soap and warm water or provided cleansing agents, including immediately after removing gloves or other potentially infectious materials. Employees should not, following even limited physical contact with any person, eat, drink, smoke, or touch their face, mucous membrane, or any wound or rash until they have washed their hands. If soap and water are not available, employees should immediately apply alcohol-based hand sanitizer and wash their hands with soap and water as soon as possible.
2. Collect, handle, and transport biological evidence using personal protective equipment and follow proper evidence collection, packaging, and transportation procedures, including the placement of all body fluids or other potentially infectious materials in properly labeled, leak-proof containers.

3. Sharp objects that are evidence shall be placed in marked, puncture-resistant biohazard containers.
4. Avoid placing food or drink on or near any storage device or surface which contains body fluids or other potentially infectious materials or is used for the packaging of body fluids or other potentially infectious materials.
5. Avoid stepping in any body fluids or other potentially infectious materials.
6. PPE and other regulated waste shall be disposed of in properly-labeled biohazard bags and receptacles.

23.5.3 Personal protective equipment (PPE); Universal Precautions

A. Employees shall take universal precautions when dealing with any situation involving the potential for exposure to blood and body fluids, including OPIM. Employees shall use PPE at all times and treat all such substances as if infectious.

B. PPE will be supplied by the Department. Specific PPE needs are to be determined by the Chief upon the recommendation of the Exposure Control Officer. Depending on the likelihood of exposure, PPE may include:

1. Masks, eye protection, face shields,
2. Respirators
3. Gowns, aprons or other protective clothing
4. Disposable gloves or similar protective items

PPE will be replaced or repaired by the Department as needed.

C. Supervisors shall monitor the use of PPE as required by this policy.

23.5.4 Tuberculosis (TB) Exposure Control Plan

A. Tuberculosis is a disease caused by bacteria. Symptoms of TB include a persistent cough, bloody sputum, chest pain, fever, night sweats, weight loss, and extreme fatigue. The disease is transmitted when a person who has TB sneezes, coughs, or speaks and another person ingests the expelled bacteria through an airway or mucous membrane, such as during CPR. Many people who become infected with the TB bacteria will not develop the disease, but will still have a positive reaction to a skin test.

B. Preventative measures. If an employee believes a person has or may have infectious TB, the employee should wear an N95 respirator to prevent inhalation of the infection. Close contact should be minimized and the person should be moved outside or the area should be ventilated to the extent possible.

C. If it is necessary to transport a person with TB, the employee should wear an N95 respirator, transport the person directly to the hospital, avoid transporting anyone else at the same time, operate the vehicle's air recycling system on at high speed on a non-recirculating cycle and open all windows (weather permitting).

D. An employee who has been exposed to a person known or suspected of having TB shall immediately contact a supervisor. Both the exposed employee and the supervisor must complete the appropriate paperwork, including the report of exposure and chemical/biological contamination exposure form.

1. The employee shall seek a medical evaluation, and shall receive an initial TB skin test. If the initial test is negative, it will be repeated in three months. Employees who test positive will be evaluated for preventive therapy and retested as required.
2. An employee who has infectious TB shall begin treatment and shall not return to work until cleared to do so by a physician.

23.5.5 Employee Exposure to Blood Borne Pathogens

A. An employee who is or may have been exposed to a blood-borne pathogen shall immediately contact a supervisor and will be taken to the nearest hospital, where an infection control doctor should be consulted. If hospital treatment is not necessary, or if an infection control doctor is not available, the employee should then go to a physician.

B. Immediate decontamination is recommended. Soap and water, along with a disinfecting agent, should be used.

C. Preventative treatments are available for certain types of exposures, but treatment must begin within **two hours** or as soon thereafter as possible. Employees must be aware that waiting more than 48 hours greatly diminishes the effectiveness of treatment.

D. Supervisors are responsible for assisting exposed employees, including contacting employees who are no longer on the scene and may not realize the potential for exposure. All clothing and equipment must be decontaminated. See below.

E. Worker's compensation coverage and OSHA regulations require exposed employees to have a baseline blood draw taken; employees are encouraged to do so immediately. To protect an employee's rights to file a future claim of infection or illness due to a significant occupational exposure, employees must:

1. Within 24 hours of a possible significant exposure that arises out of, and is in the course of employment, file all necessary reports.
2. Complete a baseline blood test within ten days after the possible significant exposure. This test is voluntary and intended to determine that the employee is free of the infection or illness the time of exposure.
3. Test for the HIV infection or Hepatitis A, B, and C within thirty days of a significant exposure.

F. Exposed employees are also entitled to, and are encouraged to make themselves available for, follow-up blood draws and tests as recommended by the treating physician or City physician. Medical evaluation and counseling will be at Department expense. The results of all tests are strictly confidential.

G. Both the exposed employee and the supervisor must complete the appropriate paperwork, including the report of injury and chemical/biological contamination exposure form.

23.5.6 Testing Sources of Significant Exposure

An effort should be made to test the person who is the source of a significant exposure of an employee for communicable diseases. Testing is done by blood draw; most tests are done voluntarily with the consent of the person being tested, or by the person's family if the person is deceased. A supervisor should be contacted to discuss the matter with the person who is the source of the exposure and to seek consent.

If consent is not provided, A.R.S. 13-1210 permits an employee or volunteer, or for the agency itself, to file a petition with Superior Court for an order authorizing the testing of the person for HIV, common blood borne diseases, and other diseases listed in the petition if there are reasonable grounds to believe an exposure occurred in certain specified circumstances. Contact the City Attorney for assistance in getting a court order for the blood draw.

If there is probable cause to gather the evidence for law enforcement purposes (for example, because the type of assault charged depends on the seriousness of the exposure), the evidence may also be gathered through a search warrant.

23.5.7 Decontamination of public areas or public property

A. When it is necessary to clean up large amounts of bodily fluids from a public area or publicly owned property, officers may contact the City Public Works Director, or Bisbee Fire Department, for scene decontamination.

B. For cleanup of small amounts of contamination, the following procedures should be followed:

1. To clean small areas, use gloves and, if necessary, safety goggles and a facemask. Surfaces that are heavily contaminated with mold, feces, or body tissues should be disinfected using a 1:10 solution of bleach and water; a 1:20 water/bleach solution will suffice for a less severe contamination. Allow the cleaner to sit for at least three minutes before wiping.
2. For contaminants directly on the hands, skin or mucous membranes, and following the removal of latex gloves in contact with contaminants, the affected areas should be washed immediately with soap and warm water, scrubbing vigorously for 20 seconds. If either mouth or eyes are involved, flushing with warm water for at least 10-15 minutes is recommended.
3. For contaminated vehicles, use a solution of bleach and water (1:20 for light contamination; 1:10 for heavy contamination of mold, urine, blood, feces, body tissue, and so on), scrub all areas, allow the bleach to soak in for 5-10 minutes, and then rinse. Contaminated vehicles shall not be used until properly decontaminated; when there is concern about the effectiveness of the decontamination process, contact a supervisor.
4. For equipment (handcuffs, batons, flashlights, and etc.), wear latex gloves and use a 1:20 solution of bleach and water for light contamination, and 1:10 water/bleach ratio for a heavy contamination, and leave the solution on the equipment for three minutes before rinsing.

C. Contaminated clothing should be handled with latex gloves, kept separate from other laundry in marked plastic bags, and washed in soap and warm water. Shoes and leather gear should be scrubbed with soap and hot water.

D. Hand decontamination. Following all decontamination procedures, the employee shall wash their hands completely with soap and water. The OSHA-approved procedure is:

- Rub your hands together under water for at least ten seconds (with soap if available). Wash all surfaces well, including wrists, palms, backs of hands, fingers, and under the fingernails.
- Clean the dirt from under your fingernails.
- Rinse the soap from your hands.
- Dry your hands completely with a clean towel if possible (this helps remove the germs). However, if towels are not available, it is okay to air dry your hands.
- Pat your skin rather than rubbing it to avoid chapping and cracking.
- If you use a disposable towel, discard it in the trash.

23.8 Industrial Leave

A. Employees on industrial leave are assigned to their home and will be considered to have the same duty hours and days off during the first seven days following injury as they had when injured. After the first seven days, the employee may be reassigned to new duty days and days off.

B. Written documentation from a physician is necessary in order for time lost due to an industrial injury or occupational disease to be treated as compensable time. Any on-duty time that is spent for follow-up physician and therapy appointments shall be noted on the employee's time worked record as industrial time.

CHAPTER 24 [Reserved]

CHAPTER 25 GRIEVANCE AND APPEAL PROCEDURES

The City of Bisbee Personnel Rules and Regulations list the following Grievance Procedures;

VII. GRIEVANCE PROCEDURES

Section 1. Purpose of Grievance Procedures

A. Although the City of Bisbee will attempt to resolve disputes with its employees as expeditiously as possible, a Formal Grievance procedure is necessary for certain, more difficult situations. These Formal Grievance Procedures are intended to provide a means for additional review and consideration for certain disputes that cannot be otherwise resolved administratively. At the same time, however, this process is not intended to prevent the use of more informal administrative procedures to resolve disagreements and misunderstandings that may arise between City employees and City officials.

B. Regular-status employees in classified service may pursue a Formal Grievance, as described in this Chapter, for the review of actions that involve the involuntary termination of employment, a suspension without pay, a demotion, or a reduction in pay. All employees may request a review and discussion of other questions arising from the interpretation and application of City rules and procedures that are outside of the scope of the Formal Grievance process, as also described in this Chapter.

Section 2. Right to File a Formal Grievance and Issues That Are Subject to Grievance

A. Right To File A Formal Grievance Each regular status employee in the classified service shall have the right to file a Formal Grievance, as provided in this Section. Unclassified personnel shall not have a right to file a Formal Grievance pursuant to these procedures.

B. Issues That Are Subject To Formal Grievances

1. A Formal Grievance may be filed by an employee with grievance rights for the review of any of the following:
 - a. An involuntary termination of employment.
 - b. A disciplinary action that includes a suspension without pay.
 - c. A disciplinary action that includes a demotion or a reduction in pay.
2. A Formal Grievance may not be filed with regard to any of the following:
 - a. A verbal or written reprimand.

- b. A dispute about the determination of a fundamental governmental policy such as the rate of pay for a particular job classification, the equipment or resources to be provided for the performance of that job, or the structure, staffing and organization of a particular department.
- c. A dismissal from employment, or a reassignment to a previously held position, for the failure to complete a probationary period in a satisfactory manner.
- d. An employee performance evaluation.
- e. Any other dispute for which such review is not specially authorized.

Section 3. Four-Stage Formal Grievance Process

A. Presentation to the Department Head

1. An employee may initiate a Formal Grievance by presenting a written “Notice of Formal Grievance” to the employee’s Department Head within five (5) working days of the date of the action that is subject to the Formal Grievance. This notice shall include a complete explanation of the basis of the Formal Grievance and as much documentary evidence as the employee is able to provide at that time. The notice shall also indicate the employee’s address and the location to which all additional responses and notices should be delivered.
2. The Department Head shall investigate the matter and shall within five (5) working days meet with the employee to review the matter. Within five (5) working days after that meeting, the Department Head shall provide the employee with a written statement of findings made by the Department Head. The Department Head shall also include any additional evidence or information upon which he or she has relied.

B. Presentation to the City Manager

1. If the employee is not satisfied with the Department Head’s response, the employee may submit a written request for additional review to the City Manager, together with a written explanation of the basis for any objection that the employee may have to the findings that were made by the Department Head. The employee shall also provide the City Manager with all of the additional information that he or she may wish to have considered by the City Manager. Any such request for additional review shall be submitted within five (5) working days of the date of receipt of the written statement made by the Department Head.
2. The City Manager shall investigate the matter and shall schedule meeting with the employee to discuss the issue within ten (10) working days of the date of the request for this review. The employee shall present all of the information, evidence and argument

that he or she may have at this meeting with the City Manager. Within ten (10) working days of this meeting, the City Manager shall provide the employee with a written statement that explains the City Manager's decision and the basis for it. This decision shall also identify all of the information, evidence and statements that have been provided to or gathered by the City Manager, including that provided by the employee. This documentation shall constitute the record for review.

Section 3. Four-Stage Formal Grievance Process (continued)

C. Review by the Civil Service Commission

1. If the employee is not satisfied with the City Manager's decision, the employee may submit a written Request for Review by the Civil Service Commission within ten (10) working days of the date of receipt of the City Manager's decision. This Request for Review shall include an explanation of why the employee disagrees with the City Manager's decision and shall be submitted to the City Manager for referral to the Civil Service Commission.

2. Within fifteen (15) working days of the receipt of any Request for Review, the City Manager shall arrange for a meeting of the Civil Service Commission to review this decision. The employee shall be provided with not less than ten (10) working day's prior notice of this meeting.

3. At its meeting for this review, the Civil Service Commission shall consider the available record from the prior proceedings; all information, evidence and statements that have been previously provided by the employee and the City Manager; and the arguments or explanations presented by the employee and the City Manager, or their representatives. The Civil Service Commission shall not consider additional information, evidence, or issues that were not previously presented in the prior proceedings. Based upon the record and information that is before it, the Commission shall offer its opinion as whether the subject decision was arbitrary, capricious, an abuse of discretion, or in violation of applicable law. The Commission shall also make a recommendation that the subject decision be affirmed; be reversed, in whole or in part; or be modified.

D. Final Decision by the City Manager

1. Upon the receipt of the recommended decision by the Civil Service Commission, the City Manager shall fully consider that recommendation and shall issue a final, written decision, with a specific findings and conclusions, within ten (10) working days of the date of the receipt of this recommendation.

2. The City Manager's decision shall be the final administrative determination. This decision may be appealed to the Superior Court for review within thirty (30) calendar days of the date of this decision.

Formal Grievance Procedure

Written notice of grievance to department head within 5 working days of action;

Department head to meet with employee within 5 working days;

Department head shall provide written decision within 5 working days;

Written request for review of grievance to City Manager within 5 working days of department head decision;

City Manager to meet with employee within 10 working days of request for review;

City Manager shall provide written decision within 10 working days;

Written request for review of grievance by CSC within 10 working days of City Manager's decision;

City Manager arranges meeting of CSC within 15 working days of request for review;

CSC determines recommendation at meeting of CSC;

Final written decision issued by the City Manager with findings and conclusions within 10 working days of CSC recommendation; and

City Manager's decision may be appealed to the Superior Court within 30 calendar days of date of decision.

Section 4. General Provisions Regarding a Formal Grievance

A. All notices that are required to be given to the employee in this process shall be either personally delivered to the employee, with an acknowledgement of receipt; personally delivered to the employee's regular place of residence and given to the employee or other resident over the age of eighteen (18) at that location; or delivered by certified mail, return receipt requested.

B. The time limits specified in this process may be waived and continued by the mutual consent of the parties, provided that any such request is made prior to the expiration of any applicable time period. The failure of the employee to pursue any subsequent step within the time period required, absent an agreement to continue that time, shall constitute an abandonment of the Formal Grievance process for that issue. A Formal Grievance may be terminated by an employee

at any time upon the employee's written request. Absent any such agreement for continuance, the failure of the City, or its representatives, to take any action within the time required in this section shall authorize the employee to pursue the next step in this process to request relief.

C. The employee shall have the right to representation at each stage in this process. The employee may be represented by an attorney or by any other person, including another employee of the City. If a representative is designated, all further notices and decisions shall be provided to that representative, at their designated address, and may be served by first class mail.

D. At each stage in this Formal Grievance process, the applicable procedures shall be informal and shall allow for a full presentation of all of the necessary and appropriate information in any orderly manner. Formal rules of evidence shall not be applied. Testimony and other evidence may be limited to that which is relevant, material, not unduly repetitious and which is commonly accepted as reliable by prudent persons in the conduct of their affairs.

Section 5. Review and Discussion of Other Issues

A. This process shall not preclude City employees from raising other issues, questions, or problems directly with their supervisors and department heads in the regular course of business.

B. Any question regarding the interpretation or application of the City of Bisbee Personnel Rules, or other applicable rules and policies of the City of Bisbee, which is not within the scope of the Formal Grievance rules, may be presented by an employee in writing to the employee's Department Head. In this written request, the employee must explain specifically how this rule or policy is applicable to that particular employee at this time. The Department Head shall provide a written response to the employee within ten (10) working days of the date of receipt of any such request for review.

C. If the employee is not satisfied with the response from the Department Head, the employee may submit a request in writing to the City Manager requesting further review. The City Manager may meet with the employee, at their discretion, and shall respond in writing to the employee within ten (10) working days of receipt of the request for review. The decision of the City Manager shall be final.

CHAPTER 26 DISCIPLINARY PROCEDURES

26.1 Code of Conduct

All employees of the Department will comply with the code of conduct set forth in this General Order.

26.1.1 General Standards of Expected Conduct

Employees shall not engage in any conduct, whether on or off duty, which is unbecoming or detrimental to their duties, position, or the Department. All employees shall conduct their private and professional lives in such a manner as to avoid adverse reflection upon the Department or themselves. Employees shall treat each other and all persons with whom they have contact with the utmost professionalism, respect, and courtesy.

26.1.2 Expected Conduct Toward the Public

A. All persons are entitled to courteous, professional, and respectful treatment and must be given every assistance that may be proper under the rules of this Department. Employees shall not physically or verbally mistreat or abuse any person.

B. Employees shall politely provide their name and badge number, and display their department issued identification card with their photograph on it, to any person who requests it. This mandate to present department identifiers does not pertain to personnel who are actively working in an undercover capacity.

26.1.3 Security and Confidentiality of Department Business

A. Employees shall consider the operations, official business, and records or files of the Department to be confidential. Such information shall be released only in accordance with Department procedure and then only by persons authorized to make such releases.

B. Employees shall not steal, alter, destroy, forge, remove, copy, or tamper with any kind of police record, report, recording, photograph, evidence, citation, or document, including any electronic version, except that employees may destroy or copy police records with proper approval. Employees shall not submit any type of fraudulent report for any purpose.

C. Employees are prohibited from retaining personal copies of official police reports and shall incorporate all notes and working files into the official record (pursuant to department policy and Arizona Rules of Criminal Procedure, Rule 15, see below) maintained in the Records and Evidence Units. Employees are prohibited from retaining copies of voice recordings, video recordings, photographs, and other similar material, whether obtained on Department or personal equipment, related to official police investigations. All such items shall be submitted to Property and Evidence according to standard Department protocols. Employees may, however, request a copy of public records by making a public records request as a citizen through the proper channels.

- Arizona Rules of Criminal Procedure, Rule 15, allows handwritten notes to be destroyed if they are substantially incorporated into a document or report within 20 working days or otherwise preserved as specified by the Rule. Otherwise, handwritten notes must be maintained for discovery purposes.

D. Excluding those departmental telephone lines that are automatically recorded and recordings that occur as a part of an official criminal or administrative investigation, employees of the Department are prohibited from surreptitiously recording their conversations with other employees or other law enforcement personnel.

26.1.4 Lawful and proper conduct

A. All employees shall observe and obey all laws, City policies, Department General Orders, Department procedures and policies, as well as any procedures and policies established by their supervisors.

B. Employees shall immediately notify their supervisor when they:

1. Receive a moving vehicle citation;
2. Are involved as a witness, victim, or suspect in any situation under investigation by any law enforcement agency;
3. Engage in any conduct which, if prosecuted, would be prosecutable as a petty offense, misdemeanor, or felony under local, state or federal law;
4. Are arrested or convicted for any violation of local, state or federal law that is punishable, upon conviction, as a petty offense, misdemeanor, or felony;
5. Receive notice of any temporary or permanent suspension, restriction, or revocation of their driver license;
6. Are served with any court order or serve another person/party with a court order, including orders of protection and injunctions against harassment;
7. Observe or become aware of any neglect of duty or misconduct, either on or off duty, on the part of any other employee;
8. Are the subject of a lawsuit for any act performed while engaged in police activity, either on or off duty; this information will be reported in writing and routed through the chain of command to the Police Chief;
9. Have a medical or mental health condition that might inhibit job performance, including taking medication that could interfere with the employee's job duties; disclosure of the specific condition to the supervisor is not required, although it may ultimately be required to be disclosed to the City Personnel Department or to a City-paid medical or mental health professional;
10. Participate in or become aware of any incident in which employees allegedly performed in a manner that created or creates an increased likelihood of death or serious injury to persons or significant loss of property, or which may result in heightened community interest; supervisors shall immediately notify the Chief through the chain of command.

26.1.5 Insubordination Prohibited

No employee shall be insubordinate to any superior officer or employee.

26.1.6 Failure to Follow an Order

No employee shall refuse to take any directed action or fail to follow any order or direction given by a superior officer, unless the action, order or direction is unlawful or objectively unethical.

26.1.7 Cowardice Prohibited

Officers shall never shirk or turn from their duty in the face of danger.

26.1.8 Abuse of Authority; Cruel, Unlawful or Improper Treatment Prohibited

Employees shall not abuse their authority, treat any person or animal cruelly, use excessive physical force, fail to observe the Constitutional rights of any person, or neglect to take any necessary humane actions when circumstances require.

26.1.9 Gifts, Gratuities, Fees, Rewards, Loans, Etc. Prohibited

Except as may be specifically authorized by the Police Chief, employees shall not:

1. Accept or solicit, directly or indirectly, any gift, gratuity, loan, service, fee, off-duty work or secondary work or discount (including discounted or free rent) where there is a direct or indirect connection with their Department employment;
2. Accept any reward for services rendered in the line of duty to the community, or to any person or agency;
3. Accept free or discounted meals, other than those offered to the general public, from any commercial establishment;
4. Engage in any business transaction with a person in police custody;
5. Engage in bribery or extortion;
6. Flash their badge or identification to attempt to gain a professional favor, or to avoid scrutiny or censure, such as at a checkpoint or during a traffic stop.

26.1.10 Endorsements

Except as specifically authorized by the Police Chief, employees shall not knowingly permit their names or photographs to be used to endorse any product or service as representative of the Department, nor permit the use or use the Department uniform, vehicle, logo, badge or other identifiable equipment in any unauthorized manner or for any private purpose.

26.1.11 Untruthfulness

A. No employee shall knowingly make an untrue statement about a fact, either orally or in writing, in connection with any investigation, assignment, or inquiry. No employee shall knowingly sign any official statement or report that contains a falsehood, and they shall not commit perjury, nor give false testimony before any court, grand jury, board, commission, judicial or administrative hearing, or department hearing, whether or not under oath.

B. Employees are required to report completely, honestly, and accurately all facts and information pertaining to any investigation, whether criminal or administrative, or any other matter of concern to the Department.

C. This rule does not apply to an officer's questioning or interrogation of a person involved in a criminal investigation, or where the officer is engaged in an approved undercover role, where such misrepresentation is consistent with the law and accepted professional practice.

26.1.12 Required Knowledge

A. All officers shall have a working knowledge of all Constitutional, criminal, and motor vehicle laws, and ordinances in force in the City, as well as City policies, Department General Orders, and policies and procedures of their respective work units, as may be appropriate to their assignment or classification.

B. Non-sworn employees shall have a working knowledge of all laws, City policies, Department General Orders, and policies and procedures of their respective work units as may be appropriate to their assignment or classification.

C. All employees are responsible for seeking and obtaining any additional information or clarification necessary in order to comply with laws, ordinances, City policies, Department General Orders, Department policies and procedures or any other subject area with which they must be familiar. They must read and review all Departmental materials at least once per year, and are expected to immediately review all promulgated revisions.

26.1.13 General Responsibilities and Requirements

A. All employees shall satisfactorily perform their assigned duties as required or as directed by law, the Constitutions of the United States and the State of Arizona, City ordinances, Department General Orders, Department policies and procedures, City policies, or the proper order of a superior officer.

B. The administrative delegation of the enforcement of specialized laws and ordinances to particular units of the Department does not relieve employees of other units from the responsibility for taking prompt, effective police action to enforce those laws when the occasion arises.

C. All employees shall assist other employees when asked and when appropriate to do so. Such assistance shall include the utilization of any special skills or talents that an employee may have. Any question as to whether the assistance is appropriate may be referred to a supervisor.

26.1.14 Reporting Violations Required

Employees having knowledge of other employees violating laws, Constitutional rights, ordinances, City policies, Department General Orders, policies or procedures, or disobeying orders, whether on or off duty, shall promptly report such violation to their supervisor.

26.1.15 Actions Taken Under Color of Authority

Any action taken by an employee of the Department under color of authority, which means actions taken while acting as a police officer or public employee, subjects the employee to all applicable provisions of Department General Orders and City policies.

26.1.16 Consorting Prohibited

Employees shall avoid personal associations with persons who have an open and notorious reputation in the community for criminal behavior or known convicted felons (immediate family ties excluded), except in the discharge of their official duties or with the permission of the Police Chief.

26.1.17 Maintenance of Minimum Standards Required

A. Employees are expected to meet, maintain, and demonstrate all minimum Department standards and performance expectations at all times. Employees shall maintain all necessary certifications, maintain the physical fitness necessary to perform the essential functions of their position, and meet any requirements of their position classification at all times. Employees shall attend all training sessions as required or at the direction of their supervisors.

B. Sworn employees shall meet all AZPOST standards necessary to retain certified peace officer status. Revocation of peace officer certification shall be grounds for immediate dismissal of any sworn employee. Suspension of a sworn employee's peace officer certification by AZPOST shall subject the employee to disciplinary action up to and including termination.

26.1.18 Strikes or Labor Stoppages Prohibited

Employees shall neither engage in nor conduct a work stoppage or strike. The term "strike" means the concerted failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstention in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

26.1.19 Prohibited Uses of Property

A. Employees shall not damage, abuse, or willfully or negligently lose any Department property entrusted to them. Because of the risk to the community in their loss or theft, items such as firearms, identification cards, keys, access cards, badges, and radios require a greater degree of care.

B. City owned property, evidence, abandoned and found property, property maintained for safekeeping, and any other property received by an employee shall not be used, utilized, converted, copied, distributed, etc., for personal use by any employee or by any other person with an employee's knowledge or assistance, except as provided in these General Orders. Any property coming into the possession of an employee shall be handled in accordance with established procedures.

26.1.20 Chain of command

Employees shall utilize the chain of command in all official actions as appropriate.

26.1.21 On-duty requirements

A. Employees will have assigned duty hours and will be considered off duty at all other times. Employees shall be punctual in reporting for duty at the time and place designated by their supervisors. Employees may not be absent from any duty assignment without permission or authorized leave. All employees are to remain at their assignment and on duty until the end of their assigned shift. If the performance of assigned duties requires that an officer continue working beyond the completion of the shift, a supervisor shall be contacted for approval. Officers shall not consider themselves relieved of duty, even if their shift has concluded, until properly relieved by another employee or dismissed by proper authority.

B. Employees will not conduct any non-police related outside employment business on City time, using City equipment or facilities, unless approved by a supervisor.

C. Employees will carry their identification card while on duty. No employee shall drive a motor vehicle on duty unless in possession of a valid driver license for the class of vehicle driven.

D. All employees shall wear the appropriate identification card while in police facilities.

26.1.22 Prohibited On-Duty Conduct

Employees are prohibited from engaging in any unauthorized activity, action, or conduct that detracts from their obligations and responsibilities while on duty.

26.1.23 Completion of Assignments

Employees are expected to thoroughly and professionally complete any and all assignments, duties, or tasks for which they are responsible.

26.1.24 Alcohol, Intoxicants, or Drugs

A. No employee shall:

1. Report to duty with the odor of alcohol or drugs, including marijuana, on their breath.
2. Report to duty under the influence, in even the smallest degree, of intoxicants or drugs.
3. Report to duty unfit for duty due the use of alcoholic beverages or drugs.
4. Consume or purchase any alcoholic beverages (or beverages which approximate the smell or appearance of alcoholic beverages) or drugs, including marijuana, during breaks or meal periods, or while on duty or in uniform, except when necessary in the performance of their duty and then only with the approval of their supervisor.
5. Possess any intoxicants or controlled substances on Department premises except when necessary in the performance of a police task. Such materials brought into Department premises in the furtherance of a police task shall be properly identified and stored.

6. Consume alcoholic beverages or any drugs, including marijuana, in a manner that may bring discredit to the Department.
7. Use any controlled substance not prescribed to them, or misuse any controlled substances whatsoever.
8. Report to duty impaired by the use of medications, whether prescribed to the employee or not. Employees shall immediately report to their supervisor their use or the influence of any medication that may impair the employee's performance, or whose indications include warnings concerning driving a motor vehicle or operating machinery, or any similar contraindications.

B. Employees who are prescribed controlled substances or who use medications, including over the counter drugs, which may affect their ability to perform their duties shall adhere to the policies and requirements set forth in [G.O. 26.2](#) regarding such use.

An employee who refuses to disclose the use of, or to be examined for, contraindicated drugs, controlled substances, or alcohol will be treated as having tested positive and will be disciplined.

26.1.25 Use of Tobacco Products

Smoking and the use of other tobacco products is prohibited while performing any police function or when in violation of other Department, City, or State laws and policies. Those employees who choose to smoke or use other tobacco products while on-duty and not performing a police function are responsible for the safe and sanitary disposal of these items, including that chewing tobacco shall be placed into a separate, sealed receptacle prior to being disposed of in a trash can. Smoking is not permitted in any City vehicle.

26.1.26 Investigations

Employees shall not withhold any information about criminal activity. Employees shall not undertake self-assigned investigations, whether on or off duty, that are outside the scope of the agency's jurisdiction, do not involve criminal activity, involve the conduct of another employee or involve a matter which is for the officer's personal gain, without the prior notification of and approval by a supervisor.

26.1.27 Gambling

No form of gambling shall be permitted on Department property or while on duty, except in the performance of police duties and then only with the approval of the employee's chain of command.

26.1.28 Offensive Conduct, Materials, and Statements

Employees on duty or on City property shall not possess, reproduce, circulate, or post any material that is pornographic or may be considered offensive based upon existing laws or community standards, except as required for a police purpose. Employees shall not tell jokes, make verbal statements, or engage in any other conduct that may be considered offensive or unlawful based upon existing laws or community standards, such as those that disparage, single

out, or make fun of any person based on sex, pregnancy, sexual conduct, race, religion, age, national origin, skin color, disability, sexual orientation, veteran's status, or genetic information.

26.1.29 Call Out

During off-duty time, employees of the Department shall be subject to call out duty as needed. Employees shall not be contacted off duty except when, in the considered judgment of the person initiating the call, the mission of the Department requires it.

26.1.30 Emergency Stand-by

Employees shall be subject to emergency stand-by as deemed necessary by the Police Chief.

26.1.31 Standards for Police Action While Off Duty

Off-duty officers shall act in an official capacity if they observe an incident requiring police action when time is of the essence, or if such action will safeguard life or property, or prevent the escape of a felon or violent criminal. If off-duty officers observe, or have their attention called to, an incident requiring police action not meeting this standard, they shall report the incident to the appropriate law enforcement agency as soon as practical.

Officers may carry a firearm off-duty, but they will exercise discretion as to when and where it is worn.

26.1.32 Involvement in Neighborhood Disputes Prohibited

Officers shall not intentionally become involved in quarrels or disputes involving their neighbors, friends, associates, or relatives. Officers shall not make an arrest or take other official actions in personal matters or those of their family or neighbors unless such action is warranted by the immediate threat of serious bodily harm or significant property damage, but should instead call the jurisdictional, on-duty law enforcement agency. If an off-duty officer becomes involved in a dispute while off duty, they shall notify their supervisor as soon as possible.

26.1.33 Nepotism

A. Supervisors will not be permitted to oversee, within their direct chain of command, a relative, or participate in or influence others in any manner regarding departmental decisions, including hiring, promotion(s), discipline, and merit increase(s) of a relative. This includes a spouse, child, step-child, grandchild, parent, grandparent, siblings of any legal definition, or a grandchild, sibling, parent, grandparent of their spouse and/or a person residing in the employee's household as an employee of the family. This also includes a roommate, or a person who shares a substantial financial interest with another Department employee, or a person who has any other relationship of such a nature that it may create a conflict of interest or the appearance of a conflict of interest. All sworn commanders and non-sworn equivalents shall advise the Chief of any relative or other person covered by this rule who works in any other Department of the City.

B. For purposes of this rule, "oversee" includes supervisors who, while not in the direct chain of command, oversee employees regularly due to overlapping coverage.

C. This rule does not prohibit middle managers and executives from overseeing workgroups where a relative is assigned as long as the relative is not an immediate subordinate.

D. Employees shall not date or engage in an intimate relationship with a supervisor or subordinate in their direct chain of command. For purposes of this rule, intimate relationship is defined as any physical touching of a personal nature, any sexual contact, and/or an emotional dependency beyond a usual level of friendship. This policy includes employees of the same rank where one is acting in a supervisory capacity over the other, such as with a Field Training Officer (FTO) and Officer in Training (OIT).

E. Two or more employees of an immediate family may be assigned to the same work unit or under the direction of the same chain of command with approval of the involved commander.

26.1.34 Statutory conflicts of interest

Any employee who has, or whose relative has, a conflict of interest under Arizona law shall declare that conflict and refrain from participating in the matter involving the conflict. The involved employee shall contact the City Attorney to resolve questions regarding the application of state law, for further information and to complete the necessary forms to declare the conflict.

26.1.35 Debts

Employees will pay their just debts promptly.

26.1.36 Employee Personal and Emergency Contact Information

Employees shall advise the Department within ten days of any changes to their name, their current residential (dwelling unit) address, current residential and cell telephone numbers and/or emergency contact information. All employees will maintain a working home telephone or a working cellular phone number. Employees should not list their employment address as their residence on any legal documents or any personal mail.

26.1.37 City and Personally-Owned Equipment

Employees will not misuse, abuse, or improperly use City equipment and are responsible for the proper storage and security of assigned equipment, including firearms. Employees shall promptly report all damage or loss of City equipment, or personally owned equipment identified as police equipment, to their supervisor. Employees will not without permission use another employee's Department issued or personally owned equipment, such as firearms, computers, uniforms, etc., for work related purposes.

26.1.38 Outside Employment and Business Interests (non-law enforcement)

A. No employee shall engage in any off-duty employment or occupation that is considered detrimental to the Department. No employee or employee's spouse or domestic partner will own, or have a financial interest in, any establishment whose business is of such a nature that it would bring discredit on the Department or require an abnormal amount of police regulation. This includes, but is not limited to: marijuana dispensaries, pool halls, bars, nightclubs, adult

entertainment industry (book stores, strip clubs, production companies, escort agencies, and theaters), massage parlors, scrap metal dealers and automobile towing, storage, or salvage businesses.

This regulation does not prohibit employment in or ownership of a commercial enterprise where the primary business includes, but is not limited to, any of the following: sales of food, sales of merchandise, investments in stocks, bonds, and other securities, providing that these securities are listed with the United States Securities and Exchange Commission or the Arizona Corporation Commission.

B. Employees must receive approval from the Police Chief prior to investing in a business that may represent a conflict of interest with the Department.

C. The Police Chief has the primary responsibility for ensuring outside employment is not in conflict with City employment and has the authority to deny outside work.

26.1.39 Secondary work as a Peace Officer

Officers shall not work off-duty as a peace officer except in full compliance with these General Orders.

26.1.40 Political Activity

Employees shall not take part in political management, affairs, or political campaigns while in uniform or on duty, and shall not evidence support for or opposition to any political party or cause, but shall instead, while on duty, strive to appear impartial. Employees are permitted to appear before the State Legislature as private citizens or representatives of a private organization providing that such appearances are made during off-duty time and that the employees advise legislators that they do not represent the City or the Department.

When an appearance relates to an issue in which the City has an interest, employees will send a memorandum of notification to the Police Chief through their chain of command prior to their appearance.

26.1.41 Public Discussions

A. While on duty, employees will not engage in political or religious discussions in a public place nor will they speak critically of the sex, pregnancy, nationality, color, creed, disabilities, sexual orientation, age, religion, veteran's status, genetic information, or beliefs of another person.

B. While on- or off-duty, employees will not publicly criticize or ridicule the Department, its policies, or other employees to the degree that doing so impairs working relationships of this department for which loyalty and confidence are necessary, impedes the performance of duties, impairs discipline by superiors and harmony among coworkers, or interferes with the regular operation of the department.

26.1.42 Endorsements/Recommendations

A. While on duty, employees are prohibited from making any recommendations regarding the employment of any attorney, bail bond business, wrecker, or any other service where a fee is charged.

B. Employees will not endorse any commercial product while identifying themselves as employees of the Department without approval of the Chief.

26.1.43 Reporting to Supervisors

All employees will keep their supervisors informed of any unusual activity, situation, or problem with which the Department might be concerned. All such incidents will be reported to a supervisor as soon as possible and/or within 24 hours of the incident. If an employee's immediate supervisor is not available, the employee will notify another supervisor in their chain of command.

26.1.44 Personal Use of the Internet and Social Media Sites

A. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not violate the law, impair working relationships of this department for which loyalty and confidence are necessary, impede the performance of duties, impair discipline by superiors and harmony among coworkers, or interfere with the regular operation of the department. On or off duty, law enforcement employees are expected to conduct themselves in a manner that evidences self respect and the respect of others.

B. For safety and security reasons, employees should not disclose their employment with this department. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

C. Employees are cautioned that speech on- or off-duty, made pursuant to their official duties — that is, that owes its existence to the employee's professional duties and responsibilities — is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Employees should be aware that their speech and related activity on social media sites may reflect upon their office and this department, and to use restraint when appropriate.

D. Employees shall not:

1. Access personal social media sites from City-owned computers or other equipment unless approved in writing by the employee's supervisor to carry out legitimate law enforcement functions.
2. Post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the Police Chief or the Chief's designee, unless this information was obtained separately, and as a citizen, via a

public records request. This includes, but is not limited to, video or audio files, photographs or other digital or text media memorializing any law enforcement related action of this agency, such as Department trainings, tactical situations, calls for service, investigations, etc., whether created or memorialized with department or personally owned equipment.

3. Post information pertaining to any other personnel of the department without their permission, unless this information was obtained separately, and as a citizen, via a public records request.
4. Display department logos, uniforms, badges, vehicles, or similar identifying items on personal web pages.
5. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a department police officer or a department employee.
6. Post, if they are or may reasonably be expected to work in undercover operations, any form of visual or personal identification.
7. Post obscene material, as well as speech containing sexually explicit language, images, or acts that reflect negatively upon the agency.
8. Post statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
9. Post statements or materials involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible, such as lewd sexual conduct, excessive alcohol consumption, or similar behaviors.
10. Post statements or other forms of speech that may provide grounds for undermining or impeaching their own or another officer's testimony in criminal proceedings.
11. Make any statements or endorsements or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.

E. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify their supervisor immediately for follow-up action.

26.2 Use, ownership and examination of City property and employee personal property brought onto City premises

26.2.1. City/Department electronic information; use of computers, cell phones, and other communication devices

A. City electronic information is solely the property of the City, regardless of physical location or how maintained; users have no personal property, privacy, or other rights in it.

B. All memos, messages, e-mails, and related materials prepared, read or stored on any City owned computer system or being processed through a City system, including paper internal

mailing systems, are subject to examination by the City/Department at any time and without prior notice. In addition, all communication related to the business of the City, whether created or stored on City owned equipment or privately owned equipment, is considered to be City communication and is subject to examination by the City/Department at any time.

C. The City's communication systems are intended primarily for business use. Incidental use of City's electronic communication systems (sending or receiving) for personal, non-business purposes is permitted under the following conditions:

1. Personal use may not interfere with the productivity of the authorized user or their co-workers;
2. Personal use is not appropriate during the provision of services to the public or in an area, such as a public lobby, where use may interfere with the provision of services to the public, or where the public may observe nonprofessional use of the City's equipment;
3. Users may not use Department-owned equipment for commercial purposes, including listing items for sale, or in conjunction with or to benefit their own business interests;
4. Users shall not use the City's computers, network, or Internet to receive or send copies of documents in violation of copyright laws, or of intellectual property laws or rights;
5. Users shall not use the City's computers, network, or Internet if such use violates any law or directive;
6. Users shall not use the City's computers, network, or Internet in any way that is offensive, harmful, or insulting to any person, including in any manner that promotes or could be interpreted as discrimination on the basis of a person's race, creed, color, gender, religion, disability, age, sexual preference, or upon any other protected category;
7. Users shall not use the computer resources, network, or Internet to intimidate or harass others, nor to interfere with the ability of others to conduct City business; for gambling; or to download or install any software or programs; or in any manner or for any other purpose that might reflect negatively upon the City;
8. Personal use is not permitted when it adversely depletes system resources available for business purposes;
9. Employees must recognize that all personal use of City-owned equipment may be subject to department examination, and to release to citizens and publication upon a public records request; and
10. If personal use of Department/City electronic communications systems results in a cost to the City, the employee using the system shall reimburse the Department/City.

E. Release of Department electronic information to a member of the public, including both release in response to public records requests and the categorization of Department electronic information as publicly accessible electronic information, shall require the approval of the Police Chief or the Chief's designee and shall be in accordance with General Orders and the provisions of the Arizona Public Records Act. All questions concerning release of Department electronic

information should be directed to the City Attorney's office.

F. City electronic communication systems shall not be used to transmit political messages, on behalf of or against a candidate for election or retention or in support of or opposition to an initiative, referendum, or recall or any other measure or proposition.

G. Employees are prohibited from undertaking any unauthorized access, reading, modifying, copying, transferring, or deleting any other employee's electronic communications or information, computer or network equipment, or security controls.

H. Any attempt to bypass or otherwise interfere with City computer/network security controls is forbidden.

I. City electronic communication systems shall not be used to conduct any labor organization business except as specifically authorized by written approval of the Police Chief.

J. Criminal investigators who need to set up false accounts or to access the Internet in ways that would otherwise violate General Orders shall do so only with the explicit permission of the involved employee's commander.

26.2.2 Work areas and vehicles

A. A work area is defined, for purposes of these General Orders, as any portion of City-owned or -operated property that is or may be used by City employees for City business. It specifically includes, but is not limited to, offices, city owned vehicles, desks, desk drawers (locked or unlocked), filing cabinets (locked or unlocked), computers, Internet usage, offices, files, telephones, City cellular telephones (electronic communications and text messages), lockers (locked or unlocked, including those secured by a personally owned lock), and voice mail.

B. A work area may be monitored or searched for any legitimate business purpose, including the operational efficiency of the Department. An administrative investigation of an allegation of a violation of City or Department rules and policies is considered a "legitimate business purpose."

26.2.3 Personal property on Department premises

A. Personal property brought onto City/Department premises, including personal vehicles, cell phones, pagers, computers, bags and briefcases, may be subject to search during an administrative investigation, but only if the search is not being done solely for criminal investigative purpose and the search is work related.

1. A search is "work related" if it is non-investigatory (looking for a pencil in a desk drawer, of looking for a file in a file drawer), or if it is done to investigate work-related misconduct.

2. Work-related searches, whether non-investigatory or for work-related misconduct, must be reasonable in scope:

- a. A non-investigatory search must have a work-related purpose and be limited in scope to that purpose (looking in a person's desk for a pencil, and stop when the pencil is found).
- b. A workplace-misconduct-related search must have an administrative purpose at the outset, must be based on a reasonable suspicion of misconduct and a reasonable belief that relevant information or evidence will be found, be reasonable given the severity of the issue, and must be limited to the information sought.

2. Misconduct-related searches of personal property require the approval of the Police Chief or Chief's designee.

3. Such searches may include personal cell phones that are used while on-duty. Possession of a personally owned cell phone or pager during duty hours or use of the phone or pager for City business while off-duty may subject the records associated with the device, and the device itself, to examination by the Department during administrative investigations, or requests or subpoenas for disclosure by citizens or their attorneys during criminal and civil litigation, and pursuant to public records requests.

B. Personal property may not be searched during a criminal investigation except as provided by law. Searches may be performed based on a search warrant, an exception to the warrant requirement, or consent.

26.3 Available Resources

The City offers an employee assistance program to which employees may be referred, and which employees may access without referral, which may provide assistance for employees with use or abuse issues. City employee health insurance programs may also provide such assistance. Employees are urged to take advantage of these resources when appropriate.

26.3.7 Employee alcohol and drug testing. JOB PERFORMANCE REQUIREMENTS AND RESTRICTIONS Section 6.

Drug and Alcohol Policy (O-11-05)

A. Introduction

The safe and efficient performance of City business requires a drug- and alcohol-free workplace. No employee shall report for or conduct City work under the influence of alcohol, drugs, medical marijuana or any substance which impairs an employee's mental or physical capacity. The use of

illegal drugs or the misuse of legal drugs or alcohol by any employee, or the presence in any employee's system of a prohibited drug or drug metabolite, in the workplace is prohibited. The only exception to this prohibition is for registered, qualified medical marijuana patients, who may test positive for marijuana components or metabolites that appear in insufficient concentration to cause impairment. The possession, sale or distribution of illegal drugs, alcohol, medical marijuana or any controlled substance by an employee during working hours while on City business or while on City property at any time is prohibited except as expressly authorized for law enforcement personnel.

B. Pre-Employment

Testing for Initial Employment All applicants being considered for initial paid employment with the City in any safety sensitive position for which pre-employment testing is allowed by law shall be required to submit to, and successfully pass, a drug screen urinalysis after a conditional offer of employment is made by the City. The offer of employment shall be contingent upon a negative drug screening, unless the applicant is a registered, qualified medical marijuana patient and any identified marijuana components or metabolites do not appear to be in sufficient concentration to cause impairment. The employee, at their own expense, may request that a second laboratory test of the sample be conducted, if he or she believes that the initial screen was inaccurate. If an applicant fails to pass the pre-employment drug screening, the applicant will be disqualified from consideration for employment and shall not be eligible to apply for employment with the City for a period of six months from the date at the initial, positive drug test result, unless the applicant is a registered, qualified medical marijuana patient. An applicant's failure to submit to the required pre-employment drug test shall be considered as a request for withdrawal from consideration for the position for which he or she applied.

C. Reasonable Suspicion

Testing If the City has reason to suspect that an employee is violating this policy or when there is reasonable cause to believe an employee is under the influence or is impaired by alcohol or drugs, the City may require the employee to submit immediately to medical tests administered for drug or alcohol testing which include the chemical analyses of breath, urine or blood. A written record of the observations and facts leading to the reasonable suspicion shall be made by the supervisor or department head within 24 hours of the observation. The employee shall not engage in safety sensitive work or the operation of vehicles or machinery for eight hours after the observation, unless the employee tests negative for drugs and alcohol during that time. If the test is not administered within two hours following the observation, the supervisor shall document the reasons for the delay. If an alcohol test cannot be administered within eight hours, it will not be given. If a drug test cannot be given within 32 hours, it will not be given.

For purposes of this rule, “reasonable suspicion” shall mean that there is some specific basis to believe that a particular person may possess or be under the influence of drugs or alcohol as a result of one or more of the following types of evidence:

1. Observable phenomena, such as direct observation of drug or alcohol use and/or the physical symptoms or manifestations of being under the influence;
2. Abnormal conduct, erratic behavior, excessive absenteeism;
3. Physical symptoms (i.e. glassy eyes, slurred speech, unsteady gait, red eyes, running nose);
4. Smell of alcohol or marijuana;
5. Deterioration in work performance or physical appearance;
6. A report of drug or alcohol use on the job or immediately preceding work, if provided by a reliable and credible source that witnessed the use, and if independently corroborated;
7. Evidence that an individual has tampered with a drug or alcohol test during their employment with the City; and/or
8. Objective evidence or a reliable report of use, possession, sale, solicitation, or transfer of drugs or alcohol while working or while on City property.

D. Testing Following an Incident

Any employee whose use of a vehicle or equipment in the course of City employment results in any of the following situations shall be required to submit to drug and alcohol testing as soon as possible following any such event:

1. An accident in which a third party is fatally or seriously injured;
2. An accident that requires medical assistance for the employee or any other person or that results in significant property damage requiring one or more vehicles or pieces of equipment to be towed from the site; or
3. Any accident in which there is also a reasonable suspicion of any violation of this drug and alcohol policy.

E. Commercial Driver's License Holders

All employees who are required as condition of their City employment to have a valid Commercial Driver's License (CDL) shall comply with the United States Department of Transportation (USDOT) and Federal Highway Administration (FHWA) rules for drug and alcohol testing of commercial motor vehicle drivers and drivers with a CDL. The federal rules, which are set out in 49 CFR parts 40 and 382, as they may be amended from time to time, are

hereby adopted by reference as part of this policy, with respect to employees required to maintain CDL's. The federal rules require pre-employment, post-accident, reasonable suspicion, random testing and follow up testing for alcohol and drugs through the use of breathalyzers and urine samples. The procedures required by these federal rules will be applied.

F. Policy Violations

1. Alcohol. An employee who tests positive for alcohol while in the course of City employment shall be in violation of this policy. An alcohol test is considered positive if the alcohol level is .04 or above.
2. Drugs. An employee who tests positive for a controlled substance or illegal drug use, to any degree, shall be in violation of this policy, unless the employee is a registered, qualified medical marijuana patient and the presence of metabolites or components of marijuana do not appear in sufficient concentration to cause impairment.

G. Effect of Failure to Comply with Policy

An employee who fails to submit to a drug or alcohol test as required by this policy or who violates any aspect of this policy is subject to disciplinary action up to and including dismissal. Employees and applicants who are requested to submit to a drug test must agree in writing to allow the results of such test to be disclosed to and used by the City's authorized representatives who have a need to know. Failure to sign such a consent form shall be considered a refusal to submit to testing.

H. Additional Employee Responsibilities

In addition to the requirements of this policy specified above, each City employee, as a condition for employment, is required:

1. To notify their supervisor or department head of any criminal drug arrest for any violation occurring in the workplace no later than five days after such arrest;
2. To notify their supervisor or department head of any criminal drug statute conviction no later than five days after such conviction;
3. To notify their supervisor or department head of any arrest involving driving under the influence of drugs or alcohol (DUI) no later than five days after such arrest;
4. To notify their supervisor or department head of any license suspension that results from any drug or alcohol related arrest or conviction as soon as possible and to refrain from driving any City vehicle until this license is restored; and
5. To immediately report to their supervisor or department head any unsafe working conditions or hazardous activities that may jeopardize the safety of employees arising from

drug or alcohol use by any person. This includes the duty to immediately report any violations of the drug and alcohol policy that the employee observes. An employee who fails to report such a violation is subject to disciplinary action up to and including dismissal.

I. Drug and Alcohol Testing Methodology

Every reasonable effort will be made to obtain the most accurate drug or alcohol test results. Testing procedures will include a two-tiered testing program to ensure maximum accuracy in the test results, observations of specimen collection and chain-of-custody documentation. A two-tiered procedure means that an initial positive test will be confirmed by the use of a gas chromatography test with mass spectrometry (GC/MC) or an equivalent scientifically accepted method, as conducted by a properly certified laboratory, which provides quantitative data about the detected drug or alcohol.

In addition to the samples required for the two-tiered testing, an additional sample shall be obtained for potential use by the employee. Following a positive screen on the initial test, the employee may request, at their own expense, that a sample be transferred directly to another independent certified testing laboratory and tested at the employee's expense. The employee must request and make satisfactory arrangements for any such independent testing within seventy-two (72) hours of receiving notice of the initial positive test or this opportunity for conducting a separate test will be deemed to have been waived by the employee. This second testing procedure shall not modify or amend any obligations or requirements that may be applicable for CDL testing under applicable federal law.

26.4 Uniform, Equipment and Appearance Standards

26.4.1 Purpose

Rules of dress and appearance are intended to create a minimum and uniform standard for employees, to enhance professional appearance and to present to the public personnel who are readily recognizable by their uniforms. They are also intended to contribute to officer safety by ensuring that clothing and hairstyles present no impediment to performance.

26.4.2 Uniform, Equipment and Appearance Manual

A. Employees shall refer to and comply with Chapter 27 Uniform, Personal Appearance and Equipment Manual and specific guidelines on uniforms, personal appearance standards and authorized equipment, including knives, handcuffs, etc.). Authorized firearms are listed in [G.O. 1.9.4](#).

B. Employees shall comply with the Uniform, Personal Appearance, and Equipment Manual and shall not modify a uniform or equipment item without express permission of the Chief of Police.

C. Any grooming practice, whether or not included within the Manual, that would detract from the performance of one's duties is prohibited.

26.5 Discipline

All employees are subject to disciplinary action for misconduct, violations of General Orders, regulatory violations and/or failing to meet performance standards. Discipline of law enforcement officers is governed by A.R.S. §§ 38-1101, et. seq. and discipline of all employees is governed by the U.S. Supreme Court case Garrity v. New Jersey.

The administration of discipline shall be conducted in accordance with applicable City rules and policies, federal and state laws, and this manual. All discipline shall be administered in an equitable, fair and consistent manner.

The Police Chief has the ultimate responsibility to establish the appropriate level of discipline involving any employee of the Police Department.

Garrity Rights. Garrity Rights protect public employees from being compelled to incriminate themselves during certain interviews conducted by their employers or the employers' agents. This protection stems from the Fifth Amendment to the United States Constitution, which declares that the government cannot compel a person to be a witness against themselves. For a public employee, the employer is the government itself. When questioned by their employer, they are being questioned by the government. Therefore, the Fifth Amendment applies to that interrogation if it is related to potentially criminal conduct and if the questioning could result in criminal charges being brought against the employee.

All employees are required to give full, truthful, and complete answers during an administrative, internal investigation, even if those answers can or may incriminate the employee, which is why criminal investigations of any incident, if required or ordered, shall be conducted separately and by different persons than who conducted the administrative investigation, and the administrative investigators shall not share the employee's compelled statements with the criminal investigators. Criminal investigators are required to give the employee the standard Fifth Amendment warnings and to allow the same Fifth Amendment privileges, including silence, as any criminal suspect.

26.5.1 Determining appropriate discipline

A. When an administrative investigation is completed, or an employee is to be subject to discipline for conduct that has not been the subject of an administrative investigation, an employee's chain of command shall review the investigative package or other documentation and recommend the appropriate discipline for the employee.

- Considerations should include the nature of the infraction or performance, the employee's work history and previous discipline, discipline of other employees for similar infractions or performance, the level of discipline necessary to correct the

employee's behavior, and the impact of the employee's conduct on the agency and the agency's ability to effectively serve the community.

- The use of progressive discipline is encouraged. It is, however, recognized that progressive discipline may not be appropriate in all situations.

B. Any proposed discipline shall be supported by sufficient written documentation, which shall include reference to any previous conduct and discipline that has occurred. Documentation may take the form of memoranda, administrative investigation reports, supervisor desk file notes, performance evaluations, performance improvement plans, examples of below standards work product, or other records that provide information supporting and articulating the basis for the proposed discipline.

26.5.2 Levels of Discipline

As per City of Bisbee Personnel Rules and Regulations;

VI. DISCIPLINARY ACTIONS

Section 1. Types of Disciplinary Actions

A. Verbal Reprimand. A verbal reprimand is an oral notification to an employee by a supervisor that the employee's job performance has not met expectations or that the employee has engaged in misconduct. Any such reprimand should also include a clear explanation of what is required for proper job performance. The supervisor shall maintain a record of the date and the nature of any such verbal reprimand.

B. Written Reprimand. A written reprimand is a documented notice to the employee from a supervisor or department head that the employee's job performance is not acceptable or that the employee has engaged in misconduct. The written reprimand should also include a clear explanation of what is required for proper job performance. The employee shall be given a copy of the written reprimand and the original shall be provided to the Personnel Director for inclusion in the employee's personnel file. The employee may prepare a written response which shall also be included in the employee's personnel file.

C. Administrative Leave. Administrative leave is not a disciplinary action, but it may lead to such action; it allows the employee to be placed on leave with pay to permit further investigation into matters that may lead to a possible disciplinary action. During administrative leave, the employee is considered to be on full duty, eligible for all benefits, and must be available to participate and aid in any investigation. An employee may be placed on administrative leave if the department head, with the concurrence of the City Manager, determines that the employee's presence at the work site would hinder any investigation or that the employee's presence would be detrimental to the public interest or to the continued efficient operation of the City, prior to the final resolution of any potential disciplinary action.

D. Disciplinary Suspension. Disciplinary suspension is the temporary suspension of an employee from City employment without compensation for a designated period. The period of disciplinary suspension cannot exceed thirty (30) days. Except for the loss of compensation, the employee shall continue to be designated as a City employee for purposes of employment benefits and insurance.

E. Disciplinary Probation Period. A disciplinary probation period is a serious form of disciplinary action that provides an employee with a last-chance opportunity to demonstrate that he or she is capable of performing the job in the manner required. Any failure to perform the job in a satisfactory manner during this period may result in termination. A period of disciplinary probation may not exceed ninety (90) days and may be imposed in conjunction with other disciplinary actions.

F. Involuntary Demotion. Involuntary demotion is a change in the employee's job classification or rate of pay as a result of a disciplinary action or as a result of the employee's demonstrated inability to perform the prior job as required.

G. Involuntary Termination of Employment. An involuntary termination of employment ends the term of employment and all of the rights and benefits that are associated with City employment. This is the most severe disciplinary action, to be imposed for serious or repeated violations of the City's policies and standards.

Section 2. Pre-Action Hearing

A. Prior to taking any disciplinary action against an employee that will result in any loss of regular pay or loss of employment, the employee shall be given a pre-action hearing, as necessary to protect the employee's rights to due process. This pre-action hearing shall be provided to the employee prior to any disciplinary suspension, involuntary demotion or involuntary termination.

B. The employee will be provided with a written notice of any action requiring a pre-action hearing. This notice will include a description of the charge or charges against that employee and an explanation and summary of the evidence that supports any such charges. The notice will also include a date and time to allow the employee an opportunity to respond and to present their version of the events prior to any formal action. The date and time for the employee's response shall be not less than three (3) working days after the delivery of the notice to the employee.

C. The pre-action hearing shall be an informal meeting between the employee and the Department Head that is intended to provide the employee with a full opportunity to explain their position and to rebut any allegations that may be unfounded. The employee may have a representative present at any such pre-action hearing, but the employee should be prepared to present and to explain their own position. The Department Head will have a third party witness present, which may be the Personnel Director, but will not include an attorney. The City will not make an audio recording or transcript of this meeting.

D. Following the pre-action hearing, the Department Head will consider any additional information that may have been presented, conduct any additional investigation that may be necessary and proceed with any disciplinary action against that employee that may be appropriate after the consideration of all of the available information.

Section 3. Initiation of Disciplinary Action

A. All disciplinary actions except for verbal reprimands shall be initiated by providing the employee with a clear and specific written statement of the charge or charges against the employee and a summary of the evidence in support of any such charges. All of the evidence that is reasonably available in documented form shall be included with this written statement.

1. All disciplinary actions involving law enforcement officers shall be governed by the Peace Officers' Bill of Rights, codified at A.R.S. § 38-1101, et. seq.

B. If additional review of the disciplinary action is permitted, the written statement of disciplinary action provided to the employee shall include a specific notice of the time period required for the submission of a "Notice of Grievance" and a copy of the administrative rules that are applicable to any additional review.

4. Grounds for Disciplinary Actions

A. Continued employment with the City of Bisbee is conditioned upon acceptable conduct and the satisfactory performance of all required duties. The City and its representatives will take disciplinary action, up to and including dismissal, against any employee who fails to fulfill these requirements.

B. The specific grounds for disciplinary action include, but are not limited to, the following:

1. The employee lacks sufficient competency or skills to perform the assigned duties and responsibilities, after having received a reasonable opportunity to gain any such skills that the employee acknowledged that he or she lacked at the time of hiring or appointment to the position.
2. The employee has used rude or abusive language or engaged in rude or abusive behavior directed at a fellow employee, public official or member of the public or has engaged in any behavior that has resulted in physical harm, injury or reasonable fear of injury to an employee, official or member of the public.
3. The employee has been insubordinate, willfully disobedient or has failed to follow reasonable direction from a supervisor.
4. The employee has possessed, used, distributed or been under the influence of alcohol, controlled substances or any unauthorized drug while in the performance of City duties, unless authorized to do so in connection with a legitimate law enforcement activity.
5. The employee has accepted for personal use any fee, gift, meal, goods, services or other benefit of more than nominal value in the course of their work from any person. For purposes of this regulation, "nominal value" shall mean a cost or fair market value of five dollars (\$5.00) or less. No such fee, gift, goods, services or other item of more than nominal value should be accepted from any person or company who is now or may be in the future doing business with the City unless the gift is provided for the benefit and use of the City itself.
6. The employee has used or attempted to use political influence for the purpose of securing employment benefits or advantages for the employee or for any other person.
7. The employee has been convicted of a criminal offense involving moral turpitude while employed by the City.
8. The employee has made a false statement, either written or verbal, in connection with their application for employment with the City.
9. The employee, as a result of negligence or willful misconduct, has caused damage to or the loss of public or private property. A disciplinary action on these grounds may include a requirement that the employee reimburse the City for all or any portion of the damages sustained by the City.
10. The employee has been absent without sufficient justification when he or she was scheduled to be at work, has repeatedly failed to arrive at the work site by the scheduled

time, or has left the work site without good cause. Taking leave from work, with or without compensation, without first obtaining approval for any such leave as required by these rules and regulations will be considered to be an "absence without sufficient justification".

11. The employee has taken or misappropriated City property or City funds for private use by the employee or by any other person. The employee has used City property or City funds for other than public purposes without specific authorization.

12. The employee has engaged in actions during their employment that are unsafe for the employee or for other persons. The employee has violated safety rules and procedures, after having been advised of these required standards.

13. The employee has made a false statement, either written or oral, which the employee knew to be untrue at the time and which was material to the performance of City employment.

14. The employee has failed to comply with any of the specific requirements of the City of Bisbee Personnel Rules and Regulations.

C. As a general practice, the City will engage in a process of progressive discipline, from the less severe to the more severe, in order to provide the employee with a reasonable opportunity to modify their behavior prior to dismissal. The City, however, reserves the right to terminate the employment of any employee or to take other severe action, for behavior that seriously disrupts the performance of City business, that is fundamentally inconsistent with the standards required for public service, or that is inconsistent with the best interests of the City.

26.6 Equal Employment Opportunity

A. The City and the Department are committed to providing equal employment opportunity to all persons who apply for and/or accept employment with the City. Terms, privileges, and conditions of employment shall be administered in a manner that does not discriminate in violation of federal, state or local law.

B. Every employee has the right to work in an environment free from hostile, offensive or intimidating behavior. Harassment, including the creation or maintenance of a hostile, intimidating, or offensive working environment, is a violation of City policy and this General Order.

C. The Department will take action to prevent and correct conduct that violates equal employment opportunity laws. Any employee with a complaint of discrimination may raise that

complaint with a supervisor or with the City Personnel Department. All complaints of discrimination received by a supervisor shall be forwarded to the Personnel Department.

26.6.1 Discrimination

A. All applicants and employees will be treated equally in all terms and conditions of employment without regard to race, color, gender, sex, pregnancy, creed, religion, national origin, age, marital status, ancestry, medical condition, pregnancy, disability, genetic information, veteran's status, sexual orientation, or any other protected category in all employment matters, including, but not limited, to, promotions, transfers, job rotation, training, work assignments, hiring, merit increases, overtime, awards, and discipline.

1. Disability Discrimination

The Americans With Disabilities Act (ADA) requires the Department to make reasonable accommodations for a qualified individual with a disability (as defined by the ADA) who can perform the essential functions of the job. An employee may not be subjected to discrimination, harassment, or retaliation for exercising their rights under the ADA. Employees seeking accommodation under the ADA should contact the Personnel Department for further information.

2. Discrimination Based on Religion

The department is required to reasonably accommodate an employee's religious practices provided that doing so does not create an undue hardship in light of the public health, safety, and welfare considerations associated with police work.

3. Family/Medical/Pregnancy Leave

Employees have specific rights under the Family Medical Leave Act and the Pregnancy Discrimination Act. The FMLA may also interact with ADA provisions. Specific questions concerning an employee's rights and responsibilities should be referred to the Personnel Department.

B. "Harassment" is defined as behavior that is unwelcome and unsolicited, that offends or otherwise causes distress, and is based wholly or in part because of any legally-protected category, including, but not limited to, a person's race, color, gender, sex, pregnancy status, creed, religion, national origin, age, marital status, ancestry, genetic history or information, medical condition, disability, veteran's status, or sexual orientation. Examples of harassment may include unwelcome conduct or attention, such as that which is sexual in nature, as well as the use of derogatory or repeated comments, slurs, jokes, or derogatory pictures, cartoons, or posters. Repeated harassment based on any protected category may cause an unlawful "hostile work environment."

1. "Sexual harassment" is a form of illegal gender discrimination. It is defined by law as "unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature" when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
 - Submission to, or rejection of, such conduct is used as the basis for employment decisions affecting that employee, or
 - Such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. "Unwelcome" is defined as conduct that the offended employee did not solicit or incite, or conduct occurring after an employee changes their mind, and that was regarded as undesirable or offensive.
2. Behavior that constitutes sexual harassment as defined by this policy includes, but is not limited to, the following:
1. Verbal Harassment: Sexual innuendoes; sexually suggestive comments and jokes; teasing of a sexual nature; discussing sexual exploits; spreading rumors regarding the other person that contain a sexual connotation; or continued requests for social or sexual contact.
 2. Physical Harassment: Unwelcome contact, touching, or impeding movement.
 3. Visual Harassment: Sexually suggestive or derogatory posters, videos, cartoons, drawings, documents, writings, electronic mail, as well as staring or leering.
 4. Sexual Favors: Unwanted sexual advances in exchange for employment benefits that constitute advancement, assignment preference, job duty preference, or employment benefits for or in exchange of sexual favors.
 5. Observing special favors and treatment occurring between two employees engaged in a sexual relationship.
3. Whether or not harassment has occurred depends not on whether the act was *intended* to cause harm but on the *impact* of the act on the complainant's employment or work environment. Personnel must understand that a person who teases in a sexual manner or tells sexual jokes may create an offensive work environment for another worker, even though the person intended such actions merely to be "good fun."
4. If one's behavior is harassing or offensive to an individual or a group of individuals, it will not be excused simply because the harasser failed to recognize the behavior as harassing.
5. It is not a requirement that the complainant be the intended target of the offensive conduct. Witnessing offensive behavior between other employees forms adequate grounds for a complaint.

6. This policy does not prohibit mutually-welcome social relationships between employees. However, persons involved in consensual relationships must exercise caution to prevent harassing behavior from developing and from using authority inappropriately. If a consensual relationship changes and is no longer mutual, conduct once welcome by both individuals may become offensive to one or the other.

D. Retaliation. Retaliation against any employee is strictly prohibited.

1. Retaliation is defined as an adverse employment action taken against an employee because that employee filed a complaint of discrimination under any federal, state or local law, complained of discrimination on the job or participated in an internal investigation involving allegations of discrimination.

2. An adverse employment action can include, but is not limited to, unwanted transfers, change in work assignment or location, denial of leave requests, demotions, negative performance evaluations, unsupported discipline, ostracism, or other actions that adversely affect the work environment.

3. Any negative action that would deter a reasonable employee in the same situation from making a complaint qualifies as retaliation.

26.6.2 Harassment-, Discrimination-, and Retaliation-Free Work Environment

The Department has a zero-tolerance policy on unlawful discrimination, harassment, and retaliation. Violation of this policy constitutes a serious disciplinary matter and may result in the immediate termination of employment. Prior incidents and conduct may be considered when assessing the facts and circumstances of a later complaint.

Employees should immediately report discriminatory, harassing, or retaliatory incidents through their chain of command, unless reporting through the chain of command is not practical, in which case the employee should immediately contact the Personnel Director, City Attorney, or Chief of Police directly.

26.6.8 Responsibility of Supervisors and Commanders

A. Supervisors and commanders, both sworn and non-sworn, shall educate and train their employees on the EEO policy and ensure they are aware of the procedures for reporting potential violations.

B. Supervisors and commanders, both sworn and non-sworn, are required to personally monitor and evaluate the personnel actions of subordinates to ensure compliance with EEO laws and to

ensure that the workplace is free from harassment, discrimination, and retaliation as well as other inappropriate workplace behavior. When made aware of such a potential or current problem or complaint, commanders and supervisors, both sworn and non-sworn, shall promptly take appropriate action and shall notify the Deputy Chief or Chief of the complaint for purposes of investigation. Investigations into discrimination, harassment, or retaliation shall be immediately undertaken.

26.6.9 Department employees

All personnel of the Department, including unpaid volunteers, are responsible for creating and maintaining a professional working environment free from harassment, discrimination, and retaliation. Personnel shall:

1. Demonstrate sensitivity to and respect for differences arising from any protected category.
2. Notify their chains of command or Personnel Department of any EEO violations that they experience or observe.

26.6.10 Confidentiality Required

All matters pertaining to EEO complaints and investigations are confidential to the extent permitted by law. All participants in a report or investigation are strictly prohibited from discussing the matter outside of formal channels. Information concerning such issues will be disseminated on a need-to-know basis only.

26.7 Commendations and Awards

A. Exceptional performance and service by an employee should be recognized, either by commendation or award. The Department may present an employee with the following awards:

- The Bisbee Police Department will follow the guidelines of the National Awards Program, general standards for medals and certificates issued by The American Police Hall of Fame

B. Any supervisor may recommend an employee for receipt of an award. All recommendations will be forwarded through the chain of command to the Chief or designee for consideration. Once presented to an employee, the employee (if uniformed) may wear the complimentary award ribbon or insignia on the employee's uniform.

C. Commendations may be recommended by any supervisor, or by an investigator, to any other employee. The commendation shall be drafted by the recommending supervisor/investigator for the Chief's signature and forwarded through the chain of command for the Chief's approval.

D. The Chief may, if desired, convene a committee to initially review all recommended awards and commendations and make recommendations to the Chief as to which commendations and awards should be awarded. The final decision is reserved to the Chief.

Chapter 27 Uniforms

A. Sergeants shall perform regular inspections of the personnel assigned to their operational unit. Inspections shall be made and documented, at least annually, of vehicles, uniforms/personal appearance, equipment and firearms. In addition, sergeants shall monitor their unit's assigned work area and shall note and report any deficiencies in provided equipment, furniture and supplies.

B. The Chief of Police or designee prior to any funeral, banquet, service, etc. may designate which uniform to wear, or any exceptions to the designated uniform.

Sworn officers shall maintain a class "A" and "B" uniform.

Uniform materials must be of similar fabric when worn together, such as cotton cannot be worn with polyester.

Unless approved by the Deputy Chief of Police, uniforms will only be worn while performing a department function.

Patches, badges, or other uniform items representing the Bisbee Police Department will not be used for personal activities.

Types of Uniforms		
Class "A"	Class "B"	Class "C"
Long sleeve regulation uniform shirt and department insignia and shoulder patches.	Long or short sleeve regulation uniform shirt with department insignia and shoulder patches.	Long or short sleeve regulation uniform shirt. Metal-less option requires a regulation uniform shirt.
Ike Jacket with gold "P" buttons and department insignia shoulder patches, mandatory for all sergeants and above, optional for all others.	The class "B" uniform is for general patrol wear.	The class "C" uniform is for general patrol wear.
Metal badge, metal name tag, and optional ribbons/pins	Metal badge, metal name tag, and optional ribbons/pins	Metal badge, metal name tag, and optional ribbons/pins. Metal-less option with name, badge, and rank identified

		embroidered on uniform shirt.
<p>Trouser without cargo pockets.</p> <p>Nylon duty gear is not authorized for wear with the Class “A” uniform.</p> <p>Leather duty gear required with Class “A” dress.</p>	<p>Any authorized trouser without cargo pockets.</p> <p>Required for Court.</p>	Authorized trousers.
<p>Ties:</p> <p>Black clip on</p> <p>Polyester, maximum 3” wide.</p> <p>Tip should be no higher than the belt buckle and shall not exceed 2” below the belt buckle</p> <p>Gold tie bar with or without cuffs.</p>	<p>Ties:</p> <p>Not required unless in court.</p> <p>Black clip on</p> <p>Polyester, maximum 3” wide.</p> <p>Tip should be no higher than the belt buckle and shall not exceed 2” below the belt buckle</p> <p>Gold tie bar with or without cuffs.</p>	<p>Ties:</p> <p>Not required.</p>
<p>Footwear:</p> <p>Black oxford style shoes.</p>	<p>Footwear:</p> <p>Any authorized footwear.</p>	<p>Footwear:</p> <p>Any authorized footwear.</p>

Plain solid black socks. White bottom socks can be worn but cannot be visible with low quarter shoe.	Plain solid black socks.	Plain solid black socks. White socks can be worn but cannot be visible.
Head cover: Authorized 8 point with hat badge, Rain cover authorized when needed. Continued: Authorized campaign hat with hat badge with gold rope and acorns, and black leather strap. Rain cover authorized when needed.	Head cover: Softcover baseball style hat, not authorized in court. Continued: Authorized 8 point with hat badge, Rain cover authorized when needed. Authorized campaign hat with hat badge with gold rope and acorns, and black leather strap. Rain cover authorized when needed. Authorized watch cap, and other cold weather headwear authorized during cold weather.	Head cover: Softcover baseball style hat. Continued: Authorized watch cap, and other cold weather headwear authorized during cold weather.
Uniform Specifications		
Class "A"	Class "B"	Class "C"
Shirts (Navy)		
Flying Cross Tropical Weave Deluxe Wool Shirt	Flying Cross Tropical Weave Deluxe Wool Shirt or other brand	5.11 Polo shirt, long or short sleeve, or other brand of similar

	of similar, short or long sleeve shirt.	short or long sleeves shirt.
Pants (Navy)		
Flying Cross pants	Flying Cross or other brand of similar pant.	5.11 BDU style, or other brand of similar pant.
Ties (Navy)		
<p>Polyester, black clip on, maximum 3” wide.</p> <p>Tip should be no higher than the belt buckle and shall not exceed 2” below the belt buckle</p> <p>Gold tie bar with or without cuffs.</p>	<p>Polyester, black clip on, maximum 3” wide.</p> <p>Tip should be no higher than the belt buckle and shall not exceed 2” below the belt buckle</p> <p>Gold tie bar with or without cuffs.</p>	Not required
Accessory Items		
Helmets (if issued)	Department issued ballistic helmet. Wear helmet centered with the eyebrows, and the chin strap fastened. Have helmet available in your unit at all times while on duty. Wear helmet in the following situations; crowd control, when told by a supervisor, and/or any other high risk, tactical, or pre-planned situation.	
Reflective Vests	Department issued. Have available in your unit at all times. Wear vest in the following situations; Directing traffic, accident investigation, and any incident which requires you to be in the roadway (except while doing a traffic stop).	
Ballistic Vests	It is mandatory that all uniform officers assigned to patrol duties wear there department issued vest outside the police station. It is mandatory that all personnel wear there vest during the following situations: All-pre-planned warrant operations, any time the supervisor of an incident orders wearing vests, any other pre-planned, high risk, tactical situation.	

Gloves	Wear plain black gloves. Sap gloves are not authorized.	
Leather Accessories		
All leather and accessory equipment shall be constructed of the same material, (gun holster excluded) be void of any visible metal and be basket weave, leather or department approved black nylon gear. You cannot mix gear types(i.e. nylon and leather). All items must be black in color.		
Gun belt	Department approved basket weave leather or nylon material. When the pant belt will be concealed. Velcro or snap keepers may be used to attach the gun belt to the pant belt. Place the primary duty holster and firearm on the primary – hand side of the gun belt. Make remaining equipment convenient and orderly on your belt.	
Holsters	Hard plastic, leather basket weave or nylon holster with a thumb break snap or hood and it will be form fitted, molded or adjustable.	
Magazine cases	Nylon or basket weave leather with covers, holds two magazines, can be worn sideways or upright.	
Handcuff cases	Nylon or basket weave leather with cover, holds one or two pairs of handcuffs. Handcuffs will be carried while on duty	
OC Spray/Holder	OC is department issued. Holder will be nylon or basket weave.	
ASP Baton/Holder	ASP Baton is department issued. Holder will be nylon or basket weave.	
Flashlight/Holder	All flashlight holders will be nylon or basket weave. Flashlights can be battery operated or rechargeable. Mini flashlights are also authorized.	
Radio Holder	Radio holder if used will be nylon or basket weave leather.	
Knife (Optional)	Folding type with locking blade not to exceed 4” in length. Case is optional, if worn will be nylon or basket weave leather.	
Rank Insignia		
Rank	Authorized Uniforms	Sweater/Jacket
Chief of Police	(4) ½ inch metal stars, gold colored with polished finish. Worn with single point up and in tandem, ½ inch from the front color line on all shirts, parallel to the top and centered between the	(4) ½ inch metal stars, gold colored with polished finish. Single point to the rear lengthwise, centered on the shoulder seam, with the center of the first star ½ inch from the

	top and bottom of the collar.	sleeve seam.
Deputy Chief of Police	(3) ½ inch metal stars, gold colored with polished finish. Worn in the same manner as the Chief of Police	(3) ½ inch metal stars, gold colored with polished finish. Worn in the same manner as the Chief of Police
Sergeant	Chevrons on each sleeve, centered below the shoulder patch.	Chevrons on each sleeve, centered below the shoulder patch.
Patches		
Department Insignia Shoulder	Worn on both sleeves of all shirts, jackets, or sweater. Top of patch sewn ½ inch below the shoulder seam and centered on the sleeve crease.	
Chevrons, FTO	Worn on both sleeves of all shirts, and jackets (except Ike) Sewn below the shoulder patch and centered on the sleeve crease. Sergeant – three chevron patch Field Training Officer (FTO) – single chevron with rocker with Field Training Officer embroidered above the rocker.	
Service Stripes	Worn on the left sleeve of long sleeve shirts. Sewn 1 inch above the cuff along the inside center sleeve crease. Each stripe indicates (3) years of service with the Bisbee Police Department.	
Cloth Badge	Worn on jackets (except Ike) and polo type shirts. Badge will be sewn over the left breast.	
General Regulations	American Flag pin worn above the name plate. Award pins only if they were earned while working at the Bisbee Police Department.	

Chapters 28 – 30 [Reserved]

CHAPTER 31 RECRUITMENT

31.1 Recruitment

A. All Department recruitment will be coordinated through the City's Human Resources Department, with the assistance of Department personnel.

B. Recruitment is and must be a community- and Department-wide effort. The Department is focused on having a workforce representative of the community, a focus that requires the effort of all concerned. Whether positions are available at a specific point in time or not, the needs of the agency for qualified, professional applicants should be consistently discussed at community gatherings and through contact with students in various stages of the educational process. Any contact with community groups or educational programs should include a discussion of employment options with the agency. Outreach to all sectors of the community must be continuous and ongoing.

C. Any personnel assigned to the recruiting function should be familiar with the City's benefit package; City, Department and AZPOST requirements for Department employees; the local community and educational systems; and equal employment opportunity policies and guidelines. Records should be kept of recruitment efforts and an applicant tracking mechanism should be employed.

D. The Department's recruitment efforts are focused on the hiring and retention of qualified personnel who reflect the diversity of the community served by the agency. Recruitment efforts are to be directed toward that goal. In furtherance of that goal, the agency has adopted a recruitment plan. This plan shall be analyzed and a report generated noting progress toward the goals in the recruitment plan, as well as any needed revisions to the plan.

E. Posting and circulation of recruitment materials is the responsibility of City Human Resources. The assigned Department personnel should ensure that the job descriptions used by the City are complete and up-to-date; that the materials receive wide distribution in the City (including posting on the Internet, AZPOST web site and available law enforcement recruitment sites) and to community groups; that all materials include the City's policy regarding EEO; and that the application deadlines are included. The City's process should track all candidates and keep them notified of their status in the process.

F. All recruitment material for Department positions shall describe all elements of the selection process.

31.2 Minimum requirements

Minimum requirements for personnel are established by the City. Sworn personnel must also meet the minimum requirements of AZPOST, are required to have and maintain AZPOST certification, and to have and maintain the ability to testify in a court of law without limitation.

31.3 Oath of office

All Department employees shall take and abide by the oath of office required by A.R.S. §38-231.

I, (type or print 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).

(signature of officer or employee)

CHAPTER 32 SELECTION

32.1 Hiring of Employees

Testing and processing of applicants varies with the position and includes a variety of testing methods. All applicants shall receive from City Personnel Department a complete written description of the steps in the hiring process for the position for which they are applying, as well as an estimate of the duration of the process and any policy on reapplication for unsuccessful applicants. City Personnel Department shall ensure that only job-related criteria are used to rate applicants, and that processes are administered, scored and interpreted, and applicants are evaluated in a uniform manner. Personnel Department shall maintain a complete record of each hiring process, including the application and testing materials for unsuccessful applicants. All selection materials (test questions, for example) shall be securely stored or disposed of in a secure manner. All applicants will receive written notice of the results of the hiring process.

Persons selected for positions shall be conditionally notified of their selection and of the need to pass a post-offer psychological examination (not all non-sworn positions require psychological examinations), a medical examination, and a pre-employment drug test. Final hiring will depend upon the successful completion of those examinations.

Final selection decisions shall be made by the Chief.

32.2 Polygraphs and Background investigations

All applicants for police positions, sworn and non-sworn, must pass both polygraph examinations and background investigations.

A. Polygraphs. When done as part of a background investigation for hiring purposes, a copy of examiner's report and the audio recording will be provided to the Background Investigator. The material shall remain with the background investigation file and will be disposed of as required by law. Polygraphs shall comply with AZPOST requirements and shall be completed by qualified examiners. Applicants shall be advised prior to the examination of the general areas that may be covered by the questions. The results of a polygraph examination that reveals deception shall not be used as the sole determining factor in non-selection of an applicant.

B. Background investigations shall be completed by investigators trained in collecting the required information and shall include, at a minimum, the verification of qualifying credentials, the review of the applicant's criminal history, and verification of at least three personal references. Background investigations are to be maintained by the Department and disposed of pursuant to the Department's records retention schedule.

32.3 AZPOST requirements

Applicants for sworn positions who are not AZPOST certified must meet all AZPOST requirements for peace officer certification (other than the certification itself) prior to employment as a peace officer.

32.4 Probationary period

The probationary period for sworn personnel who must initially attend an academy and become certified by AZPOST is twelve months from the date of certification. The probationary period for sworn personnel who are already AZPOST certified upon hiring, and for all non-sworn personnel, is twelve months from the date of hire. The probation period for civilian employees and for all employees, sworn or civilian, who are promoted, is twelve months. Employees on probation should be closely observed and evaluated frequently. Unsatisfactory performance should be identified and corrected early through counseling, training or other suitable personnel actions.

32.3.1 Extending Probation Periods

Any employee who is on authorized leave (other than military leave) for more than three consecutive weeks during the probationary period shall have the probationary period extended. Any employee who is at work but is on modified or light duty shall have the probationary period extended.

Probation may not be extended for failed performance. A probationary employee whose performance does not meet the required standard shall be denied permanent status as an employee and terminated for failure to meet probationary standards.

32.5 Retention of Applicant Records

A. All applicant files and records, including background files and files on disqualified candidates, are considered confidential to the extent permitted by law. Any medical records included in these files shall be separated and sent to Personnel Department for retention pursuant to City policy and federal law; the Department file should note that the medical records have been transmitted to City Personnel Department (for purposes of audits which may be performed by AZPOST). Applicant files and records shall be maintained in accordance with the schedules published by the State Archivist and Department and destroyed in a manner that prevents disclosure of the information contained therein, as provided by Department policy.

B. Pursuant to A.R.S. §38-1101, the pre-employment polygraph, including the data and the report, for an officer hired by the Department shall be destroyed no later than ninety days after the third year anniversary of the person's date of employment.

CHAPTER 33 TRAINING AND CAREER DEVELOPMENT

33.1 Training

- A. The profession of law enforcement requires ongoing training in base proficiencies and familiarity with best practices in each area of assigned duties. The Department will maintain a training program that meets State standards for sworn personnel.
- B. All Department instructors shall have completed the AZPOST General Instructor course, so that they have received training in lesson plan development, performance objective development, instructional techniques, testing and evaluation techniques and resource availability and use.
- C. All training shall be supported by a written lesson plan, approved by the instructor's supervisor prior to the training, that states the performance and job-related objectives; the content of the training and the manner of instruction; and any test that may be used in the training process.

33.2 Recruit Training

- A. The Department shall assign newly hired sworn personnel who are not yet AZPOST certified to attend an AZPOST approved training academy. The curriculum of approved training academies is as required by AZPOST and reflects the tasks associated with the duties of police officers as well as evaluation techniques designed to measure the recruit's competency in the required skills, knowledge and abilities. The Chief (or Chief's designee) shall maintain regular contact with the academy regarding the progress of any recruit placed at the academy.
- B. No recruit shall be permitted to carry a weapon or make an arrest prior to certification, except as a part of an academy training process or the field training program.
- C. Sworn personnel must become certified and maintain certification as an AZPOST-certified peace officer. Recruits who fail to complete the academy are subject to termination for failure to meet probationary standards.
- D. All sworn personnel will complete a Field Training Program (FTO) prior to completion of their probation or release to work as a solo officer on patrol. Generally, the FTO program for new officers is 12 weeks long. Field training for officers who have previously served as peace officers in Arizona may be adjusted to reflect their experience. The field training of sworn personnel will last until the officer has demonstrated proficiency in required skills and knowledge, as well as in agency policies, procedures, rules and regulations.
- E. The Deputy Chief shall supervise officers assigned as FTOs in their duties as FTOs. The FTO program shall rotate officers in their field assignments among different shifts and areas of the city using different FTOs, as permitted by Department staffing.

F. Field Training Officers, selected by the Chief based on their qualifications and experience, are responsible for consistent evaluation of recruits and consistent application of the training policies in accordance with the FTO manual. They shall be trained by the FTO program supervisor and shall submit evaluations of recruits as required by the program.

G. Field training shall also be provided for newly promoted sergeants. The program shall be the responsibility of the Deputy Chief in charge of the Patrol Section.

H. Non-sworn employees shall be trained by the supervisor to whom they are assigned, or the person designated by the supervisor to train the employee.

I. All training shall be thoroughly documented and maintained in an employee's training file.

J. The Deputy Chief shall assure that out-of-state laterals have had training on handling situations involving the mentally ill; if not, it shall be provided.

33.3 Proficiency and Continuing Training Requirements

A. Sworn personnel shall meet AZPOST's annual proficiency and continuing training requirements, as well as any required Department proficiency and continuing training requirements. An employee who fails to attend assigned required training must provide the employee's supervisor with a written explanation of the reason for the employee's absence. Employees who do not meet mandated annual training requirements necessary to maintain certification shall be relieved of duty. Failure to attend scheduled training or complete training requirements may subject the employee to discipline, up to and including termination.

The Training Deputy Chief or their designee is responsible for scheduling all training, arranging for make-up sessions when reasonably required and maintaining documentation that meets AZPOST requirements for annual training.

B. At least every three years, training of officers shall include training on handling situations involving the mentally ill.

C. Every year, the Department shall conduct training on the All Hazards Plan as noted in [G.O. 47.2](#).

D. The department shall regularly provide awareness training for events involving hazardous materials per [G.O. 47.3.E](#).

33.4 Daily training Program

A. Sworn personnel will participate in the daily training program. The program consists of a series of fifteen-minute training scenarios, which are to be presented and discussed by officers during squad briefings or training sessions. The discussions shall be led by an officer who is certified as an AZPOST General Instructor.

B. An officer must complete each of the daily training programs scheduled by the officer's supervisor and which occurs during an officer's assigned shift. An officer must sign an attendance sheet.

33.5 Non-sworn Training

The training of non-sworn employees shall depend upon the classification of the employee, but may include basic on-the-job training specific to the assignment and periodic training intended to further the skills of the employee.

A. In-service training is required for the following positions: Administrative Assistant, Records Clerk, Communications Officer, Evidence Custodian, and Animal Control Officer

B. All new non-sworn employees shall receive training regarding:

- a. The Department's role, purpose, goals, policies and procedures;
- b. Working conditions and rules and procedures;
- c. Responsibilities and rights of employees
- d. The importance of customer service;
- e. Discrimination, Harassment, and Retaliation training; and
- f. Other topics as needed.

33.6 Remedial Training

Remedial training in critical job skills may be made available for an employee, based on available resources. When made available, the employee shall attend and successfully complete the remedial training. Failure to attend or complete remedial training may affect the employee's employment status.

33.7 Training for specialized duties, special assignments and promotions

A. Specialized duties. Specific duties, such as accessing the state criminal history database or operating certain equipment, may require specialized training or certification. Necessary certification, training, and retraining requirements should be identified, supervised, and managed by the supervisors or commanders of the unit requiring the training.

B. Specialized assignments. Certain assignments require training specific to the unit (SWAT, motor officers, canine handlers). Necessary training and retraining requirements should be identified, supervised, and managed by the supervisors or commanders of the unit requiring the training.

33.8 Training files

A. A training file should contain a record of all training received by the employee from the date of hire. The record shall include the type of training received, the date of the training, the name

of the instructor, the length of the training and, if a test was administered at the conclusion of the training, and whether or not the employee succeeded in the test.

B. The record shall include both proficiency training and continuing training and shall record the employee's compliance, if sworn, with the AZPOST continuing education and proficiency training requirements.

C. Records shall also be maintained for each training class. The records shall include the lesson plan or course content, names of attendees, and performance of individual attendees on any tests.

CHAPTER 34 PROMOTIONS and TRANSFERS

34.1 Promotion

A. A promotion is the transfer of an employee from one classification to a different classification that is compensated with a higher salary. All promotional opportunities that are open to a competitive testing process shall be announced in writing, with a starting and ending date for applications, the method of application, eligibility requirements (including the numerical weight, if any, assigned to each requirement), time-in-grade and/or time-in-rank eligibility requirements, if any, the duration of any promotion list that results from the process, and the system for selection from the list.

B. The selection process for any promotion shall be determined by the Chief, in consultation with the City Personnel Department, regardless of whether lateral entry is permitted. Each selection process shall be detailed in the promotional announcement and shall include the name of the person supervising the administration of the process. The announcement shall include all elements within the process and the weight assigned to each element, for example and as applicable:

- a. Evaluations of previous performance
- b. Written tests (including a list of all required study materials, if any)
- c. Question and Answer Board
- d. Chiefs interview

In addition, there shall be a follow-up announcement that describes procedures for review and appeal of the results and reapplication of scoring following appeal, if any. All elements of the process shall be reviewed by City Personnel Department to ensure that they are job-related and nondiscriminatory.

34.2 Transfer

A. A transfer is the movement of an employee from one assignment to another assignment within the same classification.

B. Employees may request a transfer at any time by submitting a memo to the employee's supervisor.

C. Where a conflict, potential conflict, or perceived conflict exists under the nepotism rule, the Police Chief or designee has the authority to make any transfers necessary to eliminate the conflict, potential conflict, or perceived conflict.

D. Transfer of personnel is a management right; the Police Chief has the right to transfer employees within the Department in the manner that, in the opinion of the Chief, is most advantageous to the City. Transfers will be processed as required by the City's Personnel Department.

CHAPTER 35 PERFORMANCE EVALUATION

35.1 Performance evaluations

A. Employee performance evaluations shall be completed annually, as required by the City's Personnel Department. Evaluations shall be completed when due. Performance evaluations evaluate the employee's conduct during the specific time period since the previous evaluation, or since hire, and are intended to provide an employee with useful information concerning the employee's performance, to enhance the relationship between supervisor and subordinate, to provide assistance to the employee in continuing professional development, and to provide a record of an employee's performance.

B. The Personnel Department shall provide measurement definitions, procedures for use of the forms, rater responsibilities, and training for those who are assigned to complete evaluation forms. The criteria for performance shall be specific to the employee's assignment during the rating period.

C. An employee's performance evaluation shall include mention of discipline occurring or administered during the evaluation period, including verbal and higher-level reprimands that occurred during the rating period. Corrective action should also be documented in a performance review, including the behavior underlying the action if it has performance implications. Any rating that is either unsatisfactory or outstanding shall include an explanatory comment.

D. During the process of drafting an evaluation, the supervisor should review their performance notes regarding the employee, discipline and commendation records, criminal history, and DMV record. (Any unreported criminal conduct or driver license validation issues shall be referred to the Chief.). The supervisor shall then meet with their own supervisor to review the draft. No evaluation shall be provided to a subordinate without this review.

E. Once approved by the reviewing supervisor, the supervisor shall then meet with the employee in a face-to-face meeting to deliver and discuss the evaluation. The employee shall be provided with a copy of the completed evaluation and may, if desired, and within 24 hours of receiving the evaluation, complete a written comment to supplement the evaluation. During this meeting, the supervisor shall also advise the employee of expectations for the upcoming year and may discuss the employee's career goals or recommended training. The supervisor shall sign the evaluation and forward the original evaluation and the employee's written comments, if any, to the rater's supervisor to be reviewed and signed. That supervisor shall forward the evaluation and supplement, if any, for filing in the employee's personnel file. Appeals of a contested evaluation report by the employee shall be in accordance with the City's personnel rules.

F. If an employee's overall performance falls below standard, the supervisor shall issue a special evaluation in a timely manner that documents the unsatisfactory performance and defines actions

that the employee must take to improve. Delivery of a special evaluation may be delayed to avoid compromising any ongoing investigation.

35.2 Personnel files; Access

A. The Department shall maintain the following files related to an employee:

- Applicant and Background file;
- Personnel file (maintained by Personnel);
- Medical file (maintained by Personnel);
- Supervisor's desk file;

B. All files are to be maintained in compliance with the State Archivist's Records Retention Schedule and purged and destroyed as required by state law.

C. Public portions of any file may be subject to release in response to a proper public records request. See [G.O. 82.3](#).

35.2.1 Applicant and Background file

A. This file shall contain an applicant's initial application, background investigation, polygraph information, medical examination, and other material related to the application process.

B. If an applicant is hired, the pre-employment medical examinations should be transferred to the employee's medical file. The data and reports of an employee's hiring polygraph are to be destroyed within three years and 90 days after the date of the employee's appointment or employment.

C. Access to this file should be limited to those involved in the initial selection process. It should also be made available for review by staff from other law enforcement agencies that are completing background investigations on the employee. When relevant to an investigation, it may also be made available to any department supervisor.

35.2.2 Personnel file

A. An employee's personnel file should contain the employee's performance evaluations, pay increases and decreases, suspension, promotions, transfers, discipline, commendations and awards, and other documents related to an employee's performance.

B. Access to this file should be limited to those who are in the employee's direct chain of command and, when relevant to an investigation, to the Deputy Chief of Police.

35.2.3 Medical file

This file should be maintained by the City's Personnel Department. Upon hire, an employee's post-offer, pre-employment medical examination shall be forwarded to Personnel for placement in the file. All subsequent medical records of any kind provided by any physician or health care

practitioner who has examined the employee and any documents that contain health care, medical or mental disability or fitness, or any other medical or mental health information related to the employee, including medical reports regarding communicable disease or bodily fluid exposure, shall also be forwarded to Personnel for placement in this file. Access to this file shall be limited to Personnel staff; access to medical information contained in the file is limited to those with a legally-authorized, need to know the information, which could include the Chief, the City Manager, the City Attorney, and the Personnel Director. No other person shall be permitted to review this information for any reason.

35.2.4 Supervisor's desk file

This file should consist of notes made by the supervisor pertaining to an employee. They should be retained until incorporated into a periodic evaluation form and then destroyed/deleted. Access to this file should be limited to the supervisor and supervisor's chain of command.

Chapters 36-40 [Reserved].

CHAPTER 41 PATROL

41.1 General Reporting Procedures

A. Complete and accurate documentation of all investigations, by all involved employees, is required. This requirement includes creating a report for every citizen report of a crime, citizen complaint, incident resulting in an employee being dispatched or assigned, criminal or noncriminal cases initiated by law enforcement employees, and incidents involving arrests, citations, or summonses. This requirement includes completing all reports and forms in the appropriate format as each situation requires, and as quickly as possible, and applies to all personnel involved in an investigation. Employees shall address any questions regarding the completion of a Department report or form to a supervisor. More information about report forms, information required in reports, report completion procedures, and procedures for submitting, processing, and supervisory review of field reports should be directed to a supervisor.

B. Reports are generally received from citizens by telephone or by citizens contacting police personnel in person.

C. Generally, reports by patrol officers shall be completed by the end of the shift in which the event occurred. Exceptions must be approved on a case-by-case basis by a supervisor, but in no case shall reports be submitted later than (1) 24 hours after an arrest; (2) 5 days after a traffic accident for cases needing a A.C.R. report; (3) 72 hours after any other incident.

D. Officers are encouraged to, using digital recording devices, audio record their conversations and contacts with members of the public. Any audio recording that is done, however, must be maintained as evidence of the officer's activities on the day in question. This should be accomplished as provided by Department Evidence procedures. No recorded data shall be destroyed except as provided by the Department's records destruction schedule.

E. Supervisors shall review and approve all reports involving an arrest submitted by their personnel as soon as possible. Any needed corrections or additions shall be made prior to the submission of the report to the Records Section. Reports shall not be released until the appropriate supervisory review has been completed.

F. Additional information received after a report is submitted to Records, as well as any alteration or correction that must be made, shall be submitted through the use of a supplementary report. Supplementary reports shall also receive supervisory review prior to submission to Records.

41.1.2 Responsibilities of initial responding officers

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

- Identification, security, and protection of the scene;

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

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

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

41.1.3 Crime Scene/Traffic Collision Reports

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

1. Date and time of the employee's arrival at the scene;
2. Location of the crime;
3. Name of the victim/s, if known;
4. Name of suspect/s, if known;
5. Action taken at the scene;
6. Whether photos were taken and if measurements were taken, and what was done with those items of evidence;
7. List of physical evidence recovered; and

8. Department report number.

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

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

41.2 General Patrol Procedures

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

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

C. Supervisors shall be notified when their assistance is needed or required. When a citizen requests the presence of a supervisor, one should be called to the scene or contacted if not on duty.

41.3 Officer Needs Emergency Assistance

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

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

C. When the "*no further assistance needed*" is broadcast, all units not already at the scene will return to assigned patrol duties. The code will be broadcast at least twice.

41.4 Emergency Community Notifications

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

41.5 Incident Command

41.5.1 Initial officers on-scene

- A. The first officers arriving on the scene of a crime or other police incident are responsible for:
- Announce over the radio they are assuming command;
 - Identification, security and protection of the scene;
 - Prevention of further injury or loss of life, to include the application of first-aid/CPR as appropriate;
 - Apprehension of suspects;
 - Completion of a thorough investigation;
 - Locating and interviewing complainants and witnesses;
 - Collection of evidence;
 - Completion of all required reports; and
 - Notification of agencies and others, as appropriate to the situation. This notification may include police supervisors, emergency medical or fire services, the medical examiner, other police agencies, or other City departments, public utilities personnel, and the public information officer.
- B. If no designation is made by Communications, the first officer on the scene shall assume responsibility as the case officer.

41.5.2 Incident Command System

- A. The incident commander is the officer managing the scene of a police incident and is responsible for coordinating the activities of others who respond to assist. A supervisor will usually assume incident command unless inappropriate, in which case the supervisor may simply assist and provide guidance to the incident commander. All officers present at the scene have the responsibility to ensure that proper police action is being taken; if not, a supervisor shall be notified.
- B. Incident command may be transferred to another officer who agrees to take it if there is not a supervisor or commander to assume command. When a transfer occurs, a full briefing shall take place and Communications shall be notified of the change.
- C. Supervisors and commanders arriving on-scene shall:
- a. Contact the incident commander for a briefing;

- b. Assess the nature of the situation and the police response;
- c. Assume or decline incident command;
- d. If not assuming incident command, advise the incident commander of that fact;
- e. Make suggestions and act as a resource;
- f. Advise the incident commander if leaving the scene; and
- g. Ensure that all necessary notifications to the chain of command and other entities have been or are made. This may include notification of the Chief, who may then notify elected officials, as required.

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

41.6 Emergency Vehicle Operations - pursuits and emergency driving

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

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

41.6.1 Definitions

When used in section G.O. 41.6, these terms are defined as follows.

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

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

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

Emergency Driving: The operation of an authorized emergency vehicle, with the use of lights and siren as required by Arizona law, in response to an emergency, at a speed above the posted

speed limit and/or in disregard of traffic control devices governing the movement of motor vehicles.

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

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

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

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

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

41.6.2 Emergency Response Driving – Code Three

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

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

A. If an authorized emergency vehicle is driven in response to an emergency call, in pursuit of an actual or suspected violator of law or in response to but not on return from a fire alarm, the driver may exercise the privileges provided in this section subject to the conditions stated in this section.

B. If the driver of an authorized emergency vehicle is operating at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, the driver may:

1. Notwithstanding this chapter, park or stand.

2. *Proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation.*
3. *Exceed the prima facie speed limits if the driver does not endanger life or property.*
4. *Disregard laws or rules governing the direction of movement or turning in specified directions.*

C. The exemptions authorized by this section for an authorized emergency vehicle apply only if the driver of the vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary and if the vehicle is equipped with at least one lighted lamp displaying a red or red and blue light or lens visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red or red and blue light or lens visible from in front of the vehicle.

D. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of the driver's reckless disregard for the safety of others.

B. An officer may only respond Code 3 when responding to a life-threatening situation or a violent crime in progress and must:

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

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

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

- a. The officer shall notify the dispatcher immediately upon beginning a Code Three response.
- b. Officers shall come to a complete stop prior to entering any intersection with a red light, stop signal, or stop sign facing the officer's direction of travel, or when approaching an intersection in the oncoming or center lanes even if a signal is green for the officer's direction of travel. The officer shall proceed when safe to do so.
- c. Great care is to be exercised when exceeding the speed limit, with consideration to visibility, traffic, and road conditions. Officers shall not exceed the posted speed

limit when approaching a controlled intersection, nor exceed 15 miles per hour when traveling in center or opposite lanes of traffic.

- d. Continuous evaluation of traffic volume, time of day, type of crime in progress, distance to the location, and potential hazards is required.

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

41.6.3 Pursuit driving

A. Vehicle pursuits shall only be initiated when an officer has reason to believe that the occupant of the fleeing vehicle has been involved in a felony offense against persons (for example: homicide, sexual assault, aggravated assault, or robbery), or is likely to endanger human life or cause serious injury to another unless apprehended without delay. Pursuits for traffic offenses (including unlawful flight), non-violent felonies, property crimes (whether felony or misdemeanor), and suspicious activities are prohibited.

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

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

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

41.6.3.1 Pursuit procedure

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

1. Advise dispatch of:
 - The officer's call sign;
 - A description of the vehicle, including plate if possible;
 - The reason for the pursuit;
 - The location and direction of travel;
 - The speed of the suspect vehicle;
 - Current traffic conditions;
 - Any additional officer safety information.
2. On a continuous basis, advise dispatch of changes in:
 - Location;

- Direction;
- Speed;
- Any traffic offenses or hazardous conditions caused by the suspect.

3. Terminate the pursuit at any point in time that termination is required by this policy or at any point in time that the officer reasonably believes the danger to the public or other officers outweighs the need for the immediate apprehension of the suspect(s), based on the totality of the circumstances involved.

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

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

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

D. Pursuit supervisor. An on-duty supervisor shall immediately assume supervision of the pursuit. If a supervisor is not on duty, it is the responsibility of the communications officer to contact the shift supervisor immediately, and the Deputy Chief of Police as soon as time allows. The pursuit supervisor shall:

1. Broadcast that the he/she is monitoring the pursuit;
2. Monitor the pursuit, directing pursuit vehicles into or out of the pursuit;
3. Continuously evaluate whether the pursuit should continue;
4. Determine whether any effort should be made to forcibly stop the vehicle, such as by deploying the Stinger spike strip;
5. Approve or disapprove of leaving the jurisdiction to continue the pursuit;
6. Terminate the pursuit at any point in time that termination is required by this policy.

E. Communications shall:

1. Order the police radio cleared of all but emergency traffic;
2. Confirm that an on-duty supervisor knows of the pursuit and is monitoring it;
3. Gather and broadcast information concerning the pursuit and the suspects;
4. Assist in directing back-up units to strategic locations;
5. If necessary, contact and advise adjoining jurisdictions of the pursuit;
6. Advise all units once pursuit is terminated;

41.6.3.2 Authorized pursuit vehicles

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

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

41.6.3.3 Air Support

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

41.6.3.4 Forcible stops of a pursued vehicle or fleeing felon

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

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

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

C. Rolling roadblocks shall not be used. Stationary roadblocks shall not be used in the absence of approval of the Deputy Chief of Police and justification for the use of deadly force. Any such roadblock must be in a well-lit area, vehicle emergency lights shall be on, flares and traffic cones shall be used if available, an avoidance route must be available to the pursued vehicle, and the utmost consideration shall be given to the safety of officers and the public.

D. Stinger Spike System and similar devices may be used when circumstances warrant their use and their use will not create an unreasonable risk to the general public. Stop sticks shall not be deployed by an officer who has not been trained in their use. Care should be taken to use the spikes in an area where other traffic that may be on the road will not be endangered.

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

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

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

41.6.3.5 Pursuit Termination

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

1. When the supervisor terminates the pursuit.
2. When in the opinion of the officer operating the primary or secondary unit, or of the pursuit supervisor, the danger to the public or other officers outweighs the need for the immediate apprehension of the suspect(s), based on the totality of the circumstances involved.
3. If information that is likely to lead to the identification and apprehension of the suspect is discovered and made known to the officers involved in the pursuit or the supervisor and those in the vehicle are not engaged in ongoing violent activities, such as shooting from the vehicle.
4. When the distance between the pursuit vehicle and the fleeing vehicle is so great that further pursuit is futile.
5. When visual contact is lost for 15 seconds or more.

6. If the officer is unfamiliar with the area of the pursuit and is unable to accurately notify the dispatcher of the location and direction of travel.
7. If the officer determines they are driving beyond their capability or beyond the capability of their vehicle.
8. If the pursuit requires the officer to drive on the wrong side of any divided roadway or one-way street.

41.6.3.6 Apprehension of the suspect

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

41.6.3.7 Inter-jurisdictional pursuits

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

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

41.6.3.8 Documentation

A. Following a pursuit, whether or not the suspect is apprehended, all involved officers shall complete detailed reports. These reports shall be submitted within 24 hours of the pursuit. If any involved officer is injured, or otherwise unable to complete a report, a supervisor may authorize another officer to complete the report. Whenever reasonable to do so, the officer completing the report will first interview the involved officer.

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

C. The report shall be reviewed by the officer's chain of command.

41.7 Routine response to calls and traffic enforcement.

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

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

C. Officers responding to non-emergency traffic or while driving to or from non-enforcement activity, should not activate their emergency lights, use a siren, or exceed the speed limit.

41.8 Body Armor

A. All officers shall wear body armor. Body armor worn by officers shall be Department approved and provided (or the cost reimbursed), and shall meet National Institute of Justice standards when purchased.

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

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

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

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

41.9 Missing Persons

A. There is no time limit or waiting period before taking a missing person report. Reasonableness and discretion can be observed, but if a report is requested, one will be completed. Searching for and locating missing persons, including children, is a priority for this Department. Whenever exigent circumstances, as defined in section B below, exist, immediate action shall be taken.

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

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

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

1. Determine the circumstances surrounding the disappearance and advise a supervisor.
2. Using the Missing Person Field Checklist, officers should attempt to gather the following information regarding the missing person(s):
 - a. Personal habits;
 - b. Physical/mental condition;
 - c. Availability of a current photograph;
 - d. Recent family quarrels or trouble;
 - e. Whether or not the victim has been reported missing in the past;
 - f. Financial, marital, school, or job problems;
 - g. Favorite places of entertainment, recreation, etc.;

- h. Any special circumstances related to the missing person that may assist in locating the individual or that searching officers may need to know when the person is located (medications, mental health problems, etc.).
3. Gather and broadcast the following information:
 - a. Description of missing person;
 - b. Date, time, and location person was last seen.
4. Initiate an immediate search, depending on the circumstances, commencing at the last known location of the person.
5. Include the residence and surrounding area and all canals, vehicles, pools, etc.
6. Brief other assisting units of possible reasons for the disappearance, areas to search, and request broadcast of information if indicated.
7. Enter the information into the National Crime Information Center (NCIC).

D. The first supervisor at the scene will:

- Review circumstances of the disappearance to determine if the person is lost, endangered, or the victim of criminal activity;
- Coordinate the activities of participating personnel to ensure a proper investigation is completed;
- Ensure all necessary information regarding the missing person is broadcast to other concerned agencies or jurisdictions;
- Ensure that an accurate log or record be kept of areas searched, persons contacted, actions taken, and participating personnel;
- Brief the chain of command;
- Evaluate the need for additional resources, including volunteers.

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

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

1. Searching the residence and all vehicles;
2. Interviewing reporting party, family, parents, friends, etc.;
3. Obtaining a photograph of missing person if needed;
4. Processing the crime scene, if one exists;
5. Making required notifications and coordinating with other details and agencies;
6. Ensuring NCIC entries are entered into and removed from the system,;
7. Organizing logs, reports, and related paperwork promptly,;
8. Briefing commanders on a timely basis.

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

H. The reporting party in any missing person case should be provided with victim's rights information and asked to immediately report any contact with the missing person. Every effort will be made to keep the reporting party informed as to action taken by law enforcement to locate the person.

41.9.1 AMBER ALERT; Arizona Missing/Abducted Child Alert Plan

A. The Arizona Missing/Abducted Child Alert Plan can only be activated under the criteria outlined in the following checklist. The checklist must be strictly adhered to:

1. Is the missing/abducted child incident one in which the victim is 17 years of age or younger?
 - If yes, answer question 2
 - If no, do not activate the Missing/Abducted Child Alert Plan
2. Was the abduction/incident witnessed by anyone?
 - If yes, answer question 3.
 - If no, answer question 4.
3. Did the abduction/incident involve acts of violence?
 - If yes, answer question 4.
 - If no, answer question 4
4. Is there enough specific information available for broadcast to the public that could be used by the public to develop leads for law enforcement for use in recovering or rescuing the child?
 - If yes, answer question 5.
 - If no, do not activate the Missing/Abducted Child Alert Plan.
5. Do you believe the child to be in danger of serious bodily harm or death or is the child believed to be in danger of serious bodily harm due to a medically-diagnosed mental or physical disability?
 - If yes, activate the Missing/Abducted Child Alert Plan.
 - If no, do not activate the Missing/Abducted Child Alert Plan.

The alert must contain a complete description of the child and details of the whole incident.

B. If it is determined that the criteria listed above is met, the Deputy Chief of Police may initiate the plan by contacting DPS. The Department's public information officer should be prepared to

assist in initiation of an AMBER alert, in distribution of information to local media, and in responding to media inquiries.

C. If officers/investigators become aware of crucial or pertinent information that could aid in rescuing the child through the Alert System after an initial alert has been made, an additional call may be made through Communications and Department of Public Safety to the coordinating radio stations for an update to the broadcast.

D. As soon as possible after the child is located, a cancellation notification must be made to the broadcasting stations. This is accomplished by contacting Communications and being patched through DPS to the responsible Arizona Alert coordinating radio stations.

E. Upon completion of the incident, the initiating supervisor will forward a memo through the chain of command to the Chief outlining the circumstances of the incident and stating what prompted the use of the plan. This memo will be forwarded to the Arizona Missing/Abducted Child Alert Plan Oversight Committee for its review on the use of the Arizona Child Alert plan.

41.9.2 SILVER ALERT; Arizona Missing/Abducted Person 65 or Older

A. The Arizona Missing/Abducted Silver Alert Plan was adopted by the State legislature in 2014. It works much like the Amber Alert program. To request to use the system, which is maintained by DPS, an agency must be investigating a missing person under the following conditions:

- The missing person must be 65 or older;
- The local jurisdiction must have used all available local resources to attempt to find the person;
- The person has gone missing under unexplained or suspicious circumstances;
- There is a belief the person is in danger or may be in peril;
- The notification if disseminated to the public could assist in safe recovery.

41.10 [Reserved]

41.11 Dealing with Persons of Diminished Mental Capacity

Officers will encounter persons of diminished mental capacities in the performance of their duties. This group of special needs persons presents officers with different and often complex issues. These individuals, whether as a result of intoxication, suicidal ideations, medical complications, or mental illness present officers with a wide range of behaviors often different than those exhibited by others in the community or other persons involved in criminal activities.

Persons of diminished capacities may display conduct that is bizarre, irrational, unpredictable and threatening. They may not receive or comprehend commands or other forms of communication in the manner that officers would expect. They may not respond to authoritative persons or the display of force. It is the primary task of officers confronting these special needs persons to resolve the encounter in the safest manner. It is not the mission of the patrol officer to diagnose the root cause for the person's behavior.

41.11.1 Dealing with Intoxicated Persons

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

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

1. Is medical care necessary?
2. Can the person be admitted at the local alcohol rehabilitation center in Benson
3. Is there a family member, employee, co-worker, or friend who can take responsibility for the person?

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

41.11.2 Dealing with Vulnerable Adults

A vulnerable adult is an individual who is eighteen years of age or older and who is unable to protect him/herself from abuse, neglect or exploitation by others because of a mental or physical impairment. When an officer comes in contact with a vulnerable adult who is not under appropriate supervision, is in a vulnerable situation, or who is the victim of a crime, the officer should make every effort to contact the person's guardian, family member, neighbor, residential provider, Adult Protective Services, or the local Public Fiduciary for assistance.

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

41.11.3 Dealing with the Mentally Ill

When dealing with person's who are experiencing a mental crisis regardless of the cause the officer will call or have dispatch call the Cenpatico 24 hour crisis line at 1-866-495-6735 and report the situation, and request a mobile response team.

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

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

C. The department recognizes that officers are not qualified to solve the underlying problems of people who exhibit abnormal behavior. Officers can, however, learn to recognize it. The officer's course of action at this first encounter can calm the existing situation. Responses to situations that involve abnormal behavior should reflect sensitivity to the needs of the people involved, as well as concern for the safety of the involved person, others at the scene and officers. The goal when encountering a person of diminished capacity is to control the encounter to maximize safety for all persons involved, and then determine the best course of action for the involved individual. Responding officers should focus on containment, coordination, communication, and time. If circumstances allow, officers should:

1. Request back-up as soon as it is apparent that the person is of diminished capacity. If that information is known when the call is dispatched, two officers should be dispatched, if available.
2. Avoid the use of emergency lights and siren when responding to this type of call for service, as this may agitate the subject. Upon arrival, officers should move deliberately and, if possible, slowly.
3. Focus on containment as the first goal; work to separate the subject from others at the scene, but try to respect the subject's comfort zone. Containment is meant to reduce outside influences and sources of agitation, including family and onlookers.
4. Make an effort to coordinate among responding officers; one officer should take the lead. Another officer should be designated to gather from those involved any available information about the individual and the individual's disability that may assist the officer in de-escalating the incident.
5. Limit displays of force or of weapons, if safety permits.
6. Communicate in a manner that is calm, planned, and controlled. One officer should be the primary person speaking with the subject. Verbal communication should be nonthreatening. Avoid threats of force. Be truthful at all times.
7. Take their time. Usually, the longer the encounter is allowed to go on, the better the chance for a successful and safe resolution.
8. When use of force is necessary and circumstances allow, consider the use of non-deadly force options.

D. Officers must remember that mentally ill subjects may be a danger to themselves or others, including the officers.

E. Arizona law places a number of responsibilities upon peace officers in the mental health context. Title 36 provides that peace officers shall (1) apprehend and transport persons for emergency admission; (2) may take an apparently seriously mentally ill and/or dangerous person into custody and transport for screening; (3) are required to safeguard personal and real property of the person; and (4) are not subject to civil liability if acting in good faith.

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

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

H. Mentally ill persons are typically considered *disabled* under the Americans with Disabilities Act (ADA). Officers are required to reasonably accommodate a person's disability when providing police services. Doing so may require deviation from generally accepted police practices (for example, taking more time in handling a situation than might otherwise be expected, so that consideration of the person's disability may occur).

41.11.4 Mental Health Detentions

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

1. 36-525.A: "On the advice of the admitting officer of the evaluation agency pursuant to section 36-524.E, an officer shall apprehend and transport a person to an evaluation agency." See 41.11.5 below.
2. 36-525.B: When the officer has probable cause to believe a person, as a result of a mental disorder, is a danger to self or others, and that during the time necessary to complete the screening procedures the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or to inflict serious physical harm on another person. See 41.11.6 below.
3. 36-540: Upon receipt of a signed court order. See 41.11.7 below.
4. 36-540.E.4: Upon the written request of the medical director when patient's outpatient treatment has been rescinded. See 41.11.8 below.

5. 36-544: Upon the oral or written request of the medical director of a mental health treatment facility when a patient who is absent without proper authorization from the facility needs to be taken into custody for transport to the facility. See 41.11.9 below.

41.11.5 Emergency petition process when evaluation agency available (36-524).

- A. When an officer comes to the conclusion that a person is a danger to self or others, and that the person is likely, without immediate hospitalization, to suffer serious physical harm or serious illness, or is likely to inflict serious physical harm on another person, the officer may apply for an order for emergency admission of the person to a mental health facility. A.R.S. § 36-524.
- B. Officers may rely on their own observations, or the observations of another person who witnessed the actions of the person. After reviewing the facts and circumstances with a supervisor, the officer should contact the hospital where the patient is going to be taken and ask to speak to the admitting officer. A psychiatric social worker does not have the authority to approve an emergency admission.
- C. The admitting officer should be advised of the facts and circumstances. If not personally making the call, the officer must be in the presence of the person making the call and shall speak to the admitting officer and verify the admission approval before the call is complete.
- D. Once the admitting officer advises the officer that grounds exist to take the person into custody and transport the person, the officer shall either transport the person or arrange for the person's transport. If the witness to the person's behavior is not the officer, the witness will be directed to respond to the hospital to assist in completing and signing the petition for evaluation.

41.11.6. Emergency petition process when evaluation process not available or immediate action is necessary (36-525).

- A. In those instances where no admitting officer is available, A.R.S. §36-525 authorizes a peace officer to take into custody any individual the peace officer has probable cause to believe is, as a result of mental disorder, a danger to self or others, and that during the time necessary to complete the prepetition screening procedures set forth in sections 36-520 and 36-521 the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or to inflict serious physical harm on another person. The peace officer shall transport the person to a screening agency unless the person's condition or the agency's location or hours makes such transportation impractical, in which event the person shall be transported to an evaluation agency.
- B. Officers should execute this emergency petition only when the procedures outlined in the sections above are not available and no other reasonable option for resolving the situation is apparent.
- C. The officer shall either transport the person or arrange for the person's transport.

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

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

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

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

41.11.8 Order of medical director rescinding outpatient treatment (36-540).

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

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

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

41.11.9 Patients who are absent without leave (AWOL)

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

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

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

41.11.10 Violent or potentially violent subjects

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

41.11.11 Transportation

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

41.11.12 Mentally-ill juveniles

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

41.11.13 Firearms seizure

A. When dealing with the mentally ill, that person's possession or control of a firearm(s) raises special concerns. When an officer is serving a court or agency order to transport an individual for mental health reasons or when the officer has determined on his/her own to transport an individual for mental health reasons, whether or not voluntarily, the officer should take custody of any firearms owned or possessed by the person. The decision to seize the weapons must be based on specific articulable facts that would provide reasonable grounds for believing that the seizure is reasonable and prudent and those facts shall be documented in the officer's report. Officers will obtain a supervisor's approval prior to seizing the firearm.

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

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

41.12 [Reserved]

41.13 Providing Services to Individuals With Disabilities

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

B. Individuals with an hearing/speaking impairment have the right to choose the auxiliary aid of the person's choice, unless the Department can demonstrate that another equally-effective means

of communication is available, or that use of the means chosen would result either in a fundamental alteration in the service, program or activity, or in undue financial burden to the Department.

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

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

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

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

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

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

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

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

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

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

41.14 Civil Disputes

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

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

41.14.1 Movers / Department of Weights and Measures

Civil disputes involving a disagreement between movers transporting personal goods and individual citizens are governed in Arizona by A.R.S. Title 41, which is enforced by the Arizona Department of Weights and Measures (ADWM). Officers may contact ADWM for guidance in these situations.

41.14.2 Auto repossessions

A. Self-help repossessions.

- Under Arizona law, a lien holder (the person or bank that lent the money for the purchase) is entitled to exercise self-help to repossess a vehicle when the purchaser is in default (falls behind in payments). This type of repossession may take place without a court order.

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

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

In some instances a lien holder will go to court and obtain a court order for repossession. This order, called a "writ of replevin," allows for recovery of the vehicle in question. Such orders are generally served either by a Constable or by a Sheriff's Deputy. If a person seeking to repossess the vehicle has a valid court order (the writ of replevin) that authorizes the repossession of the vehicle, the reposessor is entitled to take the vehicle and the owner has no right to interfere.

41.14.3 Residential Landlord-Tenant Disputes

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

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

3. The Recreational Vehicle Space Rental Act governs the relationship between the manager of a recreational vehicle park or Mobile Home Park and a tenant who rents a recreational vehicle space in the park for more than 180 consecutive days.

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

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

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

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

41.14.4 Hotel and motel disputes

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

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

Officers shall not become involved in these disputes. They are permitted to enforce the law, such as when a trespass occurs, but all landlord-type disputes are the realm of the courts.

41.14.5 Mechanic's Liens on vehicles

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

41.14.6 Towed Vehicles

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

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

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

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

41.14.7 Child Custody and Visitation Issues

Among the more complex civil situations encountered by officers in the field are those in which parents are fighting over child custody (now known as sole or joint legal decision making or primary or joint residential parent) or court-ordered visitation (now known as "parenting time"), presenting various custody/legal decision making/residential parent orders from the court (sometimes multiple orders from multiple courts), and demanding that officers move children from one location to another. As well as the usual officer safety issues, these situations often involve the safety and welfare of the children.

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

41.14.7.1 Child Custody Matters Where there is no Court Order

A. When there is no custody/legal decision making/residential order in place:

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

B. Moving a child from one parent/person to another parent/person should generally not be done in the absence of a custodial arrest of the parent/person for a criminal violation, reason to be concerned about the safety of the child, the direction of DCS, a court order, or the direction and approval of a supervisor. Instead, refer the complaining parent to court where they can obtain an order for custody.

41.14.7.2 Child Custody when there is a Court Order

A. Officers shall request copies of whatever court orders are alleged to exist regarding the children. Court orders do not need to have a seal to be valid, but they must have a date and the judge's signature. Officers may verify Superior Court orders by contacting the County Superior Court, Clerk's Office, Monday through Friday between 0800 and 1700.

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

41.14.7.3. Criminal Enforcement of Child Custody and Visitation Orders

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

B. Officers do, however, have the authority, and responsibility, to encourage voluntary compliance with such court orders. Officers may also enforce Arizona criminal law, using A.R.S. §§13-2810, “Interference with Judicial Proceedings,” 13-1302, “Custodial Interference,” or 13-1305 “Access (visitation or parenting time) Interference,” as appropriate under the circumstances. Be mindful, however, that court orders exist that you may not have seen; it is always better to refer the parents to the jurisdictional court for resolution of the conflict, or for a “pick-up order.”

C. “Pick-up Orders”

This type of court order directs law enforcement officers to transfer physical custody of children from one parent to another. Generally referred to as a “pick-up order,” the order will contain language that specifically authorizes a law enforcement officer to assume temporary control over and then relocate a child.

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

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

1. Officers shall not enforce out of state court orders relating to custody. Parents/guardians who present out of state orders for enforcement should be referred to Superior Court, where the order must be filed in compliance with the Uniform Child Custody Jurisdiction and Enforcement Act.
2. Once an order has been filed and ordered enforced by an Arizona court, the court may issue a pick-up order for the child or a warrant for the physical custody of a child. Such a warrant is required to:
 1. Recite the facts upon which it is based;
 2. Direct law enforcement officers to take physical custody of the child immediately; and
 3. Provide for the placement of the child pending final order of the court.

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

E. In any incident in which a court order is involved, the court order should be documented in the case report. The documentation must include, at a minimum, the name of the court, the case

number and the date of the order. If possible, a copy of the order should be made and placed into evidence.

41.15 Death Investigations

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

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

1. 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.
2. Death resulting from violence.
3. Death occurring suddenly when in apparent good health.
4. Death occurring in a prison.
5. Death of a prisoner.
6. Death occurring in a suspicious, unusual or unnatural manner.
7. Death from disease or accident believed to be related to the deceased's occupation or employment.
8. Death believed to present a public health hazard.
9. Death occurring during, in association with or as a result of anesthetic or surgical procedures.
10. Unidentifiable bodies.

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

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

There is one exception to this requirement. If the deceased was under treatment for accident or illness by prayer or spiritual means alone, in accordance with the tenets and practices of a well-

recognized church or religious denomination, and death occurred without a physician in attendance, the person who has knowledge of the death shall report all information regarding the death and circumstances surrounding it directly to the county Medical Examiner, who may waive an examination or autopsy.

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

F. The Medical Examiner may take any item found on the deceased or in the immediate vicinity that, in the opinion of the ME, may aid in determining the cause of death or the identity of the deceased. Items taken by the ME shall be recorded by the officer on the Bisbee Police Department Property Invoice and Receipt and signed for by the ME.

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

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

41.16 Animals

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

B. A number of agencies oversee animals and wildlife in Arizona, including the United States Department of Agriculture (USDA) , as well as the Arizona Game and Fish Department (AGFD) (native and exotic wildlife, dangerous or biting wildlife, and dangerous reptiles), and the Livestock Sanitary Board (livestock).

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

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

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

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

41.16.1 Bats, bees, and snakes

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

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

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

41.16.2 Animals Secured in Vehicles During Hot Weather

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

41.16.3 Destruction of Animals

The destruction of animals may be permissible if the animal is severely injured or dangerous to persons and there is no other practical solution. The destruction of these animals shall be done with due regard to the safety of persons and property, and in a manner designed to minimize any fear or suffering in the animal.

41.17 Immigration

A. This Department 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.

Officers should be aware that the enforcement of state and federal laws related to immigration is a complex effort requiring the cooperation of multiple agencies and the consideration of multiple facts and circumstances. Officers are encouraged to contact supervisors when necessary. If at any time, in the sound judgment of an officer, the officer believes that deviation from this policy is appropriate, the officer should contact a supervisor.

B. Officers should exercise discretion in making immigration status inquiries during consensual contacts or with victims and witnesses of crime. 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. 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.

C. Police officers shall not contact or stop a person merely on suspicion that the person is present in the United States illegally.

D. Federal agents with Immigration and Customs Enforcement (ICE) and the ICE Division of Customs and Border Protection (CBE) may be of assistance when dealing with immigration issues.

41.17.1 Undocumented Persons

A. During contact with suspected undocumented persons, officers shall follow the same procedures when contacting or stopping any person. If, after a person is contacted or stopped, the officer reasonably suspects that person is an undocumented person:

1. The officer may request an ICE/CBE agent to respond. The subject shall not be detained longer than necessary to complete the original stop/contact.
2. If the contacted agency does not respond prior to the officer completing the contact with the subject, and the subject is going to be released without further law enforcement action being taken, the subject shall be released.
3. If the subject is to be cited and released, and the contacted agency has not responded prior to the completion of the citation, the subject shall be cited and released.
4. If the subject is arrested for a felony, or a misdemeanor for which the subject will be taken into custody, the subject shall be booked with an ICE hold. ICE shall be notified of the arrest by the arresting officer.

41.17.1.1 Federal civil or criminal charges

A. If officers contact ICE/CBE during the course of an investigation, and the officer is advised that there are pending federal civil charges, the officer may not extend the initial lawful stop based solely upon those charges.

1. Once the investigation related to the initial lawful stop has been completed, if there is no probable cause to arrest, the person must be released, unless the officer develops reasonable suspicion to detain further to investigate a violation of other criminal activity.
2. The officer shall not extend the detention to wait for ICE/CBE to respond. Without the person's consent, officers will not transport the person based solely upon a federal civil violation unless the person is already under arrest. If the person is released an ICE referral form will be completed.
3. If officers contact ICE/CBE during the course of an investigation, and the officer is advised that there are federal criminal charges against the person, then the officer shall determine whether the agent/officer will respond to take the person into custody or whether the officer should arrest the detainee and transport to ICE, jail, or a federal facility.

B. If it is not clear whether the federal charge against the detainee is civil or criminal, then the officer will treat the charge as civil.

C. If ICE is unable to verify a person's status, this does not mean that the person is or is not lawfully present in the United States.

41.17.2 Detention and Removal Order (DRO) Hold

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. 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. When an individual's information is run through NCIC, information related to a DRO hold will appear much like a warrant notification.

B. If an officer receives a DRO notification from ICE, the officer shall:

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 only, if requested to do so by ICE.
3. Complete a DR containing all relevant information.

C. Without the person's consent, officers will not transport or continue to detain any person if the only violation is a civil DRO hold.

41.17.3 NCIC ICE Immigration Violator File

A. ICE keeps a record of undocumented persons 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.

Department officers will not take enforcement action on Administrative Warrants or NSEERS hits, as these are civil or other non-criminal federal matters. 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 using the phone number listed for immediate notification confirmation.
3. Once the hit has been confirmed, officers will positively identify the subject through Live Scan, or fingerprint the individual and fax the fingerprints to ICE.
4. After the subject has been positively identified, Department of Homeland Security Customs and Border Protection may be contacted by communications

D. Officers will call the LEAR unit before transporting a subject. Officers will also complete a DR with the following information: subject's name and personal information; time, place and

reason for contacting the subject; whether or not the LEAR unit picked up the subject or if the subject was transported to the ICE center; and name and badge number of ICE agent that took custody of subject.

E. If there are local charges along with a Deported Felon notification, there is no need to contact ICE. Follow normal booking procedures.

41.17.4 Contacting federal agencies

The following options exist for contacting federal immigration agencies. When contact is required, Communications may be contacted to initiate the appropriate computer inquiry (NLETS) or to make the telephone inquiry.

An officer may use the following points of contact:

1. ICE 24-hour contact. 800-972-2867.
2. Following initiation of the appropriate computer inquiry (NLETS), call the ICE Law Enforcement Support Center in Vermont, 802-872-6020.

41.17.5 U-Visas

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

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

41.18 Domestic Violence

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

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

1. Interviews with all victims and witnesses;
2. Photographs of all physical injuries and property damage;
3. Provision of victim's rights information to the victim;
4. Advising the victim of his/her right to seek an order of protection or, when applicable, an emergency order of protection;
5. Arrest of the suspect based upon probable cause, if present or located.
6. The completion and use of the Domestic Violence Investigation form, contained as an Appendix to this manual.

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

D. If requested to do so, an officer shall assist a victim in applying for an emergency order of protection. See [G.O. 74.5](#).

E. Arizona law requires that an officer arrest a suspect if probable cause exists and the offense involves the infliction of injury or the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument, unless the officer has reasonable grounds to believe the circumstances at the time are such that the victim will be protected from further injury. In most cases, officers should physically arrest and book a person who has committed domestic violence. With supervisor approval, an officer may decide not to make an arrest. In such a situation the case will be submitted to the prosecutor for issuance of a long form complaint.

1. Care should be taken to not arrest the victim. To this end, the officer should attempt to establish who is the *predominant aggressor*, and the officer should complete the Lethality Assessment form and attach it to the DR.

A "predominant aggressor" is as the party who is the most significant or principal aggressor. Officers must determine which party is the predominant aggressor in order that the true victim can effectively seek safety, and so that offenders are held accountable.

A violent assault is one act in a series of controlling and intimidating tactics used by a batterer to attain power and control over the victim. Victims may utilize violence to avert an attack from the aggressor or in self-defense. Thus, the predominant aggressor may not be the first or only party to use violence in the incident. Batterers may try to convince the

police that the violence was mutual and that they are also a victim. If both parties are arrested and charged, there is little possibility that the batterer will be convicted. Research indicates that when mandatory arrest laws are combined with predominant aggressor policies, dual arrests are reduced to 2% of all domestic violence arrests.

In order to identify the predominant aggressor, officers must understand the dynamics of domestic violence. Police must identify which injuries are due to self-defense and which are offensive injuries. The police must also look beyond the visual evidence and consider the context of the act of violence by identifying controlling behavior in the predominant aggressor and fear in the victim. Police must be able to recognize the tactics of power and control. Some of these tactics are:

- Emotional abuse
- Patterns of violence
- Isolation of victim
- Use of threats
- Enforcement of trivial demands

To determine the predominant aggressor, police must consider:

- Offensive and defensive injuries
- The seriousness of injuries received by each party
- Threats made by a party against the other or a family member or a pet
- Whether a party acted in self-defense or in the defense of another
- The height and weight of the parties
- Which party has the potential to seriously injure the other party
- Any history of domestic violence between the parties
- Prior convictions of assault
- Orders for protection that have been filed by a party
- Whether a party has a fearful demeanor
- Whether a party has a controlling demeanor
- Witness statements
- Victims will typically accept responsibility and blame, where abusers will blame victims

Police must also consider whether the injuries and the evidence corroborate the statements made by each party and by witnesses. Officers must also be aware of the many strategies victims utilize to reduce the risks to themselves and their children; for example, a victim may strike in anticipation of the aggressor's violence as a means to prevent a higher level of violence, or to prevent harm to a child or a pet. These

considerations will provide the most accurate account of the violent incident and of the total family dynamic.

The determination of the predominant aggressor, and the reasons for that determination, must be included in the police report. Otherwise, offenders will successfully manipulate the system and victims will not be protected. As a result, victims may not contact police the next time violence occurs.

Police must be able to detect injuries from a batterer who knows how to beat a victim in places where it is hard to identify redness, swelling, or bruises. Police must also be knowledgeable about strangulation, a lethal form of domestic violence where visible injuries may not be immediately apparent.

If the predominant aggressor is misidentified, there could be important legal consequences for the victim, including the denial of custody of children, of housing rights, and of immigration rights. Additionally, without being identified as a victim, a person would not be eligible for shelter or other forms of aid mandated by statute.

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

1. In cases where each party has independently committed an act of domestic violence, the officer shall attempt to determine if one party is the predominant aggressor, and if an arrest is made, shall arrest the predominant aggressor and not the victim. If the predominant aggressor cannot be successfully identified, the officer shall detail all available facts in their report, and shall complete the Lethality Assessment and attach it to the DR.

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

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

41.19 Sexual Assaults

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

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

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

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

1. Interviews of adult sexual assault victims should be conducted only by officers trained in this field. If a specially-trained investigator is not available, take down the victim's story completely, and have them go through the details at least twice. Start the interview by believing the victim in the same manner the officer would treat any other victim. It is common for the victim's story to change and for new details to be added or forgotten in each retelling; sexual trauma creates neurological changes that take significant time to resolve. In reality, the victim's brain is working to retrieve data that was potentially temporarily "lost" or suppressed during the trauma and, in the process of remembering and healing, that information will not be clear or linear. Inconsistencies are not lies but evidence that a traumatic experience has occurred; sexual assault victims are not untruthful at a rate greater than any other crime victim, but are often more seriously traumatized.

2. Child victims of sexual assault shall be transported to a child advocacy center for conduction of an interview by a professional interviewer specifically trained in interviewing child victims.

D. If the incident occurred within 72 hours of the police contact and a victim is at least 17 years old and willing to submit to a sexual assault examination for the collection and preservation of evidence, the officer will contact a supervisor and a detective will be called out. The detective will contact the appropriate forensic investigator and shall transport the victim to the investigation location. The detective division will take an Arizona Sexual Assault Kit to the examination and upon completion of the exam will take custody of the kit placing it into evidence via the Bisbee Police Department Property and Invoice and Receipt. The Detective will also complete the Arizona Department of Public Safety Request for Scientific Examination form and make arrangements to send the kit to the lab.

E. Sexual assault DRs shall include full and complete details about the victim, suspect, weapon, vehicle, location, injuries, witnesses/leads, evidence (fingerprints, photographs, property damage, biological evidence), interviews, critical elements of the crime, and a synopsis of the crime. If a sexual assault kit is done, a medical examination performed, or medical treatment provided, the names of the nurses and physicians shall be included in the DR.

41.20 Aggravated Assaults

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

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

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

41.21 Stolen/Embezzled Vehicles

41.21.1 Stolen Vehicles

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

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

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

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

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

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

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

41.21.3 Recovered Stolen Vehicles

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

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

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

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

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

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

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

41.21.3.1 Ownership disputes

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

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

41.21.4 LOJACK, On Star, and similar systems

A. The LOJACK system consists of an installed transmitter in a vehicle that communicates by radio transmission to the NCIC system, and then to a tracking computer installed in some police vehicles. The On Star system is a satellite-based system; when a vehicle is stolen the On Star operator can call local police to report the stolen and the location of the vehicle.

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

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

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

41.22 In-Progress Robbery

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

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

B. Until it is certain that there is no robbery ongoing, no officer shall knowingly enter an open business where the alarm has been activated, until the alarm has been confirmed as false, known suspects have left the business, or a shooting or other emergency requires officers to enter immediately.

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

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

41.23 Identity Theft

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

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

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

41.23.1 Reports

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

B. If an entry is listed, it will alert when a name check in ACIC/NCIC is conducted. The victim will have preselected a password that will be listed in the entry as PWD/(actual password). Victims will be able to identify themselves by utilizing the password. The FBI cautions that "Officers should be cognizant that the individual should not be arrested or detained based solely upon the information contained in the positive response from the Identity Theft file. This response should be considered along with additional information or circumstance surrounding the encounter before any action is taken."

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

41.24 Liquor Law Enforcement

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

41.25 City Code Offenses

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

41.26 Child abuse and neglect

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

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

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

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

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

41.27 SWAT and Hostage Negotiation Team

For incidents involving high risk warrants and arrests and for assistance with barricaded persons or hostage situation a supervisor will be immediately contacted. The Cochise County Sheriff's Department will be contacted for the assistance of their SWAT Team.

41.28 Civil disturbances and public demonstrations

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

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

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

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

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

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

41.30 School Resource Officers

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

B. The SRO shall:

- Act as a resource for students and the administration.
- Counsel students on ethical decision-making.
- Explain the role of law enforcement in society and educate students about the law.
- Engage in activities intended to reduce crimes involving students, both on and off campus.
- Be the primary liaison between the assigned schools and the Department.

- Actively investigate criminal activity at or involving students from the assigned schools.

41.31 Bias/Hate Crimes

A. A hate crime, or bias crime, is a criminal offense committed against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity..

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

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

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

CHAPTER 42 CRIMINAL INVESTIGATION

42.1 Investigative Protocols

A. The Investigations Unit has case and follow-up responsibility as follows:

The on duty supervisor must be contacted and must authorize the call out for a detective.

B. Detectives who are assigned a case shall complete a thorough follow-up investigation. The exact steps to be taken in an investigation depends upon the facts, but may include any or all of the following, as well as any other investigative steps that may be required in the particular case:

1. Reviewing and analyzing all existing reports, laboratory tests and evidence;
2. Conducting additional interviews and interrogations;
3. Seeking additional information from patrol officers, informants, or others;
4. Preparing and seeking appropriate search and arrest warrants;
5. Planning, organizing and conducting searches, and collecting physical evidence;
6. Completing supplemental case reports;
7. Preparing for presentation of the case to the prosecution for issuance of an arrest warrant or summons;
8. Identifying suspects, requesting arrest warrants, and apprehending suspects; and
9. Preparing for court testimony.

Detectives should maintain contact with the victim and other citizen witnesses involved in the case throughout the investigation, providing updates as appropriate. Victims should be referred to victim-witness services at the County Attorney's Office.

42.2 Use of Polygraphs in Investigations

Polygraph examiners may be either Department employees who are trained as polygraphers or outside providers. Polygraphs completed during criminal investigations will be audio recorded in their entirety (including pre- and post-test questions or interview). The recording and Examiner's report shall be placed in Evidence; a copy of the report may be placed in the investigative file as well.

42.3 Cold Cases

The Department maintains a cold case register in compliance with A.R.S. §13-4271. The Investigations Section is responsible for maintaining the register and providing the required notices to victims and victim's family employees or lawful representatives.

42.4 Informants

A. Confidential informants will be utilized only with the approval of the Deputy Chief of Police. The Deputy Chief of Police shall be responsible for the management of confidential informant files as well as procedures related to the management of all informants for the Department.

B. Confidential informants shall not be used or paid, nor will the information they provide be used as the basis for an arrest or search warrant, unless done in accordance with the established procedures.

42.5 Suspect Identification

A. Complete documentation of any identification process will be made, including the date, time, location, and identity of those present and any significant statements made by those present, including the witness, officer, attorney and suspect. When practical, identification procedures may be audio or video recorded. The Department does not use physical line-ups.

B. An eyewitness identification procedure is unnecessary when a witness indicates that he or she is unable to identify the suspect, knew the suspect prior to the crime, or learned the identity of the suspect from some third party source (for example: the newspaper).

C. A suspect or likeness of the suspect should not be deliberately displayed to more than one witness at a time. Witnesses should not be permitted to state their conclusion regarding a suspect identification in the presence or hearing of another witness.

D. Officers shall not, in any manner, indicate an opinion regarding guilt, innocence or identity of a suspect to a witness. The witness's recollection, unaided by outside influences, must govern the identification.

E. Officers may drive cooperating witnesses around the general area of the crime in an effort to locate the suspect. The results of such an identification process should not be broadcast on a police radio due to the proximity of officers to other potential witnesses.

42.5.1 Show-Up (One-on-one) Identification

A. If a person is arrested or detained within a reasonable time of the offense (generally, within two hours), and a witness agrees to do so, an identification procedure known as a "show-up" or one-on-one identification may be used.

B. If a suspect is arrested or provides written or recorded verbal consent to be transported, then the suspect can be taken to the witness. Otherwise, the suspect will not be taken to the witness' location for the identification procedure.

C. The witness shall be advised that the person being detained may or may not be the person involved in the crime (and this notification to the witness shall be documented). The officer will avoid making any statements that would in any way affect the witness' identification (such as

stating the suspect has been arrested, made incriminating statements, or possessed incriminating evidence when detained). If the witness identifies the person being detained as a suspect, the witness should be asked how certain he/she is regarding the identification.

D. If there is more than one witness who will participate in the identification, the witnesses shall be separated and shall each make a separate identification of the suspect.

E. A suspect shall not be detained for an unreasonable period of time (generally no longer than the time it takes to conduct a brief investigation to confirm or dispel suspicion that they have committed a criminal offense) for the identification, unless probable cause is developed to arrest the suspect, or, after being clearly informed that cooperation is not mandatory, the suspect consents to take part in the show-up.

F. Detailed documentation of the facts and circumstances of a show-up procedure shall be included in a department report. When audio recording equipment is available, the witness' comments during the identification should be recorded.

42.5.2 Photographic Lineup Identification

A. The Department's preferred eyewitness identification method is a photographic line-up. Such line-ups shall include five or more photographs, all in color or all in black and white; of substantially similar general appearance, including the face only (all other information on the photograph shall be covered). To the extent possible, the background in each photo will be the same. If multiple suspects are involved in a crime, only one suspect will appear in a line-up. If multiple witnesses are involved in the case, separate photographic lineup identifications will be performed with each witness.

B. To avoid any allegation that the officer influenced the witness during the identification procedure, the photographic line-up should be shown to the witness by an officer who does not know whether the line-up contains the suspect, or who the suspect is. In some cases the investigator will need to do the line-up because no other appropriate officer is available.

C. In either case, the presenter should handle the line-up as follows. The line-up photos should be printed one at a time, randomly mixed, placed in a file folder and given to the witness. The witness should then be seated across from the officer so that the officer cannot see the photos the witness is viewing. The officer should ask the witness to look at the photos one at a time, turning the photos over so that no two photos are visible at the same time. The officer must take care not to say anything or do anything that communicates the identity of the suspect or influences the witness in any way.

1. Prior to viewing the line-up, the officer shall ask the witness to review the written instructions and sign the instruction document.

2. The victim should view the photographs one at a time and should be allowed to look at each photo as long as desired. The victim or witness should view all photographs even if the witness identifies the suspect before seeing all of the photographs. The witness may go through the photos a second time if desired. If the witness goes through the photographs a second time, this fact shall be documented in the DR.
3. After the line-up, the officer shall initial the back of each photograph, noting the date and time of the identification procedure. If the witness identifies a person as the suspect, the witness should be instructed to initial and date the back of the photograph. The officer's documentation of the line-up should include any witness reactions or statements regarding the photograph, as well as the date and time the photographs were shown to the witness. Photographic line-up procedures should be audio or video recorded.
4. The actual photographs used must be preserved so that the line-up can be reconstructed at trial.

42.6 Use of Interview Rooms

- A. Interview rooms may be used by both uniformed and non-uniformed personnel.
- B. No officer shall use a video or audio equipped room without first having been trained in the use of the equipment.
- C. Officers shall search suspects who are in-custody prior to taking them into the interview room.

CHAPTER 43 VICE, DRUGS AND ORGANIZED CRIME

43.1 Vice, Organized Crime, and Drug investigations

A. Vice investigations will generally be handled by Patrol units, as assigned by the Deputy Chief of Police. Investigations may be done by uniformed or plainclothes officers, depending on the nature of the specific criminal activity that is being addressed. At no time during such investigations shall officers engage in sexual conduct of any kind.

B. Investigations of street level drug use and sales will generally be handled by uniformed Patrol units, as directed by Patrol sergeants.

43.2 Organized Crime and high level drug investigations

All complaints of organized crime or high-level drug activity, or investigations of organized crime or high-level drug activity, will generally be referred to the Copper Strike detective. A record shall be kept of the unit or agency to which the complaint was referred and the information provided to that unit or agency. When feasible, such complaints shall be audio recorded.

43.3 Confidential investigations; use of undercover officers

A. Certain vice, drug and organized crime investigations may require confidential investigations using undercover officers. All such investigations shall be approved prior to their initiation by the Deputy Chief of Police who shall inform the Chief as necessary.

B. The reports related to these investigations shall be assigned a number from the central records system, but shall be filed in a secure location. Access to these records shall be limited to authorized persons (as identified by the supervisor of the investigating unit).

C. As necessary, a confidential fund may be maintained to support the operations of the undercover officers. Control of the fund is assigned to the supervisor of the undercover officers. All such funds shall be strictly controlled, tracked and accounted for by the supervisor with documentation created for every transaction. This fund shall be subject to annual audit by a person designated by the Chief.

D. If the agency has possession of or uses surveillance and undercover equipment, it shall only be used with approval of a supervisor and as required by law. Use for anything other than approved police operations in compliance with all legal requirements is prohibited. Each piece of equipment will be signed out by a supervisor to an individual officer who shall be responsible for the care and custody of the equipment and its return at the conclusion of the operation.

E. The use of previously seized drugs in such investigations shall occur only with the approval of the County Attorney or U.S. Attorney who will be responsible for any resulting prosecutions, if there is a pending or completed prosecution involving the drugs that are to be used.

F. Generally, no surveillance, undercover, decoy or raid operation conducted by the Department, or participated in by Department officers, should be conducted without a detailed plan. The plan should be in accordance with the operational unit's written operating procedures and General Orders, and should detail the standard considerations for such operations, including the following (as applicable dependent on the facts of the situation) standards:

1. Familiarizing officers with the objectives and details of the operation, the neighborhood, or target area;
2. Determining operational procedures for observation, arrests, surveillance, documentation and/or video/audio recording, and high-risk entries;
3. Supplying officers with expense funds;
4. Establishing means of routine and emergency communication;
5. Providing relief, backup, security, and perimeter protection for officers;
6. Supplying officers with false identity, disguises, and necessary credentials;
7. Obtaining authorization for the raid and use of force;
8. Designating a single person as a supervisor and coordinator;
9. Making contacts with suspects;
10. Searching for and seizing evidence and/or contraband;
11. Obtaining coordination and assistance from others both inside and outside of the Department;
12. Meeting Department report requirements.

43.4 Medical Marijuana

A. The Arizona Medical Marijuana Act (AMMA) provides that the use, possession, and transportation of marijuana by certain designated persons are not illegal under State law.

B. Definitions that apply only to the AMMA include:

Allowable amount of marijuana: generally for a registered qualifying patient is 2.5 ounces of usable marijuana. If the patient's registry card permits them to also cultivate (grow) marijuana, the limit is twelve (12) plants. The plants must be contained in an enclosed, locked facility, unless the plants are being transported because the qualifying patient is moving. For designated caregivers, the allowable amount of marijuana is 2.5 ounces, or if the caregiver is authorized to cultivate, twelve (12) plants, times the number of the caregiver's registered qualifying patients. The plants must be in an enclosed, locked facility, unless the plants are being transported because the caregiver is moving. Caregivers may also be qualifying patients, adding another 2.5 ounces or if they are authorized to cultivate, twelve (12) plants.

Designated Caregiver: a person with a valid registry identification card licensed by ADHS to assist no more that (5) qualifying patients with the medical use of marijuana.

Physician: Arizona licensed M.D., D.O., naturopathic physician, or homeopathic physician.

Qualifying patient: a person who has been diagnosed by a physician as having a debilitating medical condition.

Registry Identification card: a card issued by the Arizona Department of Health Services that identifies the person as a qualifying patient, registered designated caregiver or registered agent of a dispensary. The card will include the following information: name, address, DOB, photo, issuance date, expiration date, twenty digit alphanumeric number, whether the cardholder is a qualified user, designated caregiver, or registered agent of a dispensary and whether the person is authorized to cultivate.

Usable marijuana: the dried flowers of the plant, not including the seeds, stalks, and roots of the plant and not including the weight of any non-marijuana ingredients combined with the marijuana and prepared for consumption as food or drink.

Visiting qualifying patient: a non-resident or a person who has been an Arizona resident for less than 30 days who has been diagnosed as having a debilitating medical condition. A visiting qualifying patient who has a card issued under the laws of the patient's own/former state, or an equivalent to a card (which may include just a physician's recommendation for states such as California, where cards are issued by some counties but not others) may possess the allowable amount of marijuana, but may not obtain marijuana from an Arizona dispensary.

Written certification: written document, dated and signed by a physician stating the patients qualifying medical condition.

43.4.1 Lawful possession, use, transportation

A. If an officer comes into contact with a person in possession of marijuana and the person claims to be a registered patient or caregiver, the officer shall request to see the person's registry card. The officer shall verify that the registry card is valid through ADHS. If a person is not in possession of their registry card but can provide the twenty digit alphanumeric number, officers shall use that number to verify the person's authorization.

B. A person shall not be arrested in the following situations:

1. The person is a registered qualifying patient and does not possess more than the allowable amount of marijuana.
2. The person is a registered designated caregiver who is assisting a qualifying patient with the patient's medical use of marijuana, if the caregiver does not possess more than the allowable amount. The allowable amount of marijuana will depend on the number of qualifying patients connected through ADHS's registration process, not to exceed five patients, and whether the caregiver is also a registered qualifying patient.

3. The person is a registered qualifying patient or registered caregiver and is offering or providing marijuana to a patient, caregiver, or dispensary as long as nothing of value is transferred in return and as long as the person giving the marijuana does not knowingly cause the recipient to possess more than the allowable amount of marijuana.
4. The person is providing a patient, caregiver, or dispensary with paraphernalia for the medical use of marijuana.
5. A person who is in the presence or vicinity of the authorized use of medical marijuana.
6. A person who is assisting a patient in the administering of medical marijuana.

C. Officers may arrest a person who:

1. Possesses or uses medical marijuana:
 - a. On a school bus;
 - b. On the grounds of a preschool, primary school, common school, middle school, junior high school, high school or secondary school, public university, college, community college, or post-secondary education institution;
 - c. In a correctional facility;
 - d. In a child care facility.
2. Smokes marijuana on any public transportation or in a public place.
3. Operates, navigates or is in actual physical control of a motor vehicle, aircraft, or motorboat while under the influence of marijuana.
4. Is in possession of more than the allowable amount of marijuana permitted based on their registry information.
5. Is in possession of marijuana and claims to be a registered user, but does not possess their registry card and/or cannot provide their ADHS number. The officer should arrest the subject for unlawful possession of marijuana, since the AMMA provides for a presumption of lawful use only if the person is in possession of the person's ADHS card. Officers may arrest and book the person into jail, or complete a long-form complaint.

D. Officers should be aware that possession of, or application for, a registry identification card does not constitute probable cause to arrest or reasonable suspicion to stop, nor may it be used to support the search of, the person or property of the person involved.

43.4.2 Seizure of marijuana

A. Officers shall not seize the marijuana if the person who is in possession of the marijuana is a qualifying patient, designated caregiver, and/or registered cultivator, unless:

1. The person possesses more than the allowable amount of marijuana;
2. The person is arrested for a separate offense; or
3. The person is not in possession of the ADHS card and is unable to provide their ADHS number.

B. If an officer arrests a person who is a qualifying patient, caregiver, and/or dispensary agent for an unrelated offense and the person is in possession of marijuana, officers shall seize and impound the marijuana, unless the arrest occurs within the person's own residence and the person requests that the marijuana be secured at the residence.

C. Marijuana that is seized as evidence, shall be field-tested prior to impound. Marijuana seized and impounded for destruction on an unrelated incident does not have to be field-tested prior to impound.

43.4.3 Marijuana dispensaries

A. The Arizona Department of Health Services licenses dispensaries to sell marijuana to qualified, registered patients and caregivers.

B. Dispensaries are not subject to search or inspection (except by ADHS pursuant to A.R.S. §36-2806(H)), nor for seizure or penalty under state law for acting pursuant to the Arizona Medical Marijuana Act.

C. A registered agent of a dispensary is not subject to arrest, search, or seizure under state law for acting pursuant to the Arizona Medical Marijuana Act.

D. Registered dispensaries are required to have a single secured entrance and to implement security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana.

E. Dispensaries are not allowed to permit any person to consume marijuana on their property and are subject to reasonable inspection by the ADHS.

F. Officers may make arrests for:

1. The crimes established by the AMMA; and

2. Crimes committed at dispensaries or by dispensary agents based on conduct that is not protected by the AMMA.

Conduct by dispensaries that is not criminal but is not permitted by the AMMA (such as having an unsecured entrance or permitting the consumption of marijuana on the premises) shall not be handled by arrest. Such conduct is instead to be reported to the ADHS for their consideration in regard to revocation of the license of the dispensary.

43.5 Asset Forfeiture

A. The Investigations Unit is responsible for the initiation and follow-up investigations of all cases where the seizure of assets through commencement of the forfeiture process is appropriate. The time limits for the submission of forfeiture cases are established by statute and forfeiture cases must be filed in strict compliance with those time limitations. The assigned investigator(s) shall work closely with County, State, or Federal prosecutors who handle forfeitures in order to ensure compliance with the law and successful forfeiture actions. When funds are or property is forfeited by the court, the Investigations Unit shall provide the Chief of Police with copies of the court's orders.

B. Property that is forfeited to the Department must be disposed of in compliance with State statute and the relevant court order. The Chief of Police shall keep accurate records and accounting of the receipt of forfeited funds or property and the expenditure of those funds or proceeds from the sale of property. Forfeited funds are held by the County or State prosecution office that assists with the forfeiture until an expenditure that is qualified under law is made by the Department, at which time reimbursement of that expenditure may be requested.

CHAPTER 44 JUVENILE OPERATIONS

44.1 Arrests of Juveniles

- A. Pursuant to A.R.S. §8-303, an officer shall take a juvenile in custody:
1. Pursuant to an order of the juvenile court;
 2. Pursuant to an arrest warrant;
 3. When there is probable cause to believe the juvenile has committed a felony or breach of the peace; or
 4. When the child has been apprehended in the commission of a felony, or in fresh pursuit.
- B. Pursuant to A.R.S. §8-303, an officer may take a juvenile into custody:
1. If there are reasons to believe that the juvenile has committed a delinquent act or is incorrigible; or
 2. There are reasonable grounds to believe the child has run away from the child's parents, guardian, or other custodian.
- C. In deciding whether to take a juvenile into custody for detention in a juvenile facility, officers should consider the nature of the offense, the juvenile's age, and other relevant facts. In most cases, the decision whether to arrest a juvenile will follow the policy for the arrest of adults.
- D. Depending on the situation and the offense, juveniles may be cited for the offense using an Arizona Traffic Ticket and Complaint citation (ATTC) for traffic related offences, or the Cochise County Juvenile Referral Form for criminal violations and violations of City Code, may be released on a paper referral to a parent or guardian, or may be taken to the County Juvenile Center.

44.2 Juvenile detention at police facilities

- A. Both federal and state law require that juveniles be handled differently than adults when detained. The key differences are that a juvenile:
1. May be held in secure detention only if being held for a delinquent offense; and
 2. Must be separated by sight and sound from adult detainees.
- B. A delinquent offense is defined by statute as *an act which is a crime or petty offense whether committed by a juvenile or an adult, or which has been designated as a delinquent offense*. A status offense, by contrast, is an offense that would not be an offense if committed by an adult. For example, a minor in possession of alcohol, or one consuming alcohol, has committed a status offense.
- C. The type of detention that is permitted by law depends on the type of offense committed by the juvenile. A juvenile who has committed a delinquent offense may be held in secure detention. Secure detention is detention that restricts freedom of movement, such as handcuffing

to a fixed object or being placed in a room with a door that locks, whether or not the door is locked. A juvenile cannot be held in secure detention in a police facility for longer than six (6) hours.

D. A juvenile who has committed a status offense may not be securely detained. A juvenile who has only committed a status offense may not be handcuffed to a stationary object, or kept in a room with a locking door, whether or not the door is locked. If necessary for safety, such juveniles may be handcuffed, but not to a stationary object.

E. All juveniles must be separated by both sight and sound from all adult arrestees.

F. Each facility in which juveniles may be detained must maintain a log that records the detention of all juveniles. Any officer bringing a juvenile into the facility, or removing a juvenile, no matter the length or purpose of the detention (including processing or interrogation) must make an entry into the log. The log, entitled Juvenile Detention Log, shall be completed with the following information:

- a. Date;
- b. Time in and out;
- c. Name and number of officer who secured the juvenile;
- d. The name and number of the officer who removed the juvenile;
- e. The juvenile's name, date of birth, and gender;
- f. The case number;
- g. All charges;
- h. Whether a meal or snack was provided;
- i. Whether the juvenile was securely or non-securely detained.

44.3 Interviews of Juveniles

A. Generally, a juvenile who is in custody and being interrogated has the same rights as an adult under the Fifth Amendment. See [G.O.1.4.3](#).

B. In addition, a juvenile's parents may become involved in a custodial interview. Prior to or during an interview with a juvenile, an officer may contact the juvenile's parents, legal guardians, or custodian. If the juvenile requests to speak with the juvenile's parents, or the parents request to speak with the juvenile, that communication shall be permitted unless exigent circumstances exist or the parents are involved in the alleged criminal activity. A parent who is present and requests to be permitted in the interview with the juvenile shall be allowed to be present unless the parent is involved in the alleged criminal activity, interferes with the interview or investigation, or the juvenile does not want the parent present.

C. Juveniles who are not suspects, but are only victims or witnesses, may not be involuntarily detained or taken into custody without the juveniles' consent (if they are of suitable age and maturity to provide consent), parental consent, or an appropriate court order.

44.4 Disposition of detained juveniles

A. Depending on all of the circumstances, including consideration of the juvenile, the offense and the victims, if any, there are a variety of options for the disposition of a juvenile offender, including the following.

1. Parental Referral: The officer may release the juvenile to his/her parents. This alternative may be appropriate when, in the officer's opinion, the parents can correct the juvenile's behavior and the intervention of Juvenile Court is not required. A DR will be completed, with the juvenile listed as the arrestee on all paperwork, and the release of the juvenile to the parents shall be documented. Parental referral is not an option if the juvenile is taken into custody for any sex-related offense, for domestic violence, or for being a runaway.

2. Paper Referral: The officer may complete a paper referral, which is a referral of the juvenile to Juvenile Court with the parent or guardian signing a promise to appear with the juvenile. The parent or guardian must be located and must agree to sign the referral. This alternative is appropriate when the parents appear to be able and willing to handle the juvenile. This alternative will be utilized when parental custody will, in the opinion of the officer, be sufficient to control the juvenile's behavior pending action by the Juvenile Court.

3. Cochise County Juvenile Detention Center: Officers shall be aware of what crimes constitute status offenses. Status offenders cannot be transported to juvenile court for detention, but must be released to a parent or guardian.

4. Detention in the County Jail: Arizona law provides that juveniles who are 15, 16, or 17 years of age and are charged with first degree murder, second degree murder, forcible sexual assault, armed robbery, or violent felony offenses shall be booked into the County Jail as adults.

B. Cochise County Juvenile Detention Center. If the juvenile has committed a serious crime, or is a repeat offender, or if the parents do not appear able or willing to handle the juvenile, the officer shall contact the Juvenile Detention Center and request authorization for detention. A Juvenile Complaint/Referral form and the Affidavit in Support of Probable Cause form and a complete report shall be completed prior to any juvenile being incarcerated at the detention facility. A juvenile shall be transported for detention when he or she is:

1. An escapee from a juvenile detention facility or has an outstanding warrant.
2. Under age 15 and charged with murder, manslaughter, kidnapping, sexual assault, arson of an occupied structure, armed robbery, or aggravated assault. Juveniles 15 or older arrested under these charges shall be booked at the County Jail as an adult.
3. Charged with a delinquent offense and there is no less restrictive alternative that will reduce the risk of serious harm to the juvenile or others (e.g., DUI with severe intoxication).

4. Charged with a serious property crime or a crime of violence other than listed above, which, if committed by an adult, would be a felony, and the juvenile:
 - Is already detained or on conditional release in connection with another delinquency proceeding.
 - Has a demonstrable record of willful failures to appear in Juvenile Court proceedings.
 - Has a demonstrable record of violent conduct resulting in physical injury to others.
 - Has a demonstrable record of adjudication for serious property offenses.

When a juvenile is taken to the juvenile detention center, officers shall telephone the parent or guardian of the juvenile, if known, and advise of the location of the juvenile. This notification shall be included in the case report regarding the offense.

44.5 Juvenile Traffic and Liquor Offenses

All non-alcohol related violations of the motor vehicle code not declared to be a felony, and violations of any city ordinance not pertaining to curfew violations will be cited into the Justice of the Peace Precinct 1 using the “City of Bisbee Police Department Arizona Traffic Ticket and Complaint” form. All liquor offences will be referred to the juvenile court using the Cochise County Juvenile Referral form.

44.6 Juvenile Victims

A. Interviewing juvenile victims and witnesses may present special challenges, especially if the child is very young or has been traumatized. If information concerning the alleged crime is available from an independent adult source, the information should be sought from that adult, so that the child does not need to be interviewed on scene. If the juvenile victim must be questioned, officers should ask only basic questions to gather basic information; details should not be elicited. Questions should be limited and simple, such as: what happened, who did it, where, when, whom did you tell?

B. If it appears that a crime has in fact been committed, no further questioning of the child should occur without the assistance of an officer or detective who has received training in interviewing child victims.

C. DCS shall be notified in any incident in which the suspect resides in the home or has access to the child, if the officer reasonably believes that the child is not safe at the home, or if there is concern for any other child associated with the suspect. Officers shall include in their DR the date and time DCS was contacted and the name of the person at DCS who took the report.

D. In cases of physical or sexual abuse of children, the child shall be transported to a child advocacy center and interviewed by a trained investigator.

44.7 Welfare Calls Involving Children

A. If the officer is asked to check on an ill or injured child, officers should seek consent to speak with any adults who are present and the child or children separately. The following types of questions should be asked and observations made:

- Children's names, ages and whereabouts.
- Name of the school and caretakers before and after school.
- When the child last ate and if the child eats regularly; the officer may ask to look in the refrigerator and kitchen cabinets to see if there is available food.
- Officers should observe the visible areas of the child, especially the head, neck, arms and legs, looking for injuries, bruises in different stages of healing, injuries in areas not explained by childhood accidents. Ask about any injuries or bruising. Ask the child if they feel safe at home.
- If the child is an infant or is asleep, have the parent or guardian expose the child's chest, back, and legs, checking for bruising, pattern marks, breathing difficulties, and/or any other injuries on exposed areas.

B. If the officer is asked to check on the conditions in which the child is residing (dirty house calls), the officer should ask for permission from the parent or guardian to walk through the house. Depending on what the officer finds, officers have the following options:

1. Document and photograph the condition of the house, if it does not rise to a criminal level.
2. Document, photograph and contact a supervisor to discuss further actions that should be taken. Depending on the condition of the house, options may include citing the parent for A.R.S. §13-3613 (contributing to the delinquency/dependency of a minor), contacting DCS and removing the child, and/or pursuing felony charges.

C. When a call involves ongoing violence between adults, Communications will seek to determine if children are present at the scene and will relay that information to the officer who is responding. In such situations, as soon as feasible, officers should locate the children and, if possible, remove them from the immediate area.

D. If the children need to be interviewed, such interviews should be done by officers with training in interviewing child witnesses, if possible. In any event, the interviews should be done without blaming the parents or guardians and should focus on the children. Any questions concerning what happened should be asked in an open-ended style and in language that is age appropriate to the child. The children should be told that the officers will make sure they have a safe place to stay.

E. In any situation in which there is immediate concern for the welfare of the child, whatever the circumstances (child victim, neglect or abuse), or if the parent or guardian refuses to allow

access to the child, the officer shall remain at the scene and call for both a supervisor and Department of Child Safety. Before leaving a crime scene where children are present, ensure that there is a parent or caretaker present to care for the children. If there is not, contact DCS regarding placement of the child. If a neighbor or relative offers to care for the child, do not allow the child to go with the person without DCS permission. The DR on any incident involving children shall include name and contact information of the caregivers.

44.8 Department of Child Safety (DCS)

If an officer believes a child has suffered or will imminently suffer abuse or neglect, the officer is to contact the DCS Child Abuse Hotline. Officers should be prepared to provide the following information:

1. Officer's name and contact number;
2. Names and ages of children;
3. Names of parents or guardians, including mother's maiden name;
4. Location of events;
5. Reason for concern for the child(ren)'s welfare;
6. Relatives or others available for emergency care;
7. Information concerning the mental and physical health of the children; and
8. Names and contact information for others who may have information regarding the abuse or neglect of the child.

44.9 Temporary Custody; Temporary Custody Notice (TCN)

A. Pursuant to A.R.S. §8-821, a child may be taken into temporary custody if there is probable cause to believe the child is:

1. A victim or will imminently become a victim of abuse or neglect;
2. Suffering serious physical or emotional injury requiring diagnosis by a medical doctor or psychologist;
3. Physically injured as a result of living in premises where dangerous drugs or narcotic drugs are being manufactured; or
4. Reported by DCS to be a missing child at risk of serious harm.

B. Whenever a child is taken into temporary custody under these situations, a Temporary Custody Notice shall be provided to the parent or guardian. If the parent or guardian is present within the state, the Notice must be provided within six hours; if the parent or guardian is out of state, the Notice must be provided within 24 hours.

If neither the parent nor guardian is present at the place from which the child is removed, notice will be given to an adult at the residence, or posted at that location. If the residence is not known, a reasonable effort shall be made and documented to locate and notify the parent or guardian.

C. DCS must be contacted whenever a Temporary Custody Notice is served. Children taken into temporary custody for medical or psychological services must be immediately taken for examination to the designated child advocacy center. Officers should work closely with DCS to ensure that children are held only for the time permitted by statute and that proper notice is provided to the parents.

CHAPTER 45 CRIME PREVENTION AND COMMUNITY INVOLVEMENT

The following special programs exist to assist the Department in providing public information and education.

45.1 Neighborhood Meetings and Programs

When time permits and with the approval of a supervisor, officers should be made available to attend neighborhood and community meetings to discuss issues of concern to the residents.

Some neighborhoods may participate in the Volunteers in Prevention (VIP) program. The VIP program members patrol their neighborhoods looking for suspicious activity and report that activity to the police. They are trained not to take any action other than to make an immediate report. A police liaison shall be assigned to any active VIP program.

45.2 Speaking Engagements

Requests for officers to speak at public events or meetings shall be referred to the Public Information Officer, who shall discuss the request with the appropriate supervisor or commander. If an officer is available to handle the request, the assignment may be made. The PIO shall advise the person making the request whether or not an officer will be able to attend.

45.3 Neighborhood Watch Program

The Neighborhood Watch Program is another version of a Volunteers in Prevention program. The concept is for neighbors within an area to take those security and environmental measures necessary to reduce burglaries and other crimes, and to report any suspicious activity to the police. Any organized Neighborhood Watch Program shall be appointed a police liaison.

45.4 Special community events

Chief of Police or their designee shall be responsible for coordinating special events planned in the community (parades, construction activity, sporting events, picketing and demonstrations, etc.) for which police assistance is necessary or desired. Planning for such events shall include the designation of an officer (or supervisor) as coordinator for each such event. The coordinator shall be responsible for communicating with affected Department units.

CHAPTER 46 CRITICAL INCIDENTS

46.1 Handling and Investigation of Critical Incidents

A. A critical incident includes any officer involved shooting, in-custody death, or other incident where the actions of a department employee result in death or serious injury. All critical incidents shall immediately be brought, through the chain of command, to the attention of the Police Chief.

B. Criminal investigations of critical incidents may be referred to another law enforcement agency, as directed by the Police Chief or the Chief's designee.

C. At the discretion of the Police Chief or the Chief's designee, either a supervisor or another outside law enforcement agency will conduct the administrative investigation of a critical incident. If there is an ongoing criminal investigation, all interviews of witnesses and involved employees should be completed in the criminal investigation prior to the commencement of the administrative investigation.

D. At the direction of the Police Chief or the Chief's designee, whenever a law enforcement officer has been killed, suffered serious bodily injury or been assaulted with a deadly weapon, the suspect has fled, there is a description of the suspect's vehicle or license plate, and the suspect is considered to pose an imminent threat to the public or other law enforcement, the Department may request that the Department of Public Safety issue a Blue Alert so that the information concerning the suspect may be broadcast throughout the State.

E. Critical incidents shall be investigated pursuant to the Critical Incident Protocol.

The purpose of the Critical Incident Protocol is to:

1. Ensure that investigations of these incidents are conducted impartially and professionally in order to maintain the trust of the community.
2. Protect the rights of all persons involved in critical incidents.
3. Prevent undue delay of the investigation.
4. Ensure the appropriate use of departmental resources.

F. Investigators and their chain-of-command must be fully aware of the legal requirements regarding the need to establish and maintain separation between the criminal investigation and the administrative investigation, as well as the rights of involved employees. If there are any questions regarding this protocol the department's legal counsel should be contacted.

G. Officers who discharge their firearm in the course of duty, striking another person, shall be placed on administrative leave. Officers involved as witnesses, or in other critical incidents, may

be placed on administrative leave. The length of administrative leave, will be determined on a case-by-case basis.

CHAPTER 47 Emergency Management and Hazardous Materials

47.1 Hazardous Materials Incidents

- A. Incidents involving hazardous materials, including collisions or accidents, shall be handled in cooperation with the Fire Department, who shall be notified immediately. The initial officers on the scene must use caution in approaching the scene, to avoid exposing themselves to the hazard.
- B. Pending the arrival of the Fire Department, officers should establish a safe perimeter, attempt to remove any persons in immediate danger to a safe location (usually uphill or upwind), and contain the emergency.
- C. Upon the arrival of the Fire Department, any necessary evacuation and containment procedures should be completed. If the situation is a crime scene, efforts should be made to preserve the scene to the extent reasonable as evacuation and containment is completed. If there is no crime involved, the Fire Department will assume primary responsibility for the incident. Officers will provide necessary assistance with evacuation, traffic control, and crowd control.
- D. Prosecution for possession, use, misuse, and mishandling of hazardous materials may involve local, state or federal laws and prosecution offices. Department investigative personnel, Fire Department staff and local prosecutors will generally need to be consulted prior to the issuance of any charges related to hazardous materials.
- E. Officers shall receive basic and periodic training on the recognition and handling of any known hazardous materials in the jurisdiction commonly patrolled by the Department (the existence of chemical factories, for example) and other commonly encountered hazardous materials. Training should be directed toward basic procedures to be followed when encountering hazardous materials.

47.2 Bomb Threats

- A. Any employee receiving a telephone call of a bomb or other explosive threat shall attempt to keep the caller on the line, record the call if possible, and request the following information:
- Exact location of the bomb;
 - Time set for detonation;
 - Description of the bomb or device;
 - Explosive involved;
 - Reason the bomb was planted; and
 - Identification of the person furnishing the information.
- B. The existence of the threat shall be immediately reported to Communications and a supervisor shall be dispatched. If the threat involves any structure or area where a large number

of people may be present (hospitals, schools, restaurants, businesses, theaters, etc.) the Fire Department shall also be notified immediately.

C. The on-scene incident commander shall have the decision-making authority at bomb threat scenes. Relatively few reported threats actually have a basis in fact. An on-scene evaluation of all available facts and circumstances is therefore necessary to determine the appropriate course of action.

1. It may be appropriate to initially contact the responsible party for the involved building or facility who will then make the decision as to whether or not to evacuate and/or to search the building. If requested, officers may assist with any evacuation or building search.

2. If there is reason to believe that there is an actual emergency, officers shall take control of the scene and take whatever action is necessary to save lives, including an order to evacuate a building.

D. If an item is found that could be an explosive or incendiary device, officers will assume command of the scene, evacuate the building and establish a safe perimeter. The Cochise County Sheriff's Department bomb squad shall be contacted for response. Officers will not handle, or allow others to handle, touch or come in contact with any bomb, letter, package or other suspicious item that could be an incendiary or explosive device.

E. It is important that radio transmissions concerning the existence or location of a possible explosive or incendiary device are as limited as possible; any reference to the device over the radio will be in terms of "suspect item" or "unidentified item." Since high-frequency radio waves may cause the detonation of electrically primed explosives; radios shall not be used when in line-of sight of any suspected explosive device.

47.3 Terrorism Liaison Officer Program

A. The Department participates in the Terrorism Liaison Officer (TLO) program through the Arizona Counter Terrorism Information Center (ACTIC). ACTIC provides the Department with access to intelligence information. Although the Investigations Division is responsible for the Department's Terrorism Liaison Officer program; TLO's may be assigned anywhere within the Department.

B. Any member of the Department who receives or discovers terrorism related intelligence information shall immediately advise the TLO, who is then responsible for advising the proper federal, state or local terrorism task force or agency.

47.4 Visiting dignitaries; security operations

The All Hazards Plan should include a section addressing the handling of visiting dignitaries who need security. The plan should address the assignment of a supervisor to complete an action plan for any such visit, which shall include considerations of necessary equipment, personnel,

travel routes, intelligence, coordination with other governmental entities, medical facilities, and communications.

CHAPTERS 48-51 [Reserved].

CHAPTER 52 PROFESSIONAL STANDARDS

52.1 Investigation of complaints of employee misconduct

A. The Police Department is committed to maintaining a positive relationship with the community and to correcting any actions, practices, or behavior on the part of Department employees that are not professionally acceptable. To ensure that such investigations (“administrative investigations”) are conducted in a fair manner, and conducive to good order and discipline, the following procedures are established.

B. Note that critical incidents, including any officer involved shooting, in-custody death, or other incident where the actions of a department employee result in death or serious injury, are not to be handled under this General Order, but rather under the procedure set forth in [G.O. 46.1](#).

52.1.1 Receipt and Assignment of Complaints

A. The Department will accept all written and/or verbal complaints of employee misconduct, whether from an internal or external source, including anonymous complaints.

B. An employee who initiates, receives, or is notified of a complaint or allegation of employee misconduct shall immediately refer the matter to a supervisor. An employee who receives or refers a complaint shall not discuss the complaint or allegations with anyone other than the supervisor to whom the complaint is referred, an internal investigator, or with the employee’s chain of command.

C. The supervisor who receives the complaint must evaluate the complaint or allegation of misconduct and determine whether the complaint is appropriate for investigation by the supervisor, or whether the complaint should be referred to the Chief for investigation.

1. All complaints concerning misconduct that by its very nature would result in suspension, demotion, or termination if the misconduct is proven (for example, excessive force, falsification of departmental forms or reports, corruption and discrimination and harassment) shall be referred by the supervisor to Chief for investigation.
2. All other complaints (misconduct that would not normally result in suspension, demotion, or termination, such as failure to perform duties or maintain equipment, unsafe performance, failure to report for duty or training, minor errors or omissions in the field, procedural errors, or work deficiencies, etc.) shall be investigated by the supervisor.
3. Regardless who investigates the complaint, the supervisor shall contact Chief, who shall document receipt of the complaint.

D. The supervisor shall verbally report the receipt of a complaint to the Deputy Chief of Police, who must concur with the assignment of the complaint prior to the initiation of the investigation. In cases requiring an immediate call-out, the supervisor shall receive approval from the Deputy Chief of Police prior to call-out. In all other cases, the supervisor shall review the incident with

the Deputy Chief of Police within 24 hours to confirm responsibility for investigation of the complaint.

E. When the allegation involves serious misconduct, the chain of command shall make a recommendation whether the involved employee should be placed on administrative leave or reassigned pending completion of the investigation. The Chief, or if unavailable the Chief's designee, shall make the determination.

F. Supervisors are cautioned not to interview an employee concerning a complaint or allegation of misconduct that could result in dismissal, demotion, or suspension without complying with A.R.S. §38-1101 and adhering to the Garrity rule. A supervisor may discuss a complaint with an employee without a representative or notice of investigation pursuant to A.R.S. §38-1101 when:

1. Done in the normal course of duty, counseling, or instruction or an informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or other law enforcement officer.
2. Doing preliminary questioning to determine the scope of the allegations or if an investigation is necessary.
3. The questioning is conducted in the course of a criminal investigation or polygraph examination.

52.1.2 Complaints assigned to Outside Agency

When appropriate, the Deputy Chief of Police may recommend to the Chief that a complaint be handled by an outside agency. If the Chief determines that an outside agency will handle the investigation, the Chief or Chief's designee will contact the selected outside agency and coordinate the transfer of the investigation to that agency.

A Professional Standards complaint that is not assigned to an outside agency for investigation will be assigned to an IA investigator, who will complete the investigation.

52.1.3 Complaints investigated by the supervisor

All complaints that are not assigned to an outside agency or to the Chief shall be investigated by the affected employee's supervisor unless otherwise assigned.

52.1.4 Sequence of Criminal and Administrative Investigations

A. When an incident results in both criminal and administrative investigations, it is important that all involved investigators be fully aware of the legal requirements regarding the need to establish and maintain separation between the administrative investigation and the criminal investigation, as pursuant to the Garrity rule. To avoid these complications, criminal and administrative investigations will generally be done in sequence, with the interviews of witnesses and involved employees in the criminal investigation being completed prior to the initiation of the administrative investigation.

B. In situations involving locations or scenes where evidence may be observed or collected, it may be appropriate for both criminal and administrative investigators to be present at the scene. Criminal investigators are in charge of the scene and shall direct all of the collection of evidence and documentation of the scene. Administrative investigators may observe the work of criminal investigators.

C. Administrative investigators may be present during a criminal interview, but shall not ask any questions during the interview. If the officer declines to speak with the criminal investigators, or after the criminal investigators indicate that they are done interviewing the involved officers and will not need to conduct further interviews, those officers may be questioned (outside of the presence of the criminal investigators) by the administrative investigators.

D. Following the administrative interviews, if any, administrative investigators may become aware of additional evidence. If the criminal investigator(s) do not collect this evidence, the collection shall be done by the administrative investigators once the criminal investigators have left the scene.

C. Administrative investigators shall not accompany criminal investigators during a crime scene walk-through with an officer who was directly involved in an incident that is being investigated for possible criminal activity.

52.1.5 Criminal Investigations

Generally, criminal investigations will be completed by an assigned criminal investigator and will follow the ordinary investigative path for the investigation of crimes not committed by a Department employee. Department employees have the same rights, in a criminal investigation, as non-Department employees. The employee may agree to an interview or may decline to speak with an investigator. *Miranda* rights need not be read to an employee unless the employee is in custody and is to be interrogated.

52.1.6 Administrative Investigations

A. The person assigned to complete the investigation will conduct a thorough investigation, when possible making contact with the reporting party first to gather all pertinent information. All witnesses and any other parties will be contacted and interviewed, if available. Investigators shall comply with the requirements of Arizona law (see below) when contacting and interviewing Department employees. Employees are required to provide complete, truthful answers to all questions.

B. Upon completion of the investigation, the investigator shall make findings and shall recommend discipline, based on the seriousness of the incident and the employee's disciplinary history, and in accordance with City and Department disciplinary policy. The investigator shall complete the Department Investigation Form on all complaints. The completed investigation will be sent to the Chief of Police through the chain of command for review and final determination of discipline.

52.1.7 Administrative Interviews with Department Personnel; A.R.S. § 38-1101, et. seq.

A. When so ordered by the Police Chief or the Chief's designee, employees shall submit to an interview during any administrative investigation into alleged misconduct. All employees are required to fully and truthfully participate in, and cooperate with, any administrative investigation to which they are a party, witness, or may have useful information. Employees shall provide all complete and truthful relevant information, whether specifically requested or not. Any and all acts of intentional untruthfulness and/or purposeful omission of relevant information shall result in discipline. Employees shall comply with all directions given by the investigator. All administrative investigations are confidential until completed.

B. The interview of any department employee shall be conducted when the employee is on-duty, unless the urgency of the investigation dictates otherwise. If the interview occurs when the employee is off-duty, the employee shall be compensated for this time in accordance with regular department procedures. The interview will not be conducted at the employee's home without authorization of the Police Chief.

C. The interview session shall be for a reasonable duration. The investigating officer will allow for reasonable interruptions of the interview to allow the employee to attend to personal or physical necessities, including telephonic or in person consultation with a representative, attorney, or other person.

D. During the course of the interview, the scope of the questions presented to the employee shall be limited to the specific allegations of misconduct. All interviews will be conducted in a professional manner. No threats or intimidation will be used or tolerated. The employee being interviewed will not be subjected to any offensive or abusive language.

E. The interview shall be recorded by the Department. A copy will be provided to the employee upon request.

F. The employee, at the conclusion of the interview, is entitled to a period of time to consult with the employee's representative, if any, and may make a statement not to exceed five minutes addressing specific facts or policies that are related to the interview.

G. An employee shall not discuss the investigation, including the employee's interview, with any unauthorized person. Other than the investigators, the only persons an employee may speak with concerning this investigation are the employee's attorney, minister, representative, or spouse.

52.1.7.1 Completion of a Notice of Investigation (NOI)

A. Prior to the interview, the investigator shall complete a written NOI. The notice shall include:

1. The alleged facts that are the basis of the investigation;

2. The specific nature of the investigation;
3. The officer's status in the investigation;
4. All known allegations of misconduct that are the reason for the interview;
5. The officer's right to have a representative present at the interview;
6. Copies of all complaints that contain the alleged facts that are reasonably available (except for copies of complaints that involve matters pursuant to federal laws under the jurisdiction of the Equal Employment Opportunity Commission);
7. An explanation of the employee's rights under *Garrity*; and
8. The date, time, and location of the allegations, if known.

B. Investigators are required to give the employee specific notice of the allegations of misconduct that are being investigated. General, catch-all statements included in the NOI will not meet the requirements of Arizona law; investigators should be as specific as the allegations allow. Employees and investigators should review A.R.S. § 38-1101, et. seq., prior to commencing an investigation.

C. The NOI need not disclose any fact to the employee that would impede the investigation.

52.1.7.2 Service of a Notice of Investigation

A. The completed notice of investigation (NOI) will be given to the employee prior to any interview in an administrative investigation.

B. The investigator shall go over the form with the employee paragraph by paragraph. Both the investigator and the employee will review the form, sign it, and be provided a copy of the form prior to the interview. If the employee refuses to sign the document, the interviewer should note on the form that signature was refused and that the document was served, serve the document and proceed with the interview.

C. The interview will not be stopped to issue another notice of investigation for allegations based on information provided by the employee during the interview.

52.1.7.3 Employee representative

A. The employee may request to have a representative present during the interview at no cost to the Department. The representative must be available on reasonable notice so that the interview is not unreasonably delayed. The representative shall participate in the interview only as an observer. The representative shall be anyone of the employees choosing.

B. The Department shall not discipline, retaliate against, or threaten to retaliate against an employee for requesting a representative or for acting as a representative.

52.1.8 Use of Polygraphs

The Department may require the employee to submit to a polygraph examination if the employee makes a statement during the investigation that differs from other information relating to the investigation that is known to the Department and reconciling that difference is necessary to complete the investigation. The complete polygraph procedure shall be audio recorded and a copy of the recording shall be provided to the employee.

52.1.9 Gathering of Evidence

During an administrative investigation, if related and material to the investigation, an employee may be required to:

- Submit to being photographed or to participate in a line-up.
- When reasonable suspicion exists, submit to a test for alcohol or drug use while on duty.
- Complete financial disclosure statements or provide financial records.
- When reasonable suspicion exists, submit to other medical or laboratory exams, at agency expense.
- Provide records related to the use for business purposes of any personally owned electronic equipment, or provide the equipment itself for examination (including cell phones, recording devices and computers).

52.1.10 Duration of Investigations

A. Once a supervisor who is authorized to initiate an investigation of employee misconduct receives notice of an allegation of employee misconduct, the Department shall make a good faith effort to complete any investigation of the misconduct within one hundred twenty (120) business days. The investigation is considered complete, for purposes of the 120-day rule, on the date the employee is served with a notice of discipline or the notice of findings of the investigation. If the Department determines that disciplinary action is appropriate, the Department shall give specific notice of any proposed discipline, including the length of suspension, if any, within the same time frame.

B. No investigation may continue beyond 120 days without the written permission of the Chief. Any investigation continuing beyond 120 days requires written explanation of the delay to the employee. Exceptions to the 120-day limit include situations in which there is:

1. A written waiver of the time limitation by the employee;
2. A pending criminal investigation or prosecution in connection with the act, omission or other allegation of misconduct;
3. An involved employee who is incapacitated or otherwise unavailable;
4. A multijurisdictional investigation (the limitations period may be extended for a period of time reasonably necessary to facilitate the coordination of the employers involved);
5. An emergency or natural disaster during the 120-day period in which the governor has declared a state of emergency within the jurisdictional boundaries of the City.

52.1.11 Completion of the investigation; Final Report

Upon completion of the investigation, the investigator and investigator's supervisor will sign off on the written investigative report.

52.1.12 Dispositions

Each allegation shall be resolved with one of the following dispositions:

EXONERATED - The incident occurred, but the conduct was lawful and within policy.

UNFOUNDED – It is found that the reported misconduct did not occur or did not occur as alleged.

NOT SUSTAINED – There is insufficient evidence to either prove or disprove the allegation.

SUSTAINED – The allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.

COMMENDATION – The reported misconduct did not occur and the employee's conduct was found to be exemplary.

52.1.13 Review

A.. Investigations where the recommended action is a suspension, demotion, termination, or commendation will be reviewed by the chain of command through the Police Chief, who shall make the final decision.

B.. At the conclusion of the review, the employee shall be provided with a copy of the final investigative report, with the proposed personnel action (if any) attached. [this is only if they ask for it; we don't need to volunteer to do it.]

C.. In addition, the investigator shall provide for the Deputy Chief of Police signature a Complaint Response Letter, explaining the results of the investigation to the original complaining party. Specific disciplinary action is generally not disclosed in the Complaint Response Letter.

52.1.14 Professional Standards File Maintenance and Security

A. All administrative investigations files will be segregated from all other department files and maintained in a locked file cabinet located in the office of the Chief of Police. If the files are maintained electronically, they shall be kept in a manner that is secure.

B. All files will be maintained as specified by the approved retention schedules published by the Arizona State Archivist and purged pursuant to state law destruction schedules.

52.1.15 Release of Reports

A. Generally, until they are completed, administrative investigations files are considered confidential, and access is limited to the following:

- a. The Police Chief;
- b. Professional Standards and other personnel assigned to complete an internal investigation may have limited access when necessary, as determined by the Deputy Chief of Police;
- c. The accused employee and/or the employee's legal counsel shall be provided a copy of the file upon written request and in compliance with A.R.S. § 38-1101;
- d. Other law enforcement agencies completing background investigations;
- e. AZPOST as required to perform its statutory duties;
- f. A prosecutor in compliance with *Brady v. Maryland*; and
- g. A person who has made a public records request will be entitled to the parts of the file that do not fall under an exception to public records disclosure.

B. In addition, administrative investigations files are, like all other files of the Department, official Department records. As such, they may in certain circumstances be subject to release in response to public records requests, subpoenas, and court orders. All persons or agencies, other than those listed above, requesting copies of administrative investigations reports shall be advised that a written request or subpoena must be provided prior to the reproduction of such files.

The City Attorney shall be consulted with regard to requests from outside entities for copies of these records and reports.

C. A.R.S. §38-1101 prohibits the release of investigative files until the investigation is complete or has been discontinued by the Department. If the employee appeals a disciplinary action, the investigation is not complete until the conclusion of the appeal process.

D. Information will not be released when it is not subject to release under the Arizona Public Records Act or other applicable statutes or court orders. The release of records, and their redaction prior to release, is fully discussed in [G.O. 82.3](#).

E. Whenever copies are made of an Internal Investigations file, the date the file was copied and the name and contact information of the individual to whom the copy was provided shall be entered into the file. Whenever an internal investigation file is redacted and released, the redacted copy and any notes related to the redaction shall be maintained in the original internal investigation file.

52.1.16 Professional Standards file

This file shall contain a completed Professional Standards investigation, including a record of the complaint investigated, witnesses identified and interviewed, and evidence gathered. If completed, the investigation shall include the final report and recommendation from the investigator as well as the chain of command review and the final action taken regarding the complaint.

52.2 *Brady* material

A. Police Departments have a legal requirement to provide to prosecution offices, on any case presented for prosecution, all evidence favorable to the defense (*Brady* material). This includes both material exculpatory evidence as well as information that could be used to impeach government witnesses, including police employees. Any material in an employee's files that reflects upon the employee's reputation for truthfulness or bias, or which reflects crimes committed by the officer, must be disclosed to the prosecutor's office.

B. All prosecution offices (United States Attorney's Office, Arizona Attorney General's Office, County Attorney's Office, or City Prosecutor's Office) shall be provided with the *Brady* material contained in the files of any police employee, as noted below. If feasible, an officer should be advised when *Brady* material is being provided to a prosecution agency.

1. U.S. Attorney's Office: The U.S. Attorney's Office will contact the Department if they are in need of *Brady* material on a particular employee/witness. If the prosecutor requests an opportunity to review the employee/witness files, the prosecutor shall be permitted to do so.
2. Arizona Attorney General's Office: The Attorney General's Office shall be provided, upon request regarding a specific employee/witness, with the final report of any administrative investigation or other personnel action that contains a finding that an employee was untruthful, expressed bias, or committed a criminal act. If the Attorney General's Office requests the entire file on the incident, it shall be provided.
3. County Attorney's Office and City Prosecutor's Office: These offices shall be routinely provided with the final report of any administrative investigation or other personnel action that contains a finding that an officer was untruthful, expressed bias, or committed a criminal act. If either office requests the entire file on the incident, it shall be provided.

C. Each prosecution office is charged with deciding whether the *Brady* information released to them will be made available to the defense in a specific case, or whether it will be presented to the court for a determination of whether it will be released to the defense.

CHAPTER 53 [Reserved]CHAPTER 54 PUBLIC INFORMATION

54.1 Public Information

A. The Department has a duty to keep the public informed of its activities and of relevant law enforcement related information. The Department provides such information in the following ways:

1. Availability of a public information officer, who will distribute information on crimes or incidents that are of importance or interest to the community and who will respond to requests for information from the media, as permitted by law.

B. All requests from the media for comment or interviews regarding official police matters or Department business will be directed to the Public Information Officer or the Police Chief. Employees shall not make or participate in making any statements regarding official police business without prior authorization from the Public Information Officer or the Police Chief.

C. Public records information shall be released consistent with [G.O. 82.3](#).

54.2 Media Access to Police Scenes

Generally, media representatives will be allowed no more access to crime scenes than that allowed to the general public. If the incident commander chooses to permit additional access to the scene, it shall be after all evidence collection has been completed and only if it can be done without interference with the police investigation or a citizen's right to privacy. If the scene is on private property, media access will be permitted only with the approval of the owner or owner's representative.

Any incident commander may request the assistance of the Public Information Officer at the scene of any incident.

CHAPTER 55 VICTIM/WITNESS ASSISTANCE

55.1 Victims' Rights

A. Arizona has adopted, both in the State Constitution and by statute, a bill of rights for persons who are victims of crimes. Under the law, officers are required to provide certain specific information to a victim of any criminal offense (felony, misdemeanor, petty offense, as well as violations of local criminal ordinances).

B. The term "victim" is defined by statute to include neighborhood associations who have registered with the City to invoke victims' rights for crimes specified in A.R.S. §13-4401.01.B.

C. Whenever a crime occurs and a victim is identified, a DR shall be used to document the incident. The victim shall be provided with a copy of the victim's rights form. The form is intended to:

1. Allow the victim to request or waive their rights;
2. Allow a victim to designate a lawful representative as permitted by State law (and note that a victim who is physically or emotionally unable to exercise victim's rights may designate a non-witness to act as a representative, or the parent/guardian of a minor victim may act as a representative, or the court may appoint a representative for an incapacitated or deceased victim).
3. Notify the victim:
 - Of his/her right to be treated with fairness, respect and dignity and to be free of intimidation, harassment or abuse throughout the criminal or juvenile justice process.
 - Of the availability, if any, of crisis intervention services and emergency and medical services and, where applicable, that medical expenses arising out of the need to secure evidence may be reimbursed pursuant to State law.
 - In cases of domestic violence, of the procedures and resources available for the protection of the victim pursuant to State law.
 - Of the names and telephone numbers of public and private victim assistance programs, including the County victim compensation program and programs that provide counseling, treatment and other support services.
 - Of the police report number, if available, other identifying case information and the telephone number that the victim may call to determine the status of the case.
 - That they will be notified by the law enforcement agency at the earliest opportunity after the arrest of a suspect.
 - That the victim has the right, if the suspect is an adult and has been arrested, to be informed of the suspect's release, of the next regularly scheduled time, place and date for initial appearances, and of the victim's right to be heard at the initial appearance. The victim shall also be advised that, in order to exercise these rights, the victim must contact the custodial agency regarding the suspect's release and must contact the court regarding any changes to the initial appearance schedule.
 - That, if the victim chooses to exercise the right to be heard through a written statement, how that statement may be submitted to the court.
 - That the victim or the immediate family member of the victim, if the victim is killed or incapacitated, has the right to receive, at no charge, one copy of the police report, including any supplements to the report, from the investigating law enforcement agency.

D. If at the time of the contact with the officer, the victim is physically or emotionally unable to request or waive the victim's rights, the officer shall note this on the form and the victim will be treated as if they had invoked the victim's rights. A victim may later choose to waive their rights.

E. The officer shall provide the victim with a copy of the form. If the suspect is arrested and booked into jail, the officer shall provide a copy of the form to the custodial agency. The remaining copies shall be submitted to Records for distribution to the appropriate agencies/offices.

F. If the victim is not available at the scene of an incident, is not identified until after the scene has been cleared, or if the report is taken by telephone or other remote method, the officer taking the report or identifying the victim shall promptly mail the victim a victim's rights form and shall document this fact in the DR that is completed.

G. In any situation in which an Arizona Traffic Ticket and Complaint form is issued and there is a victim to the crime, officers shall mark the "yes" victim box on the citation form. Doing so informs the prosecutor and court of the existence of a victim.

H. If the suspect is arrested during a follow-up investigation, the arresting officer shall contact the victim to advise the victim of the arrest. The contact should be made in person or, if that is not possible, then the contact should be by telephone. If it is not possible to contact the victim directly, then the victim shall be notified by mailing the victim's rights form to the victim. The victim shall be notified of the initial appearance date, time, and location prior to the initial appearance of the arrestee.

I. If the Department arrests the suspect on a warrant that was issued for this offense, or if the Department is notified by another agency that the suspect has been arrested on the warrant for the underlying offense, the employee serving the warrant or receiving notification of the warrant service by another law enforcement agency shall:

1. Notify the victim of the arrest and of the time, place and date for the initial appearance.
2. Inform the victim of the telephone number of the custodial agency in which the arrested person is held.
3. Provide the custodial agency with the victim's contact information so that the custodial agency may notify the victim of the release of the suspect as required.

K. Victims, including officers who are victims, have the legal right to refuse a pre-trial defense interview.

55.2 Address Confidentiality Program

55.2.1 Overview of the Program

A. In compliance with state statute (A.R.S. §§41-161 through 169), the Arizona Secretary of State has adopted and implemented an Address Confidentiality Program (ACP). The purpose of the program is to protect the home addresses and telephone numbers of victims of domestic violence, stalking, and sexual offenses.

B. Under the program, a victim of one of these crimes may apply to the Secretary of State ACP Office for a substitute address. Once the Secretary of State issues the substitute address, all first class, certified and registered mail received at the substitute address will be forwarded to the person's actual address.

C. The participant will be provided with a Secretary of State ACP Authorization Card. When the participant presents a police employee with this card, the employee shall confirm that the card is valid and current by contacting the Secretary of State at (602) 542-1892. Upon confirmation, the employee shall subsequently use the substitute address for all forms and records.

D. If a person advises an employee that he/she is registered with the Secretary of State but does not have a card in his/her possession at the time, the employee shall call the Secretary of State's Office at (602) 542-1892 to verify participation. If the person is verified as a participant, the substitute address shall be used. The employee shall also forward a copy of the card (if feasible) or a copy of the information contained on the card to the Records Division for implementation of the substitute address into the Department's records system.

E. Participants may also request that the Department redact the person's actual address from any public records created within 90 days of the person's application to the ACP. The Department is required to remove the actual address and may, if desired, change it to the substitute address. All requests shall be referred to Records for implementation.

F. Employees will not share the actual address of an ACP participant with other employees or with another criminal justice agency unless the address is shared for the purpose for which the address was originally obtained. Knowingly obtaining or disclosing an ACP participant's address, except as permitted by statute, is a class one misdemeanor.

55.2.2 Use of an ACP substitute address

For Department purposes, a substitute address under the Address Confidentiality Program shall be used for all reports, citations and other forms, whether paper or electronic. However, if the incident occurred at the ACP's actual address, the actual address shall be used as the location of occurrence. See section entitled Maintenance of Secure Address Records below for further information.

55.2.3 Request for Emergency Disclosure of the Address

A. If, for law enforcement purposes, a police employee has a time sensitive need for an ACP participant's actual address, application must be made to the Secretary of State. An example of a situation where obtaining the actual address might be necessary is when the ACP participant is the subject of physical characteristics warrant which is valid for a limited time.

B. The application must consist of:

1. A statement of request (see below) printed on Department letterhead,
2. A completed copy of the Secretary of State's "Emergency Disclosure of Participant Information Form" (see Appendix); and
3. A copy of this policy.

C. The statement of request must be on Department letterhead and must include the following information:

1. ACP participant's name and ACP apartment number if known;
2. Date of request
3. Statement of reasons the Department needs the actual address;
4. Why the Department cannot proceed without disclosure of the address from ACP;
5. A statement of the facts regarding methods used to locate the address or, if applicable, reasons that other methods appear unlikely to succeed;
6. A statement that this policy adopted by the agency will protect the confidential address of the ACP participant;
7. Anticipated length of time address will need to be maintained;
8. Printed name, title, badge number (if any) and contact number of both the employee making the request and the employee's supervisor and signatures of both employees.

D. The process for requesting disclosure is as follows:

1. Verify the person's participation in the program (call (602) 542-1892 to confirm participation);
2. 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;
3. Complete the form, have it signed by a supervisor, and complete the statement of request (on letterhead);
4. FAX ((602) 542-3251) or scan and email (acpinfor@azsos.gov) the following documents to the Secretary of State's ACP office:
 - a. A copy of this policy;
 - b. The completed request (on letterhead); and

- c. A copy of the completed “Emergency Disclosure of Participant Information Form” (attached).

The Records Division may be contacted for assistance.

E. These emergency requests will be made only when absolutely necessary to do so in the context of an ongoing criminal or administrative investigation or court proceeding and only after all other reasonable efforts to identify the address have been completed (or appear unlikely to succeed).

F. Once the Secretary of State provides the actual address, state law requires that the address be maintained as confidential and only for as long as permitted by the Secretary of State. The Records Division shall be provided with the original documentation regarding the communication provided by the Secretary of State, which shall be maintained as provided in the Maintenance of Secure Address Records below.

55.2.4 Service of Process on an ACP participant

In-person service of process on an ACP participant (a subpoena or an order of protection, for example) may be accomplished by serving the Secretary of State’s Office. The employee who is making service must contact the Office at (602) 542-1892 to confirm that the participant is still enrolled in the program and to advise the staff of the expected time of arrival at the Office, which is located at 1700 W. Washington, Seventh Floor, Phoenix, Arizona. The document(s) to be served shall be enclosed in an envelope that is addressed to the participant by name and apartment number (on ACP card) and is clearly marked “Service of Process.”

Service of process should be accomplished during normal business hours.

55.2.5 Maintenance of Secure Address Records

A. Actual addresses of persons who are participants in the ACP shall be maintained by the Records Division for further information and use consistent with state law. The addresses may be maintained in secure hard copy form or in a secure electronic file.

B. If an ACP participant requests redaction of the person’s actual address from any public records created within 90 days of the person’s application to the ACP, the redaction shall be accomplished by the Records Division. The actual address shall be redacted and may be replaced with the substitute address.

C. If an ACP participant’s address is provided by the Secretary of State pursuant to an emergency request, the address may be maintained no longer than permitted by the Secretary of State and shall then be redacted from all records and files, including electronic records.

D. Employees shall not share the actual address of an ACP participant with other employees or with another criminal justice agency unless the address is shared for the purpose for which the address was originally obtained.

55.3 Next of Kin Notification

Next of kin shall be notified as soon as feasible after an incident involving a death, serious injury or serious illness. Next of kin notification is the responsibility of the assigned detective if one responds to the scene. In all other situations, it is the responsibility of the initial responding officers; every reasonable effort shall be made to notify next of kin prior to the end of shift. Details (name, method, date, time and nature of relationship) of the notification, or failure to notify, shall be included in the DR. If notification is not made, the task shall be passed to the incoming shift.

If the next of kin are not local residents, officers shall request the assistance of the local law enforcement agency in the jurisdiction where they reside.

55.4 Death Cases Involving other Jurisdictions

If the event causing death occurred outside the City, but the death occurred inside the jurisdiction, the jurisdiction where the event occurred shall be notified. Similarly, if a death occurs outside of the Department's jurisdiction as a result of an event that occurred within the City, officers may respond to provide assistance if requested and if approved by an on-duty supervisor.

55.5 Specific Types of Victim Assistance

A. Victims/witnesses who have been threatened or who, in the Department's judgment, express specific, credible reasons for fearing intimidation will receive appropriate assistance. The information that is provided shall be investigated, as appropriate, or referred to the appropriate law enforcement agency for response. The information shall also be forwarded by the investigating officer to the appropriate prosecutor and/or law enforcement agency for response, and to any available victim witness advocate who may assist the victim/witness.

B. If the Department becomes aware of a danger to a victim/witness, a supervisor will be provided the information. If the victim/witness is located within the jurisdiction, the supervisor will ensure the victim/witness is notified of the danger and shall arrange for appropriate precautions to be taken. If the victim/witness is located outside the agency's jurisdiction, the supervisor will either notify the victim/witness or have another jurisdiction attempt notification; in either case, the supervisor will request that the other jurisdiction take appropriate precautions.

55.6 Victim Assistance Advocates

The County Attorney provides Victim Assistance advocates to provide victim services in accordance with A.R.S. §§13-4401 and following, as well as A.R.S. §§8-381 and following. In addition to other services, those caseworkers will, at a minimum, provide the following services:

1. Re-contacting the victim/witness periodically to determine whether needs are being met, if in the opinion of the caseworker, the impact of the crime has been unusually severe and has triggered above-average need for services;
2. Explain to the victim/witness the procedures involved in the prosecution of the cases and his/her role in those procedures, if not an endangerment to the successful prosecution of the case;
3. Coordinate the scheduling of line-ups, interviews, and other required appearances at the convenience of the victim/witness, to include transportation when feasible;
4. Coordinate the prompt return of victim/witness property taken as evidence in accordance with the statutes and court rules (except for contraband, disputed property and unlawful weapons); and
5. Identify for the victim/witness the assigned victim assistance caseworker.

Chapters 56-60 [Reserved].

CHAPTER 61 TRAFFIC OPERATIONS

61.1 Traffic Enforcement

A. Enforcement of traffic laws is the responsibility of all patrol officers and is considered one of an officer's routine duties while on patrol. Traffic enforcement is intended to encourage compliance with traffic laws, prevent accidents and ensure the smooth flow of traffic.

B. Officers are also required to render assistance to motorists as may be necessary. This may include answering questions, providing directions, assisting stranded motorists in obtaining assistance and other such actions.

C. Traffic stops have been and continue to be high-risk contacts for police officers. Officers must remain alert when approaching a stopped vehicle and must exercise appropriate tactics and officer safety practices. When an officer has articulable facts to believe that the occupant of a vehicle presents a threat to the officer, the vehicle stop should be handled as a high-risk vehicle stop, which should be performed consistent with the training on high-risk vehicle stops.

D. For their own safety, officers should complete a vehicle license plate check prior to stopping and/or approaching a vehicle. Officers shall advise Communications of the vehicle's license plate and the location of the stop prior to leaving their vehicle. Officers should, when possible, have the driver pull off of the roadway, position the officer's vehicle safely and approach the stopped vehicle from the right side.

E. Officers will maintain a professional demeanor during all contacts with members of the public, including those persons stopped for traffic violations. Officers shall advise the driver of the reason for the stop, obtain the required information and issue whatever citation or verbal or written warning is, in the officer's discretion, appropriate.

F. Officers may direct the violator to remain in or return to the vehicle, or to get out of the vehicle, as the officer believes appropriate. If the person refuses to obey the officer, the officer may use reasonable force to enforce compliance with the officer's directions.

G. Officers shall maintain visual contact with the vehicle and its occupants.

61.2 Leaving the Scene

All leaving the scene cases shall be documented on a DR, which shall include all relevant available information, including the license plate number and description of the vehicle and the driver of the suspect vehicle, if known.

61.3 Enforcement of Parking Regulations

The City has a variety of parking restrictions in various parts of the jurisdiction. Any enforcement of those restrictions shall be done fairly and impartially in all areas.

61.4 Suspended Driver License or Registrations

If a driver has a suspended, revoked or cancelled license or registration, the officer shall take enforcement action and shall consider whether the vehicle is required to be impounded under A.R.S. §28-3511.

61.4.1 Seizure of Arizona Driver License

In every case in which an officer cites for a suspended, canceled, or revoked Arizona driver license, the officer shall seize the license, if it is present. The driver license shall be attached to the report. Out of state driver licenses shall not be seized.

61.4.2 Seizure of Arizona Registration and License Plates

In every case in which an officer cites for a suspended, revoked or cancelled Arizona registration, the officer shall seize the license plate and registration. The plate and registration shall be placed in Records. Out of state licenses and registration shall not be seized.

61.5 Issuing Citations

A. Following the stop of a motor vehicle for a Title 28 civil violation, the officer may generally decide, based upon all of the circumstances, whether to issue a citation, a written warning, or an equipment repair order. A warning is appropriate if, in the officer's judgment, the driver's future driving behavior has been positively impacted by the contact, or the violation was inadvertent.

B. When a citation or equipment repair order is written, the officer shall explain to the person the steps they must take to handle the violation. This will include information about and the procedures surrounding a court appearance, whether a court appearance is mandatory, whether the violator may plead or pay a fine by mail and other pertinent information. The officer shall have the person sign the citation, explaining that the person's signature is not an admission of responsibility, but is simply a promise to appear. If the person refuses to sign a civil citation, the officer shall write the word "served" in the violator's signature block and give the person a copy of the citation. A person shall not be booked for refusing to sign a civil citation.

C. If the citation is for a criminal offense and the person refuses to sign, explain to the person that refusing to sign will result in the person being booked. A person who refuses to sign a criminal citation shall be booked.

D. When issuing a citation to a driver who is not a resident of the State of Arizona, there are no special guidelines except that officers should consider an arrest, rather than a cite and release, when the traffic offense involves a serious misdemeanor violation such as DUI, criminal speeding, or reckless driving.

61.5.1 Traffic Enforcement Involving Juveniles

All non-alcohol related violations of the motor vehicle code not declared to be a felony, and violations of any city ordinance not pertaining to curfew violations will be cited into the Justice of the Peace Precinct 1 using the “City of Bisbee Police Department Arizona Traffic Ticket and Complaint” form.

61.5.2 Traffic Enforcement Involving Legislators

State legislators are immune from any civil process, including traffic citations, for fifteen days prior to the start of the legislative session and during the session itself. Federal legislators are immune while traveling to attend a session of Congress, during session and when returning home.

61.5.3 Traffic Enforcement Involving Foreign Diplomats and Consular Officials

A. Foreign diplomats, their families and staff, and Consular officials, are not immune from civil traffic offenses; they may be cited for such offenses. They may be, however, immune from arrest and search, even with a warrant. An officer must determine the scope of the person’s immunity before citing for criminal traffic offenses.

B. Consular officials may be issued both civil and criminal traffic offenses. They may have some immunity under certain treaties; they will need to assert that immunity through the courts.

C. Officers shall request identification from any person claiming diplomatic immunity and shall seek verification of their status with either the FBI or the Department of State.

61.5.4 Citation Accountability

Each officer shall carry while on-duty a sufficient supply of citations. Officers are accountable for the citations issued to them and shall turn in completed citations at the end of shift. Officers will have citations issued to them by Records. Records shall be responsible for accounting for all citations.

61.5.5 Uniform Traffic Enforcement

A. A.R.S. Title 28, will be used for all civil or criminal violations of traffic laws. The City Code may be used as the basis for a violation if the violation is not represented in the A.R.S. Officers are permitted to use reasonable discretion in citing for violations.

B. The enforcement action taken against a motorist for a violation is based upon an officer’s training, experience, and common sense (with a goal of voluntary compliance). However, it is the policy of this Department that formal enforcement action be taken on serious and/or hazardous violations such as, but not limited to:

- DUI;
- Reckless Driving;
- Aggressive Driving;

- Serious violations arising out of the operation of a commercial vehicle;
- Driving with a suspended, revoked, or expired driver's license or vehicle registration;
- Speed violations in excess of 15 miles over the reasonable and prudent speed;
- Traffic collisions;
- Any speed or passing violations occurring in a school zone;
- Occupant Restraint Law: Officers will strictly enforce all occupant restraint laws, to include seat belts and child restraint devices; and
- Other hazardous violations.

C. Less formal enforcement action (warnings or equipment violation notices) may be taken against a motorist for:

- Minor speed violations;
- Equipment violations;
- Non-hazardous moving or non-moving violations;
- Less severe violations;
- Newly-enacted laws in which the contact would serve to educate the motorist; and
- Operating off-road vehicles.

D. Pedestrian and Bicycle Safety: Officers will enforce laws and ordinances relating to bicycles and pedestrians.

61.6 Traffic Collision Investigations

A. Officers responding to the scene of a collision are responsible for determining any necessary follow-up response, including scene safety, fire hazards, the presence of any hazardous materials, first-aid, the identification of witnesses and all involved parties, handling disturbances between involved parties and/or witnesses, traffic control and congestion, directing the tow of involved vehicles when requested or necessary, and the control of property or evidence at the scene. If a minor is injured in a traffic accident and the parent or guardian is not present, the officer must make a reasonable effort to notify the juvenile's parents or guardians. The officer given disposition of the call by Communications shall be in charge at the scene, responsible for the follow-up response being completed and shall complete or assign the following responsibilities:

1. Identifying and dealing with injured persons;
2. Identifying and dealing with fire hazards and/or hazardous materials;
3. Collecting information;
4. Protecting the collision scene; and
5. Controlling property belonging to collision victims.

B. The standard Arizona Crash Report form shall be completed for collisions that result in bodily injury, death, or property damage in excess of one thousand dollars, or the issuance of a citation. The full report will be done only for accidents that:

1. Occur on the roadway;
2. Occur off the roadway, if one of the involved vehicles left the roadway out of control and collided with something (house, fence, guardrail, etc.); or
3. Involve a bicyclist or pedestrian who is on or in a sidewalk area and is struck by a motor vehicle exiting a private drive or alley.

C. If the accident does not result in a citation, bodily injury, or death and the property damage is less than one thousand dollars, the officer shall complete only the portion of the Arizona Traffic Accident Report form specified in A.R.S. §28-667.B. (time, day, month and year of the accident; information adequate to identify the location of the accident and identifying information for all involved parties and witnesses, including name, age, sex, address, telephone number, vehicle ownership and registration and proof of insurance, a narrative description of the accident, a simple diagram and the investigating officer's name, agency and identification number).

D. When the incident involves a fatality, bodily injury or a hit and run, a MOR shall be completed in addition to the accident report.

E. Those involved in the traffic accident shall be provided with the case report number and will either be given copies of the accident report (if available) or the officer will ensure that an exchange of driver information occurs.

F. Officers shall check the license, registration and insurance of each involved driver and issue citations or impound vehicles as appropriate. Citations shall be noted on the accident report.

G. If a civil citation is to be issued to a person who has been admitted to a hospital, the citation shall be marked "served" and left at the hospital with the person's belongings. If the citation is for a criminal offense, the officer shall prepare a DR noting the need to issue the citation as a follow-up at a later time.

61.7 Driving Under the Influence of Intoxicating Liquor or Drugs

A. Officers will make reasonable efforts to prevent intoxicated individuals from driving a vehicle. No person will be allowed to drive a vehicle for the purpose of making a DUI arrest. Any driver suspected of driving under the influence will be stopped as soon as it can be done lawfully and safely. While most driving violations apply only on the roadway, the DUI statutes apply on both public and private property.

B. Upon observing a suspected drunk driver, officers will carefully observe the vehicle movements in order to be able to document in the DR any facts that lead the officer to reasonably believe the vehicle operator is DUI. A vehicle may be stopped because the officer has reasonable

suspicion of DUI, a traffic violation or any other offense. Once the vehicle is stopped, officers will pay attention to and later document any additional signs of impairment displayed by the driver. Officers may refer to The Visual Detection of DWI Motorists booklet published by the National Highway Traffic Safety Administration (NHTSA) for some common driving cues of an impaired driver.

C. Officers stopping a vehicle for non-DUI traffic violations or investigating a traffic accident will pay attention for any indications of impaired driving. Before individuals involved in an accident can be charged with DUI there must be evidence that they were driving or in actual physical control of the vehicle. Officers will consider the physical evidence, as well as the statements of any witnesses who can place the driver behind the wheel.

D. When arresting a driver who is in actual physical control of a vehicle, officers must document the details that show the driver was in physical control, including vehicle key in the ignition, whether the vehicle's engine was running or in gear, placement of the driver, the location of the vehicle (roadway, right-of-way or private property), and other relevant details.

E. Prior to making an arrest for a DUI offense, the driver will be offered the opportunity to perform standardized field sobriety tests, except in those cases where the tests cannot be administered due to concerns for the suspect's or officer's safety. *Miranda* does not need to be read to the person prior to the administration of Field Sobriety Tests as long as the officer does not interrogate the driver during the tests.

61.7.1 Standardized Field Sobriety Tests

A. Prior to the testing, officers shall ask if the suspect is injured, sick, has any physical disabilities, and if the suspect's shoes are comfortable. Documentation of the suspect's answers shall be noted in the DUI Report along with the surface and lighting conditions for the tests.

B. The following tests are included in the DUI report, which contains instructions for the tests, the cues that are to be evaluated and a place to record the evaluation. Officers shall read the instructions and carefully document the driver's actions during each test.

1. Horizontal Gaze Nystagmus – This test may only be done by a certified HGN Technician.
2. Walk and Turn Test.
3. One Leg Stand Test.

C. The following additional tests are optional. Officers may consider using these tests in situations where the Standardized Field Sobriety Tests cannot be completed. The optional tests may provide additional cues of impairment consistent with the suspect's lack of ability to divide attention.

4. Alphabet / Number Test - The instructions for this test, the cues that are to be evaluated and the place to record the evaluation are also included in the DUI report.

5. Balance test

Instructions: The following instructions shall be repeated to the driver: “When I tell you, I want you to stand with your heels together and your arms down to your sides, close your eyes and tilt your head back and estimate thirty (30) seconds. (Demonstrate, but do not close your eyes.) When you think thirty seconds has gone by tilt your head down, open your eyes and say the word ‘stop.’ Do you understand?” Clarify any questions and note clarifications in the report.

Evaluation: Officers shall time the suspect and stop the test at ninety (90) seconds. Observe the suspect during the test and note observations such as: “Required additional instructions during testing, opened eyes during testing, failed to keep heels together throughout, failed to keep head tilted back, etc.” Document how much the subject swayed, how much the upper body rotated, and how long the actual time period was that the suspect estimated to be thirty seconds.

6. Finger to Nose Test

Instructions: The following instructions shall be repeated to the driver: “When I tell you, I want you to stand with your heels together and your arms down at your sides, pointing your index fingers with your palms facing forward. Your index fingers are the fingers closest to your thumbs. (Demonstrate the position and place the suspect in this position). When I tell you to I want you to close your eyes and tilt your head back. Then using the finger I tell you, touch the tip of your nose with the very tip of your finger. (Demonstrate, but do not close your eyes.) Do you understand? Close your eyes and tilt your head back.”

Evaluation: The sequence for the finger to nose shall be left – right – left – right – right – left. The officer shall observe the suspect for required additional instructions during testing, open eyes during testing, failing to keep heels together throughout, failing to keep head tilted back, using a hand other than the one designated, missing nose with fingertip, touching nose with other than fingertip.

61.7.2 Arrest of DUI Suspects

A. To make a DUI arrest the officer must have probable cause that the:

1. Suspect was driving or in physical control of a motor vehicle; and
2. Suspect’s ability to drive was impaired to the slightest degree by alcohol or drugs, or there is an alcohol concentration of .08 percent or more within two hours of driving or being in actual physical control of the vehicle.

B. If the officer takes the suspect into custody for DUI the officer shall advise the suspect of his/her *Miranda* rights prior to interrogating the suspect. If the subject indicates that he/she understands the rights, the questions on the DUI report shall be asked, along with other reasonable questions to further the investigation.

C. A records check will be conducted on all persons arrested for DUI including driver's license status and prior DUI history.

61.7.3 Administrative Per Se and Implied Consent

A. Persons arrested for DUI must be allowed access (by phone or in person) to an attorney, if requested, before taking a breath, blood, or urine test, if granting the request will not unreasonably interfere with the investigation. In all cases where DUI is being charged, the arresting officer will read the Admin Per Se/Implied Consent Affidavit form to the suspect and complete the form. Officers will document the facts that established probable cause for the arrest on that form.

B. If the arrestee refuses or fails to successfully complete any blood alcohol concentration (BAC) test(s), the officer shall specify the manner in which the refusal or failure occurred. The officer shall then serve the driver with a Twelve (12) Month Implied Consent Order of Suspension and seize the driver's Arizona license or permit (and note that only Arizona licenses or permits may be seized). If the driver's license is expired, suspended or cancelled, or if the driver does not have a license in his/her possession, the driver shall be provided with a copy of the MVD DUI Affidavit and directed to contact an MVD office to surrender his/her driver license in order to obtain a temporary driver permit. The officer shall indicate on the bottom of the Affidavit the reason the temporary permit was not issued.

C. If the arrestee has completed a test to determine their BAC and the results indicate a BAC of 0.08 or more (BAC of 0.04 or more for commercial vehicle operators) officers shall complete the DUI Affidavit, serve the driver with a Ninety (90) Day Order of Suspension, and seize the driver's Arizona license or permit.

D. When results from a blood or urine test are not known, the DUI Affidavit will be completed except for the Order of Suspension and Surrender of License sections. A Ninety Day Order of Suspension will not be administered at that time. Once the results are received and it is determined that the alcohol concentration was 0.08 or more, the Affidavit will be completed and a Ninety Day Order of Suspension will be served. If the arrestee cannot be located, the completed DUI Affidavit shall be forwarded to MVD to serve the Ninety Day Order of Suspension.

E. If a valid Arizona driver license or permit is surrendered, the officer shall issue a temporary driving permit that is valid for fifteen days. Seized Arizona driver licenses shall be attached to the original (white) copy of the Implied Consent/Administrative Per Se Affidavit and forwarded to MVD. Out of state driver's licenses or permits shall not be seized.

F. The implied consent provision applies whether the DUI occurs on private or public property and also applies to drivers in violation of the underage drinking and driving law..

61.7.4 Chemical testing

All suspects will be informed that they are under arrest prior to being requested to provide a breath, blood or urine sample. Except pursuant to a search warrant (see [G.O. 61.7.6](#)), force will not be used to obtain blood, breath or urine samples.

61.7.4.1 Breath Testing

A. The breath test must be done within two hours of the time the defendant was seen driving or in physical control of the motor vehicle. All DUI suspects will be informed that they are under arrest before they are asked to give a breath sample for analysis.

B. The breath test operator will utilize the approved Department of Health Services (DHS) operational checklist and will initial the appropriate places on this checklist for each test administered.

C. If the officer suspects drug use, a blood or urine sample should be obtained in addition to the breath test under the Implied Consent Law and submitted to the Department of Public Safety (DPS) for analysis.

61.7.4.2 Blood Testing

Blood may be drawn with the consent of the suspect. Only a physician, registered nurse or other qualified person (including employees who have completed the AZ P.O.S.T. approved training course as a phlebotomist) may withdraw blood for the purpose of determining alcohol concentration. An officer will witness the blood draw and take immediate custody of the sample. The officer shall document the sterilizing agent used (officers should request a non-alcoholic sterilizer be used), any unusual circumstances, and the entire chain of custody.

61.7.4.3 Urine testing

In cases where the breath test result is inconsistent with the impairment of the individual, an officer may request the person to complete a urine test. Such tests may be done by a medical facility or using a urine test kit, if one is available. In either case, the officer will observe the collection and take custody of the sample. The officer shall document any unusual circumstances and the entire chain of custody.

61.7.5 Right to an Independent Test

All suspects under arrest for DUI will be advised of the right to arrange and pay for an independent test or tests, regardless of whether the suspect completed a test for the officer. The officer advising the suspect shall document this in their report. Suspects who are released have the responsibility to arrange for and obtain their own independent test. Suspects who are to be booked and request an independent test shall be transported for the test as soon as practical after

the arrest and in any event prior to booking. If the test is a blood test, the officer may request a portion of the sample as provided in A.R.S. §28-1388.

61.7.6 Search Warrants for blood or urine testing

A. When the suspect refuses to provide a chemical sample and no sample is taken under a medical draw, the officer shall apply for a search warrant based on probable cause for a blood and/or urine sample.

B. If the suspect refuses to cooperate with the service of the search warrant, officers may use reasonable force to restrain the suspect while blood is drawn. Officers should not endanger themselves or the suspect; if it reasonably appears injury will occur, officers should cease the attempt, charge the suspect with failure to comply with a court order and book the suspect into jail.

61.7.7 Disposition of the Suspect and Suspect's Vehicle

A. Generally, misdemeanor DUI suspects should be cited and released upon their signed promise to appear. Absent exigent circumstances, DUI suspects will not be cited and released if one or more of the following exists:

1. A previous failure to appear charge;
2. A previous DUI arrest in the past 24 hours;
3. Refusal to be fingerprinted or photographed;
4. Inability to get a responsible person to pick them up;
5. They make statements that they will drive again if released; or
6. They are charged with a felony (may not be cited, must be long formed if released).

B.. Additional issues to consider when dealing with DUI charges and arrestees include:

- BAC Greater than .05 but less than .08 May charge with DUI A.R.S. §28-1381A1 if impaired to slightest degree. Consider using DRE if drugs are suspected, including lawfully prescribed or recommended (medical marijuana) drugs.

- BAC .25 or higher If booked, obtain a doctor's release prior to booking. If released, medical attention is the responsibility of the driver or the person accepting custody of the driver. Advise the responsible party of the suspect's condition and that medical attention should be obtained (document advice).

- Aggravated DUI

When charging with a felony DUI, do not cite the underlying misdemeanor DUI or civil traffic charges.

C.. The arrestee's vehicle will be impounded if required under A.R.S. §28-3511, another law, or department policy. If not required, officers may:

1. Release the suspect vehicle to a responsible party designated by owner/operator, if the:
 - a. responsible party has a valid license, and
 - b. vehicle has current registration and proof of financial responsibility, and
 - c. responsible party shows no signs of impairment; a preliminary breath testing (PBT) may be used if the responsible party consents.
2. Secure the suspect's vehicle if requested.
3. If no other disposition of the vehicle is appropriate, the vehicle may be towed.
4. Prior to towing, the vehicle's contents, including in the trunk, will be inventoried.

61.7.8 DUI Countermeasure Enforcement

The Department will utilize patrol personnel in impaired driver countermeasure and enforcement programs such as the following:

- A. Enforcement of impaired driver laws.
- B. Mobile surveillance of roadways where there has been a high incidence of DUI violations.
- C. The selective assignment of personnel at the time when, and to the locations where, analysis has shown that a significant number of DUI violations have occurred.
- D. Alcohol- and drug-related accident investigations.

61.8 Towing, Impounding And Inventory Of Vehicles

Any time an officer tows, impounds or otherwise stores a vehicle, the officer shall complete the necessary reports and notify the proper section (which may be Communications, Records or Evidence) of the action taken.

61.8.1 Vehicle Inventories

A. Officers shall inventory a vehicle when doing so is required by [G.O. 61.8.2](#). The purpose of a vehicle inventory is to protect the:

- a. Property in the vehicle,

- b. Department from claims of lost, damaged or stolen property, and
- c. Community from potential danger.

B. Officers shall inventory a vehicle at the scene from which the vehicle is being removed, unless it is unsafe or impractical to do the inventory at that time. If the vehicle is not inventoried at the scene the officer will inventory upon its arrival at the City Impound Lot. Officers must complete the Vehicle Inventory Form, describe the vehicle and list all items found within the passenger compartment and trunk, including items found in containers within the vehicle. Locked containers (including the trunk or glove compartment) shall be unlocked with keys. Entry should not be forced except with the approval of a supervisor.

C. Items with a value of less than \$200 may be left in a locked vehicle or in the vehicle's trunk. Items with a value of more than \$200, and jewelry, weapons, money, and items of personal property (wallets, purses, etc.) shall be impounded as either safekeeping or prisoner's property. Officers should note on the Vehicle Inventory Form the presence or absence of items such as stereos, speakers, video displays, and GPS devices that are often targeted for theft.

D. Items of evidence or contraband that are discovered during the inventory should be handled consistent with established evidence procedures.

E. Both a DR and a Vehicle Inventory Form will be completed each time a vehicle is inventoried.

61.8.2 Towing Vehicles; Required vehicle inventories

A. Officers may order a vehicle towed in a variety of different situations. The Department uses a list of authorized tow companies maintained in Communications to tow vehicles, unless the owner or driver of the vehicle expresses a preference for another tow company.

- 1) When a vehicle is towed for any reason, the officer shall include the name of the tow company and the storage location of the vehicle in the DR or other record of the tow.
- 2) The tow company should not be contacted until the vehicle is ready to be removed from the scene.
- 3) If a tow company is cancelled after being notified, that should also be included in the documentation regarding the incident.
- 4) Arizona law requires a tow truck driver who removes a vehicle from a collision scene to clean up any debris prior to leaving the scene; this requirement should be enforced.

C. Officers may tow a vehicle, and shall complete an inventory, as provided below:

1. An officer may have a vehicle towed from the scene of a collision when:
 - The owner or driver specifies a tow company to tow the vehicle. In this situation, the officer is not required to inventory the vehicle.
 - When the owner or driver of a vehicle involved in the collision requests the officer to summon a tow company to tow the vehicle and expresses no preference for a tow company. In this situation, the officer is required to inventory the vehicle.
2. When a person involved in a collision is no longer at the scene, and a vehicle cannot be moved safely off the roadway, the officer shall have the vehicle towed. In this situation, the officer is required to inventory the vehicle, if reasonable given the vehicle's condition.
3. An officer may tow a vehicle when it is illegally parked and is creating a hazard (for example, blocking a fire lane) or when it has been abandoned as defined in A.R.S. §28-4801. The vehicle must be inventoried if it is unlocked and neither the driver nor the owner is present. Locked vehicles shall be towed locked and need not be inventoried. The officer shall complete a parking citation and leave it inside the tow packet to be served to the owner upon releasing the vehicle.
4. An officer may tow a vehicle incident to an arrest of the driver of a vehicle. When a person is arrested, his/her vehicle may be:
 - a. Released to a third party named by the arrestee (if the third party can respond in a reasonable time); or
 - b. Secured at the scene (if the arrestee requests it be left at the scene, the vehicle can be secured and there is a legal place to park the vehicle);
 - c. Towed for storage, at the direction of the officer or the request of the arrestee; or
 - d. Impounded as evidence.

If the vehicle is towed for storage or impounded and is unlocked, it shall be inventoried.

5. If the vehicle is impounded as evidence or is processed for evidence (for example, a stolen recovered) before being released. If the vehicle itself is impounded as evidence, the procedures in the next section shall be followed.
6. If the vehicle is impounded under A.R.S. §28-3511. See [G.O. 61.8.4](#)

61.8.3 Impounding Vehicles as Evidence

A. Normally, a vehicle is only impounded when it is evidence, is an instrumentality of a crime, is fruit of a crime, is seized for forfeiture, or when required by statute. Other than vehicle

impoundments required by statute, a vehicle shall be impounded only with the approval of a supervisor.

B. Impounded vehicles, with the exception of those mandated by A.R.S. §28-3511, are to be stored at the Bisbee Police Department Impound Lot. A tow company will be used to tow the vehicle. In order to establish the chain of custody, the impounding officer shall accompany the wrecker to the impound lot and remain with the vehicle at all times until it is secured.

C. At the impound lot, the vehicle shall be parked in an appropriate space; its location shall be included in the DR. Unless the vehicle is subject to forensic analysis, the officer shall properly inventory the vehicle, complete the Vehicle Inventory Form, ensure the windows are rolled up (or adequately covered if that is not possible), and lock the doors if the keys are available. If the vehicle is subject to forensic analysis, any inventory should be coordinated with the personnel who will be doing that analysis.

D. When an evidence vehicle is cleared to be released from impound, the investigating officer shall complete a supplemental report, file it with Records.

61.8.4 Vehicle Impounds Under A.R.S. §28-3511

A. A.R.S. §28-3511 requires that law enforcement agencies impound vehicles when the:

1. Driver's driving privileges are suspended or revoked for any reason, except that the vehicle shall not be impounded if the person's privilege to drive is valid in this state;
2. Driver has never been issued a driving license in any jurisdiction;
3. Driver is subject to an ignition interlock device and is operating a vehicle without a functioning certified ignition interlock device;
4. Driver's driving privilege is canceled, suspended, or revoked for any reason, or the person has never been issued a driving license in any jurisdiction, and the person is not in compliance with financial responsibility requirements in Arizona, and the person is involved in an accident that results in property damage or injury or death of another person;
5. Driver is arrested for extreme DUI or Aggravated DUI or operating while under the age of 21 with spirituous liquor in the person's body, unless all the following apply:
 - a. The vehicle is currently registered and the driver or the vehicle is in compliance with financial responsibility requirements.
 - b. The spouse of the driver is with the driver at the time of the arrest.
 - c. The spouse notifies the officer that the spouse will drive the vehicle from the place of arrest to the driver's home or other place of safety.

- d. The officer has reasonable grounds to believe that the spouse has a valid driver license, is not impaired by intoxicating liquor, any drug, vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substance and, if under 21 years of age, does not have any spirituous liquor in the spouse's body.
6. A vehicle is displayed for sale or for transfer of ownership with a vehicle identification number that has been destroyed, removed, covered, altered, or defaced.
- B. These are required impounds; the officer has no discretion to decide not to impound.
 - C. These vehicles shall be inventoried prior to the tow company being called for the tow. Once inventoried, the tow company shall tow the vehicle to their lot.
 - D. The officer shall notify Communications and inform them of the impound. Communications shall enter information about the removal and impoundment of a vehicle into ACIC immediately after the impoundment. Records will send, by first class mail, notice of impoundment to all registered owners and lien holders of the vehicle. The officer who impounds the vehicle shall also provide written notice of the impoundment to the driver of the vehicle.

61.8.4.1 Hearings to contest impound

A person whose vehicle has been impounded may, under A.R.S. §28-3512, request a hearing to contest the impoundment of the vehicle. The Deputy Chief of Police shall handle post-impound hearings.

61.8.4.2 Release of vehicle

Companies that tow vehicles impounded under Title 28 must agree not to release the vehicle to the owner without receiving release paperwork issued by the Department. The company shall advise any person seeking release of their vehicle to contact the Department.

61.9 Stranded Motorists

- A. Unless responding to a crime in progress, a request for back-up or a similar situation, officers shall stop to render aid to motorists whose vehicles are disabled on the side of the roadway. When appropriate, officers should render first aid and/or call for medical assistance or obtain fire department assistance.
- B. Officers should offer to contact a private person of the motorist's choice to provide mechanical assistance or a towing service of the motorist's choice to render towing assistance to the motorist.
- C. If, due to either the time of day, the location of the vehicle, the temperature or any other circumstance, an officer believes the motorist may be in danger if left alone, the officer should

not leave the location until assistance has arrived or the motorist has been relocated to a safe location.

61.10 Roadway Hazards

A. Officers shall respond to any reported or on-sight observance of a roadway hazard that may affect traffic, including debris in the roadway, non-working traffic signals, damaged traffic control signs, parked vehicles obstructing or nearly obstructing roadways and similar hazards. Upon arrival, officers should resolve those hazards that they may safely resolve (removing material from the roadway, or towing disable vehicles, for example), or contact the appropriate agency to respond to resolve the hazard.

B. Officers shall remain at the scene of any such hazard to direct traffic until the matter has been resolved, or until otherwise directed by a supervisor.

C. Directing Traffic

1. Officers should, if available, respond to direct traffic at any incident that disrupts the normal flow of traffic, or when directed to do so by the on-duty supervisor. This includes critical incidents.
 - a. Employees that respond to fire scenes to assist with traffic control will coordinate their actions with the senior on-scene fire department official, or their designee.
2. When directing traffic or in the roadway controlling traffic, officers shall always wear either their reflective vests or their department issued yellow raincoats.
3. Officers may manually control traffic lights when special events or traffic accidents require them to alter the usual cycles in order to maintain a safe and efficient flow of traffic.
4. Officers should try to follow the normal traffic light progression when directing traffic at a malfunctioning traffic light.
5. When manually directing traffic, officers should use the following standard hand signals:
 - a. STOP – The officer should make eye contact with the driver, point at the driver, and then extend arm slightly above parallel with the ground with the hand raised.
 - b. TURN RIGHT – The officer should make eye contact with the driver, extend the officer's left arm to point at the driver, and move the officer's right arm to point where s/he wants the driver to go.
 - c. TURN LEFT – The officer should make eye contact with the driver, extend the officer's right arm to point at the driver, move the officer's right arm to point where s/he wants the driver to go, then use the left arm to motion the driver to turn.
 - d. GO – The officer should make eye contact with the driver, point at the driver, then motion where s/he wants the driver to go.
6. At night or when weather conditions reduce visibility, the officer should place flares to warn drivers of changing traffic conditions.

D. Traffic Direction and Control during Special Situations

1. During special events such as, but not limited to, parades, sporting events, major highway construction, and maintenance activities, Chief of Police or designee, shall establish a contingency plan for traffic direction and control. The plan shall address the following problems and circumstances:
 - a. Ingress and egress of vehicles and pedestrians.
 - b. Provisions for parking.
 - c. Spectator control.
 - d. Public transportation.
 - e. Provisions for news media.
 - f. Provisions for relief of officers assigned point control duties.
 - g. Alternate routes for through traffic.
 - h. Temporary traffic controls and parking prohibitions.
 - i. Emergency vehicle access.
 - j. Coordination and utilization of special operations personnel.
2. Temporary Traffic Control Devices
 - a. Normally, temporary traffic control devices will only be used with the approval of a supervisor for the control of traffic during special events or in the event of a traffic signal malfunction.
 - (1) Use traffic cones in the patrol vehicle or barricades and signs may be requested from the *[insert Department/company]*.
 - (2) If a situation causes a traffic problem or danger to the public, officers will take control of traffic until the necessary barricades are in place.
 - b. Officers conducting manual traffic control shall wear the Department issued traffic control vest or issued yellow raincoats.
3. Fire Scenes - Officers responding to the scene of a fire call will ensure observance of the following rules in regards to traffic control:
 - a. Non-emergency vehicles will not be allowed to enter into the area where fire apparatus are parked and operating.
 - b. No vehicles will be allowed to drive over any fire hoses.
 - c. Parked vehicles that interfere with fire operations may be towed as needed. When feasible, a reasonable attempt shall be made to contact the registered owner.
4. Adverse Road and Weather Conditions – During severe or adverse weather conditions, the on-duty supervisor will ensure that notification is made to any agency or group that may be affected by or needed to aide in the control of traffic or road conditions to prevent injury or damage from occurring.
 - a. The on-duty supervisor may contact the *[insert department/company]* or other support units to request assistance.
 - b. On-duty supervisors may close roads or streets, if the existing conditions pose a public safety hazard.

- (1) If the closing of streets may be for an extended period of time, the on-duty supervisor may request the news media to make a special announcement of the closing.
5. If a situation causes a traffic problem or danger to the public, officers will take control of traffic until the necessary barricades are in place.
6. Any problems or incidents that occur shall be documented in writing.

61.11 Directed Traffic Enforcement

A. Traffic Enforcement is the responsibility of all uniformed officers, not just those assigned to the Traffic Unit.

B. The Deputy Chief of Police shall review traffic accidents, traffic enforcement reports, and comparison of available collision data and enforcement activities data and then implement the appropriate directed enforcement response based upon the compilation and review of that information. The response may take the form of:

1. A directed patrol specifically assigning personnel to conduct enforcement activities at a specific place and time, based on an analysis of traffic accident experience, and analysis of traffic related reports or community complaints.
2. Assignment of one or more Department members to conduct enforcement activities exclusively for a particular type of violation.
3. Distribution of information to personnel that directs their attention or increases emphasis upon a specific type of violation and/or particular place and time range.
4. The use of certain types of equipment during directed enforcement activities. Such equipment may include the use of radar, unmarked vehicles, or other equipment.
5. Assigned personnel may be deployed to areas having the greatest concentration of accidents and calls for traffic services, and at the times experience has shown these occur.

The purpose of these assignments is to take and enforce action against those violations determined to cause accidents and should involve countermeasures ascertained to be the most effective for the specific enforcement problems involved.

C. Officers will use their discretion when minor violations have occurred involving a school bus with children on board. The officer will obtain the number of the school bus and contact their supervisor on how to proceed.

D. The, *[insert assigned classification]* will conduct an annual evaluation of the directed enforcement programs to ascertain the effectiveness of directed enforcement efforts.

61.12 Parking Enforcement

Department personnel will take action on unsafe parking violations observed and on citizen complaints concerning parking violations, when feasible. Enforcement action will be in compliance with Arizona Revised Statutes and City Ordinances.

61.13 Escorts

- A. Employees will only provide an emergency escort service after receiving authorization from a supervisor. Regular and routine escorts shall only be authorized by the Chief of Police, or the Chief's designee. Officers may be provided as an escort for the following situations, at the Chief's discretion:
 - a. Public officials
 - b. Dignitaries
 - c. Emergency Vehicles
 - d. Funerals
 - e. Oversize vehicles
 - f. Hazardous or unusual cargo
 - g. Parades
 - h. Other special events as determined by the Chief of Police, or the Chief's designee.
2. Officers will not provide an escort for civilian vehicles during medical emergencies except in the most dire of situations, and with the approval of a supervisor.

Chapters 62 – 69 [Reserved].

CHAPTER 70 DETAINEE TRANSPORTATION

A. At the beginning of the shift, an officer shall examine any vehicle assigned to the officer to ensure it is free from contraband and weapons. If an officer is using a vehicle for transport that is not assigned to the officer, the vehicle shall be searched prior to transport. Every vehicle shall be searched after a prisoner transport to determine if weapons or contraband were placed there by the prisoner during transport. A prisoner shall not be placed in a police vehicle until the prisoner and the vehicle have been searched. The search of the prisoner shall be thorough. If necessary, another officer of the same gender as the prisoner, or if none is available another officer who may stand by as a witness, shall be called prior to searching a prisoner of the opposite gender.

B. All possessions shall be removed from the prisoner, searched for weapons, evidence and contraband, and placed in the trunk of the patrol vehicle.

C. In patrol vehicles, prisoners will be placed in the right rear passenger seat of a caged unit when being transported by only one officer. If a prisoner is being transported by two officers in a caged unit, the second officer shall be seated in the front passenger seat and the prisoner shall be placed behind the driver to enable the second officer passenger to easily monitor the prisoner. When a single officer is transporting two prisoners, a caged patrol vehicle shall be used with the prisoners located in the rear of the transport unit. For uncaged investigations vehicles, two detectives will be located in the front seat with the suspect seat belted into the right side of the rear passenger compartment. Officers shall not ride in the rear compartment or the cage of a transport vehicle with a prisoner. The prisoner will be handcuffed with hands behind his/her back during transport unless the officer determines that other restraint or no restraint is necessary. For transport to a detention facility, a caged transport unit shall be used and the prisoner shall be seat belted during transport. Officers may use approved alternative means of restraint, such as leg restraint straps, when necessary (e.g., under the influence of alcohol or drugs; illness; disruptive behavior).

D. Any vehicle used primarily for transporting prisoners, including caged prisoner transport vans, must have the driver separated from the prisoner by a safety barrier. Whenever possible, prisoners should be transported to the police station in transport vehicles or using a patrol vehicle or prisoner transport van. These vehicles have cages, power deactivated to the door and window locks, and other modification to keep the prisoner safe and prevent escape. When transporting a prisoner to the jail or juvenile detention facility, a caged patrol car or caged prisoner transport van shall be used.

E. Officers shall keep all weapons guarded and seat the prisoner to allow the officer to monitor the prisoner's activities during transport. The prisoner shall not be allowed to make telephone calls or otherwise communicate with anyone except officers during transport.

F. Officers should not stop to engage in other law enforcement activities when transporting a prisoner unless the risk to third parties is clear and the risk to the prisoner is minimal. Instead the officer shall notify Communications of any on-sight activity observed by the officer during transport.

G. Upon arrival at their destination, officers shall follow security protocols established by the facility (such as securing a firearm, removal of restraints, etc.), complete and deliver all required paperwork and notify detention staff or the receiving personnel of any special circumstances (medical conditions, suicidal, security hazards, escape risk, etc.) related to the prisoner. The Booking Officer will review the booking paperwork, if the paperwork is acceptable the Booking Officer will accept custody of the prisoner and the paperwork, and then the release the officer from the detention area.

H. If the escape of a prisoner occurs, the transporting officer shall notify the Communications immediately and advise of last known direction, identification, and description of the escapee and whether or not the escapee is armed. The shift supervisor shall be notified of the situation and a search of the area shall be initiated. After notification has been made, the on-duty supervisor may request other resources or agencies. If the escape occurs in another jurisdiction, Communications shall contact the other agency to seek their assistance. The officer's supervisor shall be responsible for reviewing the officer's report detailing the circumstances surrounding the escape, and if appropriate, recommending measures to prevent reoccurrence.

I. When transporting prisoners to court, it shall be the transporting officer's responsibility to escort and maintain close proximity with the prisoner(s) unless ordered otherwise by the judge. In any case, the transporting officer shall maintain visual contact with the prisoner(s). The transporting officer shall notify the judge and the on-duty supervisor, in advance, if the prisoner is considered to be a security risk. The judge and the on-duty supervisor may then direct the use of additional restraining devices and/or request additional officers.

CHAPTER 71 PROCESSING AND TEMPORARY DETENTION

71.1 Injury to Prisoners

A. If a prisoner is or appears to be sick or injured, complains of illness or injury, or has a pre-existing medical illness or injury that requires medical attention, the officer shall obtain any necessary medical attention for the prisoner. Special attention should be paid to:

Pregnant women: unless required by statute, pregnant women shall not be booked on misdemeanor charges unless approved by a supervisor.

Diabetics: when their diabetes is not under control, a diabetic person may behave in a manner that would make them appear to be intoxicated. If there is any reason to believe that the person to be booked is having a diabetes related issue, medical assistance should be provided.

Mentally ill persons: if a prisoner appears to be suffering from mental illness, the officer should consider the need for voluntary or involuntary commitment, under the procedures in [G.O. 41.11.3](#).

B. Officers shall advise responding paramedics or hospital staff of their observations of the subject's condition (loss of consciousness, vomiting, etc.) and of any physical activity (fight, use of force, etc.) that the officer observed the individual participating in. Officers shall document the situation fully in a DR, detailing the circumstances surrounding the need for and provision of medical care. Photographs of injuries shall be taken when appropriate to do so.

C. Prisoners who are transported to a hospital shall be under guard during transport and at the hospital, until either cited and released or booked into jail.

D. When hospital staff admits the prisoner, the officer shall contact a supervisor to determine whether the prisoner is to be cited and released, released pending a long-form complaint, or maintained in custody. If possible, those charged with misdemeanors who are to be hospitalized will be released. The guarding of a misdemeanor offender will be performed only in exceptional cases and only with the approval of a supervisor.

E. Any individual arrested for a felony who is admitted to a hospital shall be guarded on a twenty-four (24) hour basis until booking can be completed. If the person is not kept under guard, then the person shall not be arrested. Instead, the incident followed up by the case officer at a later time and then forwarded to the County Attorney for review. Prisoners under guard will be restrained using a method that prevents escape, provides safety for personnel, and does not hinder medical care. Immediate family will generally be allowed supervised visitation. Visitors will be frisked for weapons or contraband and will not be permitted to carry personal items.

a. The prisoner's attorney will be allowed to visit a client after verification that the person is in fact the prisoner's attorney. The attorney shall also be frisked for weapons, but shall be

permitted to communicate privately with the prisoner. The officer is required to maintain a visual presence during the visit.

F. Prisoners who are treated and released shall be transported to jail and booked. The usual requirements for transporting prisoners may need to be modified to accommodate the prisoner's physical condition. When the prisoner is booked, officers will verbally advise the booking staff at the jail of the treatment received and any medications or instructions provided, and shall provide the medical release. This communication shall be documented in the DR.

G. Officers shall not sign any forms accepting financial responsibility for the medical treatment of prisoners.

71.2 Restraining Prisoners

All persons arrested for felony offenses, and those prisoners who are belligerent or combative, who are verbally abusive or otherwise likely to become combative, or who appear likely to cause injury to themselves or others, or whom the officer feels it is necessary to restrain, shall be handcuffed at the time of arrest and remain handcuffed until confined in jail. Officers should not handcuff or restrain disabled, sick or injured prisoners unless the circumstances dictate otherwise.

Officers must be aware of and comply with the rules regarding detention of juveniles (see [G.O. 44.2](#)).

Those juveniles secured for prisoner processing shall either be held in a detention cell or secured to a stationary item, such as a handcuff ring, that is expressly designed for secure detention. Officers shall maintain constant supervision of prisoners detained in the facility until the prisoners are booked and turned over to detention staff. Until the prisoner is turned over to detention staff, the officer is responsible for the prisoner being processed, searched and detained. After the prisoner is turned over, these things become the responsibility of the detention officer accepting the prisoner.

Officers transporting prisoners to jail, to a juvenile detention facility or to another agency shall take with them all the appropriate documentation.

71.3 County Jail Booking Procedures

A. Misdemeanor arrests (other than arrests based on warrants) require as part of the booking process the completion of a Release Questionnaire (Form 4). This form, issued by the Arizona Supreme Court, is designed to provide the arraignment judge with sufficient information to determine whether to release the arrestee and, if so, under what conditions.

B. Similarly, all initial felony arrests and confirmed out of state felony warrants require as part of the booking process the completion of a Felony Interim Complaint, which also includes Form 4.

C. Suspects who are booked for felonies should not receive citations for lesser included civil or misdemeanor charges (charges that are a part of the same conduct involved in the felony). Those offenses should be clearly documented in the MOR and will be charged by the County Attorney's Office. Misdemeanor charges that are not a part of the felony charge may be cited under a separate DR and MOR.

D. By statute, all persons arrested for felonies are required to be fingerprinted at the time of arrest. In addition, DNA must be collected from all adults arrested for any offense in Title 13, Chapter 11 of Arizona Revised Statutes (homicide), or a violation of section §§13-1402, 13-1403, 13-1404, 13-1405, 13-1406, 13-1410, 13-1411, 13-1417, 13-1507, 13-1508, 13-3208, 13-3214, 13-3555 or 13-3608 or a violation of any serious offense as defined in A.R.S. §13-706 that is a dangerous offense. This process is completed by the Jail Staff.

E. In addition, Arizona law requires that all persons who are booked must be asked their country of origin. If the person is not a citizen of the United States, that information is to be provided to the court on Form 4 and the officer must comply with consular notification requirements (see [G.O. 1.6.7](#)). If a prisoner is in possession of an animal at the time of arrest the officer will ask the prisoner if there is anyone who can take custody of the animal. If none, the animal will be placed into the animal shelter. Regardless of where the animal is placed the DR/MOR should note it. If an animal is taken to the shelter the officer will advise shelter personnel all information available about the animal and who the owner is. If after hours the officer will leave the information attached to the kennel the animal is placed in to include DR number, owner name, officer name, date, time, and location of arrest.

Smoking is not permitted at the Cochise County Detention Facility, as such; smoking related materials (cigarettes, lighters, matches) are not permitted as part of prisoner property. Large items will not be accepted as part of prisoner property. All items not accepted as prisoner property will be placed into safekeeping and all appropriate paperwork will be attached to the DR/MOR.

71.4 Special transport situations

Because the Department does not have a jail, it should not be necessary for officers to transport a prisoner to a funeral, to visit a critically ill person, to the reading of a will or to any other special situation. No such transports shall be made unless prior approval is received from the Chief of Police.

CHAPTER 72 and 73 [reserved].

CHAPTER 74 LEGAL PROCESS

74.1 Enforcement of Court Orders

A. Municipal police officers generally do not have the authority to enforce civil court orders other than those related to domestic violence, harassment and, in certain limited circumstances, child custody. Other civil court orders, such as judgments for damages, or eviction orders, may only be enforced by constables or deputy sheriffs. Any questions related to court orders should be clarified by a supervisor.

B. The Department is mandated by law to serve orders of protection issued by a municipal court if the order can be served within the city limits and, by policy, serves injunctions prohibiting harassment upon the request of the Plaintiff. The Department also serves subpoenas when requested by the Court or the County/City Attorney's Office.

C. If orders or other court paperwork is served on the Department, the following information will be recorded by the Communications Officer receiving the paperwork.

1. Date and time received;
2. Type of process, civil or criminal;
3. Nature of the document;
4. Source of the document;
5. Name of plaintiff/complainant and/or name of defendant/respondent;
6. Court docket number.

D. The Communications Officer will advise the area officer of the order. If the order is not, or cannot be served within the officer's tour of duty, the oncoming shift will be notified. Orders or Subpoenas not served will be placed into the file in dispatch for Orders or Subpoenas.

F. Upon service of the Order or Subpoenas the Records Section shall send the Certificate of Service completed by the officer, along with any attached forms, back to the originating court. If the officer is unable to complete the service, the officer will note in an appropriate space on the Certificate of Service the dates of attempts and the reason for non-service. The Certificate of Service should contain (at a minimum) the following information:

1. Date/time of service was executed/attempted.
2. Name of Officers(s) executing/attempting service.
3. Name of person on whom legal process was served.
4. Method of service/reason for non-service.
5. Address of service/attempt.

74.2 Injunctions Against Harassment

- A. A person may request the court to issue an Injunction Against Harassment whenever the person believes they are being subjected to harassment. Generally, such orders are issued when one person is seriously alarming, annoying or harassing another person, but the people are not involved in a domestic relationship (neighbors or former business associates, for example).
- B. When it issues an Injunction Against Harassment, the court may order a person not to commit harassment, order a person not to contact another person or go to a specific place, and may enter other orders that the court believes are necessary.
- C. A copy of the order is presumed to be a valid existing order of the court for one year from the date of service on the defendant.
- D. A person who violates an Injunction Against Harassment may be subject to arrest for violating A.R.S. §13-2810, "Interfering with Judicial Proceedings." A person who has violated an injunction against harassment should, in most circumstances, be physically arrested and booked. If an officer believes that the immediate arrest of a violator should not occur due to unusual extenuating circumstances, the officer must first receive the approval of a supervisor.

74.3 Orders of Protection

- A. An Order of Protection is a court order issued for the purpose of restraining/prohibiting a person from committing an act of domestic violence. A copy of the order is presumed to be a valid existing order of the court for one year from the date of service on the defendant.
- B. An Order of Protection may:
1. Order a person not to commit acts of domestic violence;
 2. Grant one person exclusive possession and use of a shared residence or a pet;
 3. Grant one person custody of a child or children;
 4. Order a person not to go to a specific place;
 5. Order a person not to contact a specific person or persons;
 6. Order a person not to possess or purchase a firearm (and to surrender all firearms to the local police department);
 7. Include other orders that the court believes are necessary.
- C. If exclusive use of a residence is provided in the order, the order may also permit the excluded person to retrieve belongings, if accompanied by a law enforcement officer.
- D. In situations where an officer is the first to inform a defendant of the existence of an Order of Protection, and the plaintiff has a copy of the order that an officer can use to serve the defendant, the officer shall serve the defendant giving a copy of the order to the defendant. The officer shall

then advise the violator that he or she has been served with an Order of Protection, and any continued violation of the order shall be treated as a violation of A.R.S. §13-2810, "Interfering With Judicial Proceedings" and the violator will be arrested. Whenever an officer serves an Order of Protection on a defendant, the officer must complete an Affidavit of Service and route it to the appropriate court.

E. A person who violates an Order of Protection may be subject to arrest for violating A.R.S. §13-2810. A person who has violated an order of protection should, in most circumstances, be physically arrested and booked. If an officer believes that the immediate arrest of a violator should not occur due to unusual extenuating circumstances, the officer must first receive the approval of a supervisor.

74.4 Out-of-State Orders of Protection

A. Under Arizona law, an officer may presume the validity of any court order issued by another state, tribe, or U.S. Territory that is related to domestic or family violence. Such orders are, by law, to be enforced as if issued in Arizona. An order is "related to domestic or family violence" if it is an injunction or other order and was issued to prevent violent or threatening acts, or harassment against, contact, or communication with or physical proximity to another person. An officer may also rely on the statement of the person protected by the order that the order is currently in effect.

B. An officer who acts in good faith reliance on a protection order is not civilly or criminally liable for enforcing the protection order pursuant to this section.

74.5 Emergency Orders of Protection

A. The Emergency Order of Protection is a court order that is obtained telephonically from a judge by a police officer. An emergency order of protection may provide many of the same protections as provided by an Order of Protection. An Emergency Order of Protection is to be issued in situations where a person is in immediate and present danger of domestic violence, based on an allegation of a recent incident of actual domestic violence, and the courts are closed (nights, weekends and holidays). An emergency order expires at the end of the next day that the court is open, unless extended by the court.

B. Once served, the Emergency Order of Protection has the same force in law as a regular Order of Protection.

C. A person who violates an Emergency Order of Protection may be subject to arrest for violating A.R.S. §13-2810.

74.5.1 Procedure for Obtaining an Emergency Order of Protection

A. If a victim so desires, and an officer has reasonable grounds to believe that the victim is in immediate and present danger of domestic violence based on the allegation of a recent incident

of actual domestic violence, then the officer should draft an emergency order, including the grounds for the order and the provisions that are requested, and shall then contact an available judge. The officer should advise the judge of the grounds for the order. If the judge issues the order, the officer shall write the order, sign it on behalf of the judge and provide a copy to the protected party.

B. Any Emergency Order of Protection is required to be served in order to be effective, but service may be done in person or verbally by the officer. The officer shall document the service of the order and verbally notify the Sheriff's Department of the issuance and service of the order as soon as possible.

C. The original of an emergency order shall be filed with the court as soon as practicable after it has been issued. A notice of service shall also be filed with the court.

D. If an officer obtaining an Emergency Order of Protection cannot make service on the defendant, the officer shall give the protected party all copies of the order. Should the defendant return to contact the victim and another officer is called, that officer will then complete service on the defendant.

74.6 Preliminary Injunction (Divorce Cases)

A. A Preliminary Injunction issued pursuant to dissolution of marriage (divorce) or legal separation is a court order that, similar to an Order of Protection, may subject the person violating it to arrest for violating A.R.S. §13-2810, "Interfering with Judicial Proceedings."

B. A Preliminary Injunction is generally issued at the outset of an action for divorce, legal separation or annulment, usually applies to both parties, and states that the parties are prohibited from:

1. Transferring, encumbering, concealing, selling, or otherwise disposing of any joint, common or community property of the parties except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the court;
2. Molesting, harassing, disturbing the peace of, or committing an assault or battery on the other party or any natural or adopted child of the parties;
3. Removing any natural or adopted child of the parties then residing in Arizona from the jurisdiction of the court without the prior written consent of the parties or the permission of the court;
4. Removing the other party or the children of the parties from an existing insurance coverage or cancelling insurance coverage.

C. In addition, exclusive use of the residence may be ordered and the order may include other relief the court believes is appropriate.

D. A person who violates a Preliminary Injunction may be subject to arrest for violating A.R.S. §13-2810.

Chapters 75-80 [Reserved].

CHAPTER 81 COMMUNICATIONS

81.1 Radio Operational Guidelines

The Department owns or has consent to use F.C.C. licenses for every one of its radio channels. Therefore, all radio operations shall be conducted in accordance with Federal Communications Commission procedures and requirements, including:

- The radio is to be used for official police business only;
- All communications shall be restricted to the minimum practicable transmission time, and transmissions are to be brief and to the point;
- Pronounce words distinctly;
- Use radio codes normally;
- Be impersonal;
- Voice and data radio discipline shall be maintained;
- No one shall make any unidentified transmission;
- No one shall use profane, indecent or obscene language;
- Employees shall abide by established procedures;
- Courtesy shall be the norm.

81.1.1 Radio Designators

A. Employees using a Department radio shall identify themselves through the use of a designator. Designators shall be created to reflect the specific assignment of the individual wherever possible. Designators will also be used as specific unit identifiers for computer-aided dispatching.

B. Designators shall be as follows:

- Administration designator will be “Adam” followed by a number between 10 and 19.
- Sergeant’s designator will be “Sam” followed by a number between 20 and 29.
- Detective’s designator will be “David” followed by a number between 30 and 39.
- Officer’s designator will be “Paul” followed by a number between 40 and 59.
- Animal Control will be K-91
- Records and Communications Officers designators will be “B” followed by a number between 90 and 99.
- Police Explorers designator will be “Edward” followed by a number between 70 and 89

C. Officers who are on duty shall notify the dispatcher as soon as possible upon becoming available for radio traffic or undertaking duties in the field and shall also notify dispatch at the conclusion of the shift.

D. Officers who are working off-duty as police officers shall notify the dispatcher prior to the start of their shift via radio or computer of their location and their designator. Officers shall also notify dispatch at the conclusion of the shift.

E. The radio system is a multichannel mobile and portable system capable of two-way operation on various public safety frequencies as explained in the Communications Section Manual.

81.1.2 Communication Codes

A. Radio Codes are as follows:

Employees will use plain talk (no ten Codes).

B. The phonetic alphabet is as follows:

A- ADAM	H-HENRY	O-OCEAN	V-VICTOR
B- BOY	I-IDA	P-PAUL	W-WILLIAM
C- CHARLIE	J-JOHN	Q-QUEEN	X-XRAY
D- DAVID	K-KING	R-ROBERT	Y-YOUNG
E- EDWARD	L-LINCOLN	S-SAM	Z-ZEBRA
F- FRANK	M-MARY	T-TOM	
G- GEORGE	N-NORA	U-UNION	

81.1.3 Multi-agency communication

Officers can communicate with other City agencies and with many other area agencies by use of CMA-2 (Cochise County Mutual Aid, this channel will also be used in the event an officer is outside the radio range of the channel 1 Bisbee P25 channel.

81.2 Communications Section

A. The Communications Section operates 24 hours a day, 365 days a year. It handles the Department's 24 hour telephone service, receives all 911 calls made or transferred to the agency, answers the non-emergency contact number of (520) 432-2261 and using two-way radio

communication dispatches officers to respond to those calls, as necessary. To facilitate citizen access, the Department provides a 24-hour, toll-free voice and TTY/TDD telephone access.

B. Telephone calls are to be answered courteously and as quickly as resources permit, with 911 calls having the priority. The call taker should quickly gather the essential information from the caller and dispatch the call in accordance with Department priorities, provide the caller with the information requested, or provide the caller a referral to another agency.

C. The Communications Section operates in accordance with the Communications Section Procedures Manual, which shall be maintained and kept up to date by the Communications Supervisor. Among other things, the manual shall specify how Communications personnel are able to have immediate access to the following departmental resources:

- Officer in charge;
- Duty roster of all personnel;
- Residential/cell telephone number of every agency member;
- Visual maps detailing the agency's service area;
- Officer status indicators;
- Written procedures and telephone numbers for procuring emergency and necessary external services to the agency; and
- Tactical dispatching plans.

D. Services to victims and witnesses are of the utmost importance. Communications personnel will refer requests by victims/witnesses for information or services to the Cochise County Attorney's Office or to other community agencies.

E. Communications personnel shall immediately relay information from misdirected emergency calls for service to the appropriate agency, either through direct lines for 9-1-1 calls or by directly calling the appropriate agency when the calls are received other than on the 9-1-1 system.

F. Alarms

1. Police Response to Alarms

a. Burglar Alarms - A silent or audible alarm that has been activated by an unknown source.

(1) Upon receipt of a burglar alarm call from either a citizen or an alarm monitoring company, Communications personnel shall ascertain the following information:

(a) Location and, if applicable, name of business.

(b) Type of alarm: audible, silent, business, or residential.

- (c) Location of activation: front door, rear window, etc.
 - (d) Suspect and/or suspect vehicle information, if available - to include direction of travel.
 - (e) Responsible party information.
 - (f) Complainant's name, address, and call back number.
- (2) Two (2) officers will be dispatched on all burglar alarm calls unless otherwise directed by an on-duty patrol supervisor. For officer safety reasons, officers may not cancel from an alarm call until at least one unit is on scene and has advised that the scene is secure.
- (3) Officers responding to burglar alarm calls shall treat each call as a potential burglary in progress.
- b. Panic Alarms - A silent alarm device designed to be activated by a person as a means of alerting authorities that an emergency situation exists.
- (1) Upon receipt of a panic alarm call from an alarm monitoring company, Communications personnel shall obtain the following information:
- (a) Location and, if applicable, name of business.
 - (b) Any known information regarding occupants of residence or business, i.e., health problems.
 - (c) Responsible party information.
 - (d) Complainant's name, address, and call back number.
- (2) Two (2) officers will be dispatched on all panic alarm calls.
- (3) Officers responding to panic alarm calls shall handle each call of this type as an unknown trouble call and will exercise every precaution when investigating the incident.
- c. Hold-up Alarms - A device designed for the detection of a robbery or commission of an unlawful act that has been intentionally activated by a person. Two officers will be immediately dispatched and the call will be handled as a crime in progress call.
- G. First aid or emergency first aid will not be provided by Communications personnel, who shall instead immediately transfer and/or connect the person with the Fire Department. Personnel shall stay on the line to make sure the Fire Department is connected to the person and the emergency nature of the call is communicated.

81.2.1 Computer Aided Dispatch (CAD)

CAD is used to manage the activities of field units and for obtaining and recording relevant information regarding police services, including both dispatched and self-initiated activity. The system records the following information, either automatically or as entered: report number; date and time of request; complainant's name and address; type of incident; location; identification of officers/personnel dispatched, including who is primary; time of dispatch, arrival and return to service; disposition code; and out-of service status. In addition, the CAD system is linked up to several local, state, regional, and federal databases, primarily through the Arizona Criminal Justice Information System. Usage of the ACJIS system, available databases, and the procedures governing its use are specified in the Communications manual.

Computer aided dispatch also permits officers to run their own basic information requests (licenses, plates, warrants, etc.).

81.2.2 Dispatch guidelines; Call priority system

A. The Chief shall establish a call priority system. The dispatcher assigns priorities to calls for service based on established guidelines, as follows:

Priority 1 Examples:

- When a subject is hitting, beating, striking or harming in any physical manner the other subject.
- When any weapon or item is being used that could cause injury or death.
- When one party is trying to break in through a window or a door.

Priority 2 Examples:

- Verbal argument, no physical altercation has occurred, or the subject or victim has left.
- Motor vehicle accident with no injuries and no exigent circumstances.

Priority 3 Examples:

- An after the fact report call.
- Report of an abandoned vehicle.
- Theft from a vehicle, unknown when occurred, and no suspect information.
- Reports of lost property.

B. The priority of a call, the size and scope of the incident, officer safety and the number of officers available for response shall determine the number of officers and supervisors initially assigned to a call. Officers or supervisors may request additional or fewer personnel as appropriate.

C. All employees who are provided with a radio and/or mobile tactical computer shall continuously monitor the assigned equipment while on duty for transmissions, even when out of the assigned vehicle, and shall respond promptly.

D. Communications should be notified in advance for any pre-planned event that may impact dispatch personnel (search warrant service, demonstrations, parades, etc.).

81.2.3 Communications during Response to a Call for Service

A. The dispatcher should be advised if an employee observes on-sight activity that requires immediate attention. Depending on the priority of the original call, the employee will either request the dispatch of another unit to the original call or to the on-sight activity.

B. Employees may request other resources or back-up when necessary. Patrol supervisors shall monitor the radio and may cancel or delay calls or call response as necessary. If a call is cancelled or delayed, the supervisor must advise the complainant of the delay or cancellation.

81.2.4 Recording and Playback

Records personnel have the capability of obtaining playback of recorded telephone and radio conversations. These recordings:

- A. Will be retained for a minimum period of thirty days;
- B. Will be securely stored and handled according to the Communications manual; and
- C. May only be reviewed when authorized and done in accordance with Communications manual guidelines.

Communications personnel have the capability of playing back the last four radio transmissions and the most recent 911 calls.

81.2.5 Emergency Messages

A. The acceptance and delivery of emergency messages is an important and legitimate law enforcement function. The level of service we provide to citizens will directly impact the Department's reputation within the community. For example, acceptance and delivery of a message at an accident scene can leave a lasting impression on the involved parties and, in the case of delivering a message to a citizen's employer, may even save a person's job. In deciding which messages should be accepted and delivered, employees should consider that the primary mission is public service and, as such, such requests should be refused only due to extreme workload. Even in those cases, employees should make every effort to complete the citizen's request or assist the citizen by transporting them to a telephone or driving to a residence to deliver a message to someone that does not have a telephone.

B. Delivery of messages regarding seriously injured, ill, or deceased persons will be accomplished in accordance with [G.O. 41.4](#).

C. Communications personnel and/or the on duty supervisor shall determine, on a case- by-case basis, the appropriate response to other requests of an "emergency" nature.

81.3 Emergency Communications Operations

In case of a failure of the Communications system, employees shall:

Contact all on duty personnel and advised them to operate via the Bisbee Fire 1 radio frequency if it is still functioning. If Bisbee Fire 1 is not operational officers would switch to TAC. In the event all radios go down dispatch would contact Cochise County Sheriff's Department and request assistance. Officers would then switch to CCSO1 and Bisbee Fire Personnel would be advised to switch to CMA2.

The 911 system would automatically transfer all calls to CCSO

81.4 Alternative Methods of Communication

All Bisbee Police Officers are issued cell phones, in the event of a radio failure cell phones would be used as an alternative means of communication.

81.5 Communications Center Facilities and Equipment

A. Security.

The Communications Center shall have security measures in place to:

1. limit access to the communications center to authorized personnel;
2. protect equipment;
3. provide for back-up resources; and
4. provide security for transmission lines, antennas, and power sources.

B. Alternative Power Source

The Communications Center has a generator to provide electrical power sufficient to ensure continued operation of the center in the event of the loss of power.

CHAPTER 82 CENTRAL RECORDS

82.1 General

A. The Records Section is responsible for the maintenance of all completed original Department Reports (DR) and Major Offence Report (MOR) and other departmental records. The records are kept in accordance with national and state requirements for privacy and security in criminal history records information. In accordance with those requirements, access to the records room where the records are kept is limited and tracked. After normal business hours, sworn supervisors have access to the room for operational needs. Most records are kept online where various security features limit access. The records are subject to release in accordance with the Arizona Public Records Act. Records are maintained in compliance with the Retention Schedules for record retention issued by the Arizona State Archivist and records are destroyed as required by Department policy.

B. The Records Section is also responsible for submitting required information about crime data to the Arizona Department of Public Safety (DPS) and Federal Bureau of Investigation (FBI) as part of the Uniform Crime Reporting System (UCR).

C. The Records Section operates in accordance with the Records Section Procedures Manual, which shall be maintained and kept up to date by the employee in charge of the records section.

D. Each call for service that results in a DR, traffic collision report or miscellaneous report is assigned a unique report number that corresponds to the call number. The number format is the same for all types of reports. All DR numbers will begin with the letter B. The next two digits will be the year, followed by the four digit incident identification number. Example B(year)-(0000). All reports related to this incident shall reflect the report number. The original reports are indexed into the records management system and tracked according to procedures established in the Section Manual. Reports shall be tracked so that it is apparent when a report is missing and/or overdue as proscribed by patrol procedures. Records shall advise sergeants of any missing/overdue reports from assigned personnel.

E. The records management system includes:

- An alphabetical master name index as a cross reference to all documents in which a person is named; and
- A traffic records sub-system, which includes, among other things, traffic collision data, traffic enforcement data, and roadway hazard information.

F. Security for the records management system includes:

1. Data back-up;
2. Storage; and

3. Access security.

82.2 Release of Police Reports and other Records

A. Requests from all persons for copies of police reports and other departmental records shall be directed to the Records section. Copies of records will be released pursuant to this policy and will be routinely made available, as required by State law:

- Pursuant to requests under the Public Records Act;
- To the City Attorney;
- To insurance companies and financial institutions for purposes of property damage/loss;
- In cases such as burglaries, larcenies, arson and criminal damage;
- To accident and crime victims and their attorneys;
- To defendants in criminal cases and their attorneys;
- To prosecutors;
- To officers who have authored the report, who are involved in follow-up investigations or demonstrate other legitimate need for the report;
- In response to court orders and properly issued subpoenas.

B. Employees must guard against the inadvertent release of police reports and other documents containing sensitive, confidential, or private information. When no longer needed by an employee, copies of these documents (not including the original) shall be discarded by shredding or other appropriate method.

C. Reports involving juveniles shall be maintained within the Department's files. Court ordered expungements will be complied with by Records. State statutory law does not provide any special confidentiality for juvenile records nor does it provide for the destruction of juvenile records upon the juvenile reaching the age of 18 in the absence of a court order.

82.3 Public Records Requests

A. The Arizona Public Records Act, A.R.S. Title 39, Chapter 1, promotes prompt public access to government records in order to ensure government accountability. Public records include most records kept in the ordinary course of business, and may include written documents (police reports, accident reports, etc.) as well as audio and video recordings, photographs, and computer records, and similar material. It may also include text messages, computer browsing history, and other documentation of the performance of duties. Consult with the City Attorney when public records are requested.

B. This sub-section, G.O.82.3, addresses only records requested for a non-commercial purpose under Arizona's Public Records law and does not concern information requested for a

commercial purposed, pursuant to a lawfully issued subpoena, court order or other legal process, or to records routinely released to other criminal justice agencies, including prosecutorial agencies. Requests for records created by another agency, copies of which may appear in the department's files, should be referred to that agency for response.

C. Public records requests must reasonably identify a record that exists or is being produced with enough specificity to allow the department to identify the record with a reasonable amount of effort. The department is not required to create a record in order to comply with a public records request.

D. The department may request, but not require, that the public records request be provided in writing and may request the reason for the request. While the law weighs heavily in favor of releasing public records, it also requires balancing the confidentiality, privacy and best interests of the government. Obtaining the reason for the request assists in balancing these interests.

E. Employees will redact (remove) from a public record prior to its release any information that is protected by statute or by a recognized, common-law rule. Consult with the City Attorney regarding these redactions. Examples of information that must not be disclosed includes, but it not limited to:

1. Victim information protected by law. The following information shall be removed from all publicly accessible records (other than from certain traffic accident reports as provided in A.R.S. §28-667) pertaining to a criminal case involving a victim unless the victim consents in writing to its release:

- Victim's address, unless it is the location at which the reported crime occurred;
- Victim's telephone numbers;
- Victim's place of employment or other locating information, except by consent of the victim or court order;
- Victim's date of birth;

2. Confidential information. This includes information considered confidential for legal reasons, including but not limited to:

- Information contained in search warrants and court orders for identification before these documents are returned to the court;
- Information from search warrants and court orders for identification that are sealed by the court;
- Identification of confidential information sources;
- Identification of undercover officers and investigative techniques;
- Disclosure of information that would tend to identify confidential informants or undercover persons, or operations these persons are involved in, or undercover operations;

- Addresses and other personal identifying information regarding police officers (other than their names) when the officer is a victim or witness;
- Information that cannot be released due to statutory prohibitions such as wiretap investigations, grand jury testimony, consumer fraud, or information that a court has ordered sealed, purged, or otherwise restricted. Department legal counsel should be contacted to determine the legality of release of any of these documents;
- Private information. This includes information that a person has a significant privacy interest in protecting from public dissemination, including but not limited to information that by its very nature is so gross, demeaning, biased, or sensitive that it would do irreparable harm to innocent persons or their character if released. Department legal counsel should be contacted to determine the legality of such a release.

3. Information that is not in the best interest of the State to release. This includes information that would cause specific, material harm to an investigation or to the agency's mission if released, including but not limited to:

- Legitimate need on the part of government not to release certain information. This must be more than a desire not to release the information; there must be the potential for specific, material harm to the investigation;
- Information known only by suspect(s);
- Specific details as to how the crime was committed;
- Information that would tend to hinder, jeopardize, or delay an investigation;
- Identities of suspect's friends, habits, or other information that, if known, would tend to hinder the gathering of evidence or information;
- Names of witnesses and information that would tend to identify them, if it can be shown that harm may come to them or if the release would keep others from coming forward. If witnesses have testified or have otherwise made public the fact they are witnesses, there may be no legitimate basis for withholding the information;
- Investigator's opinions and/or speculation (prior to a determination of guilt or innocence by a court);
- Erroneous information that would result in specific, material harm to an investigation.

Note: many items in this category may be redacted during the initial stages of an investigation but may no longer redacted once revealed in open court or otherwise made public.

F. The refusal to release or the excessive redacting of a public record may result in the filing of a lawsuit against the Department. If the court determines that the refusal to release the record was unreasonable, the court may order the information to be released and may award costs and

attorney's fees to the party seeking the record. Generally, the Department should redact and release public records, rather than refuse to release the record in its entirety. Consult with the City Attorney on all public records requests.

82.4 Internal Records Requests

A. Employees requesting information by telephone shall identify themselves by name and identification number and, when possible, provide a phone number for call back verification.

B. Employees requesting records for a non-official purpose shall make a public records request and pay the appropriate fee. These records shall be redacted as provided in the public record policy.

82.5 Sealed and Expunged Records

Court orders expunging or sealing police records shall be forwarded to the Records Section for implementation. Paper records, if any, shall be sealed and shall remain sealed until purged as required by Department policy or until opened by court order. Specific sealed information contained in the Department's controlled automated electronic systems shall be segregated into a confidential, restricted file and marked as sealed or expunged with reference to the court order, which shall be maintained. This confidential file may be accessed only by Records personnel and the information contained in the file may be released only when lawfully permitted (court order or specific statutory authority).

82.6 Criminal Information Systems

A. The Arizona Criminal Justice Information System (ACJIS) system is a series of databases maintained by the Department of Public Safety (DPS) for the use of specific law enforcement and criminal justice personnel. The information in the database may be accessed only for law enforcement purposes and may be shared only with other law enforcement personnel, and only for law enforcement purposes. To directly access the database, an employee must first be certified as a Terminal Operator by DPS.

B. Information from ACJIS shall not be disseminated to any person not authorized to receive the information, including employees or the public.

82.7 Arrest/Identification file

The records management system shall include an identification file (also known as a criminal history file or an arrest file) for every person arrested by the department. The file will be assigned a number unique to that specific arrestee. The identification file shall include a fingerprint card, criminal history transcripts (state and federal), photograph (if available), and copy of the arrest report, or these items must be readily accessible by cross-reference in the file. When assigning an arrest file number, records personnel will conduct a reasonable search to make sure the arrestee is not already assigned a number.

CHAPTER 83 COLLECTION AND PRESERVATION OF EVIDENCE

83.1 Definitions

Chain of Custody: Documentation of the physical handling of all property from the time obtained until final disposition.

Evidence Custodian: The employee assigned as head of the Evidence Section.

Found Property: Lost or abandoned property that is not evidence and comes into the custody of the Department.

Safekeeping Property: Property that is not evidence that is taken into Department custody for the purpose of safeguarding the property for the rightful owner.

Prisoner Property: Property that is not evidence and that belongs to a prisoner who has been booked into jail.

Property for Disposal: Property that has no monetary value, is not evidence, and has been given to the Department by a citizen who has requested that the property be removed or destroyed.

Evidence: Property, trace materials and/or biological findings that may be related to a crime and which may implicate or clear a person of a crime.

Collecting Officer: The person who collected and packaged the property.

Submitting Officer: The person who turned the property over to the custody of the Evidence Section.

83.2 Evidence Section

A. The Evidence Section is responsible for the storage, organization, retrieval and return or disposal of all property that is collected for safekeeping, as evidence, and as found property.

B. All property and evidence that is to be submitted to the Section will be submitted before the submitting employee completes his/her duty shift and shall be secured while in the custody of the submitting employee until submitted. No property or evidence shall be left unsecured in a desk, vehicle or office.

C. Evidence Guidelines detailing the required packaging and labeling of all property and all other Evidence procedures shall be drafted by the Evidence Custodian, approved by the Chief, and be made available to all employees. Evidence Guidelines shall be followed by all employees.

D. Security of the Evidence Section is essential to establishing the chain of evidence for prosecution purposes. Only Section employees, the Section supervisor, and the Police Chief shall have direct access to the Evidence Section and facility. All persons entering the Evidence

storage area will show identification, be logged in and out and be accompanied by section personnel. All access keys to all Evidence storage units or areas will be limited to section personnel. Any drop-box or overnight storage areas will be secured with mechanisms that allow property to be entered or dropped off, but not removed, except through the use of an access key.

E. An officer who seizes or receives property of any kind from a citizen shall document the citizens identity in the report.

83.3 Collection of Evidence at the Scene

83.3.1 Scene management

A. It is the responsibility of the case agent at a crime scene to first assure that the scene is secure and protected as much as possible. The case agent shall then ensure that the scene is processed for all possible evidence, and the proper steps for its documentation, preservation and submission are taken. If the case agent is not qualified to handle any aspect of a scene, the case agent shall contact their supervisor.

B. Generally, a scene is photographed, sketched, fingerprinted, marked and then evidence collected, in that order. Each employee who takes custody of evidence at a scene shall note in the employee's report a description of the item and the source of the item (person or location obtained from). Any transfer of custody of any evidence collected at the scene shall be documented in each employee's report of the incident.

83.3.2 Fingerprints

Each officer shall receive training on processing a crime scene for latent prints and taking an individual's fingerprints, and shall carry a fingerprint kit for that purpose. All latent prints will be packaged separately in latent print envelopes appropriately marked for identification and submitted to Evidence. An individual's fingerprints will be captured using appropriate electronic equipment or appropriately marked for identification fingerprint cards, which cards are submitted evidence then forwarded to the Arizona Department of Public Safety Crime Lab.

83.3.3 Photographs

A. Crime scene photographs shall only be taken with Department issued or Department approved digital cameras. Officers shall receive training in taking evidentiary photographs (images obtained for the purposes of evidence to support a criminal investigation).

B. All evidentiary photographs, regardless of quality, shall be downloaded onto the Department's photographic evidence storage device. At no time shall any images be deleted. A specific case identifier shall be included at the beginning and the end of the series of images.

C. No officer may take photographs of a crime scene using private equipment or maintain a personal copy of any evidence photographs. Any images taken by an officer on an unauthorized camera shall have the memory medium packaged and placed into Evidence.

D. Photographs shall be taken when investigating serious crimes against persons or property, or when recovered property is to be returned to the victim in lieu of impounding (such as in shoplifting cases). Examples of serious crimes include, but are not limited to:

- Homicide
- Sexual Assault
- Arson
- Burglary
- Robbery
- Aggravated Assault
- Child Neglect/Abuse
- Traffic Fatality/Serious Injury Accident
- Injured Prisoner/Use of Force
- Any time a citizen is injured or alleges injury as a result of police contact, including traffic accidents

The officer taking the photographs shall document in the DR the evidentiary value of the photographs. Photographs should whenever possible include a landmark for relative positions of the item being photographed. When size is an issue, the item should be photographed with and without a scale of measurement and be taken prior to the item's removal.

83.3.4 Biological Evidence Collection

A. To avoid scene contamination, officers should closely control access to any crime scene in which there may be biological evidence. Officers should use protective gear (gloves, shoe covers, etc.) both for their own protection and to avoid scene contamination. Access to the scene should be strictly limited; a log should be kept of all those entering the scene.

B. Given that biological evidence may be transferred during a physical encounter, both the suspect and the victim, themselves, must be considered part of the crime scene. The suspect and victim shall not be left alone until possible evidence is collected.

C. Any items that contain or may contain biological evidence should be collected and transported to the Evidence Section. All such evidence must be properly packaged to avoid cross contamination.

D. If an item is such that it cannot be transported, Evidence technicians may be called to the scene to assist with forensic collection from those items, subject to the approval of a supervisor. Sworn personnel will be in charge of the scene and investigation, with the responding Technician providing technical forensic support only.

E. The above guidelines are especially important when dealing with DNA Evidence. Given its unique and fragile nature, only trained personnel should seize DNA evidence. During that

training, employees are taught how to collect, package and transport the DNA evidence, as well as how to submit it to DPS for analysis. Employees should follow those procedures and updates.

83.4 Collection of Evidence at Police Facilities

83.4.1 Fingerprinting Subjects

A. Subjects will not be ten-print fingerprinted in the field. Prints shall be obtained either at a police facility or at the jail, preferably using the Arizona Automated Fingerprint Identification System (AZAFIS). Only certified operators shall use the AZAFIS equipment.

B. If the AFIS System or Live Scan equipment is non-operational or not available, fingerprints will be taken using an FBI fingerprint card. The card and a copy of the booking sheet will be forwarded to the AFIS operator for later entry into the AFIS system.

C. Subjects may also be referred to the Department for the purpose of obtaining a set of fingerprints for personal reasons or by court order. Such fingerprinting is only done at the Cochise County Detention Facility and must be requested by contacting (520)432-7540. All persons requesting fingerprints, or responding due to a court order, must have a valid photographic identification card.

D. Fingerprints of juveniles shall be handled by Juvenile Detention Staff.

83.4.2 Photographing Subjects

A. All arrested persons, and others who consent to providing a photograph, shall be photographed during the arrest process, either at the Department or at the jail or detention facility. Photographs taken at the Department shall be taken using the mug camera, using the same background and covering the person up to the neck with the same color cover.

B. Juvenile photographs shall be handled by Juvenile Detention Staff.

CHAPTER 84 PROPERTY AND EVIDENCE CONTROL

84.1 Submission of Evidence

A. Evidence Guidelines detailing the required packaging and labeling of all property and all other Evidence procedures shall be made available to all employees. Evidence Guidelines shall be followed by all employees.

A. All items initially submitted or returned after check-out to the Evidence Section shall be either sealed or tagged and shall remain that way until released or disposed of by Section personnel. Seals shall be completed in permanent ink by initialing across the tape, creating an integrity seal for the package. No property or evidence may be submitted without the completion of both a property sheet and a DR detailing the reason the property/evidence was seized.

B. Property should be packaged in packaging provided by the Department and shall be packaged and marked in a manner that does not affect the integrity of the item and its evidentiary value. Evidence tags should be affixed in a manner that does not damage the property (using a tag rather than a label when appropriate). Officers may consult the Evidence guidelines or contact Evidence personnel for guidance on handling unusual or bulky items.

C. All property is tracked using both the case number and a unique property identification number. Each piece of property shall have its own number.

D. Items that are perishable or dangerous should not be submitted for storage in Evidence. Perishables should be photographed, sampled if desired for evidentiary purposes and destroyed. Contact the Evidence Custodian for explosives, fireworks, and flammable liquids.

E. Any particularly unusual or unidentified hazardous materials – for example, chemically contaminated materials – shall be handled by a hazardous materials call-out and shall not be submitted to Evidence without consultation with the Evidence Custodian.

84.1.1 Submission of evidence for laboratory analysis

A. It shall be the responsibility of the case agent to notify the property room when property must be sent to a laboratory for analysis. This notification is provided by filling out the laboratory analysis request form and submitting it with the evidence at the time it is sent to the property room. The evidence shall be prepared and packaged as required by the laboratory from which the analysis is requested.

B. It is the responsibility of the property room to submit the evidence as soon as practicable to an appropriate laboratory for analysis.

C. A written record on any evidence submitted to a laboratory for examination shall be maintained. The record shall include the following information:

- The name of the officer last having custody of the item.

- The date and time of submission or mailing and the method used for transmission.
- The date and time of receipt in the laboratory.
- The name and signature of the person in the laboratory receiving the evidence.

D. Lab reports, when returned by the lab, shall be forwarded to the Property and Evidence Unit and the responsible officer/detective.

- Lab reports forwarded to the Property and Evidence Unit will be attached to the corresponding Property and Evidence Control form.
- Officers receiving a lab report shall complete a supplemental report documenting the results of the examination(s).

84.2 Firearms

A. When placing firearms, ammunition and magazines into evidence, officers should:

- Handle them carefully to preserve fingerprint evidence
- Unload firearms, but not disassemble them
- Immobilize the action of a weapon using a cable tie
- Leave ammunition in a magazine
- Package bullets and magazine in a separate envelope, but (if removed from a firearm) with the firearm.
- Avoid damaging or scratching casings, bullets or fragments
- If a bullet is lodged in an object, cut and remove a section of the object; do not remove the bullet.
- Submit a completed ATF Gun Trace form.

B. When applicable, the following notations and warnings should be clearly marked:

1. If a weapon cannot be unloaded, place a large label on the firearm packaging that the firearm is potentially loaded and unsafe
2. If submitted in compliance with an Order of Protection, label the property control sheet "Order of Protection."
3. If submitted for safekeeping in a Domestic Violence, label the property control sheet "Domestic Violence."

84.3 Other evidence

Other evidence shall be submitted as follows.

A. Money. Money shall be counted by listing the number of bills of each denomination, with a total on the label. All amounts over \$50 shall be counted by two officers. All amounts over \$1,000 shall be handled by Evidence call-out.

B. Syringes. Individual syringes shall be placed in a sharps container and then in an evidence envelope. Found discarded syringes unassociated with an investigation shall be placed in a sharps container and disposed of in a biohazard barrel.

C. Bicycles. Officers should collect any trace evidence on the bicycle prior to storing it. Bicycles shall be secured behind the police station and shall have a label attached.

D. Oversized items. When possible, the collection of very large or bulky items should be avoided by collecting trace evidence and then photographing the item. If collection is required and transport in an available police vehicle is not possible, an Evidence call-out should be done.

E. Vehicles impounded as evidence. The Evidence Section controls the department's vehicle impound lot, which shall contain only vehicles that are themselves evidence. All other vehicles shall be towed to private storage lots. Vehicles impounded for forensic processing shall be secured and locked at the Bisbee Police Department Impound Lot, with an evidence tag affixed to the steering wheel and keys and tow receipts placed in the vehicle packet.

Refer to [G.O. 61.8](#) regarding the towing, impounding, and inventorying of vehicles.

84.4 Submitting Property that is not Evidence

84.4.1 Found Property

A. Whenever practical, found property should be photographed and returned to the owner. A DR shall be completed, including the name and address of the person to whom the property was released.

B. Found property that cannot be returned should be properly packaged and labeled prior to being submitted to Property and Evidence. It shall be packaged separately from all other property; the label shall include the name and address of the person who found the property.

C. Found property that is not claimed by the owner shall be handled as provided by State law.

84.4.2 Property for Disposal

Property that holds no evidentiary or monetary value may be documented in a DR and disposed of by the case agency. If property for disposal cannot be properly disposed of on scene, it shall be properly packaged and labeled, separately from other property, and submitted to the Evidence Section with a signed Evidence release form authorizing immediate disposal.

84.4.3 Property Held for Safekeeping

An officer who takes any property into possession for safekeeping shall provide a copy of a completed property control form to the person from whom the property is taken as a receipt. The property shall be properly packaged and labeled, separately from all other property, and submitted to the Evidence Section.

84.4.4 Prisoner property

A. Prisoner property shall be packaged and labeled with the owner's name and address.

B. All prisoner property shall be searched prior to submitting it to the jail. All money, jewelry, valuables, wallets, prescription medication, and small personal belongings shall be booked into the jail with the prisoner. Contraband (as defined by the booking facility) holding no evidentiary or tangible monetary value may be discarded by the officer. Any weapons, drugs, and contraband with monetary value shall be submitted to Evidence under the guidelines applicable to the specific type of property. The location of prisoner property, including notation of any that is disposed of, shall be included in the DR.

C. The following items shall be considered contraband, as outlined by the County Jail:

1. Weapons, including pepper spray, mace, pocket knives, ammunition, etc.
2. Tools that can be used as a weapon, such as screwdrivers, hammers, cutting tools, etc.
3. Unprotected sharps such as syringes and razors.
4. All illegal materials.

D. Every effort shall be made to take prisoners to the jail with the minimal amount of property (for example, by leaving it, with the arrestee's permission, in the custody of a responsible party).

84.5 Security of Property Room

A. All property, including evidence, which is seized or taken into custody by an employee of the department for impounding shall be maintained in the property room. The property room is a secure area with access limited to authorized personnel only.

B. The property room records system tracks all property from the time an employee submits property to the room all the way through the property's disposal/release, including times when it is checked out and then returned. See 84.6. The system also records where the property is located within the property room. In order to maintain a high degree of control over the property, periodic inspections, inventories and audits are completed as follows:

1. an inspection to determine adherence to procedures used for the control of property is conducted at least semi-annually by the person responsible for the property and evidence control function or a by a designee;
2. an audit of property occurs whenever the property and evidence custodian is assigned and/or transferred from the position; this audit is conducted by the new property and evidence custodian and a designee of the Chief to ensure that records are correct and properly annotated;
3. an annual audit of property and evidence is conducted by a supervisor not routinely or directed connected with the control of property and evidence; and,

4. an unannounced inspection of property storage is conducted, at the direction of the Chief, at least once a year.

C. Within the property room, there are special areas to allow for refrigerated items, frozen items, oversized items, explosives and firearms, and valuables.

D. In the event that the property room is closed, the department has temporary evidence lockers available. Property will be properly packaged and placed into evidence locker. The Evidence Sheet will be placed with the evidence. The locker will be secured and the key will be placed into the lock box.

E. The department normally destroys controlled substances that are ordered forfeited. However, the Chief may give written approval for the use of one or more of these items for training purposes. The item will be weighed and packaged both prior to release for training and upon its return, with any significant weight discrepancy explained in a memo to the Chief.

F. Unless the firearm is otherwise prohibited from being sold under federal or state law, firearms must be either used by the Department or sold/traded to a licensed firearms dealer.

84.6 Checkout And Return Of Property

A. Authorized department personnel may remove items from Evidence for the purpose of investigations, forensic testing, judicial hearings and trials and as otherwise approved by the Evidence Custodian. Each person removing property shall complete the property control form when retrieving the item, and shall take a copy of the form with them so that the chain of custody can be maintained. Anyone receiving the property shall sign the form; the form is to remain with the property until the property is returned to the Evidence Section.

B. If property is retained by the court or other agency, a receipt shall be signed by the receiving person; the receipt shall be returned to Evidence.

84.7 Release And Disposition Of Property

A. Generally, once the Department is ready to dispose of property, it should be returned to the owner. Upon receiving a signed release (a court order, memo or standing order from the prosecution, or a signed release from the assigned detective), the Evidence Section shall send a letter to the owner, informing them of the property's release and providing them with thirty days to contact the Department and make arrangements for the property.

B. If private possession of the property is not lawful, or there are competing claims of ownership, or the owner does not respond to the mailed notice, or the owner or owner's address is unknown, the property shall be disposed of as prescribed by A.R.S. §§12-940 through 945.

84.7.1 Conversion of Property to Department Use

A. A.R.S. §12-941 allows for unclaimed property and evidence determined to be of use in police operations to be retained and utilized by the Department. Firearms (A.R.S. §12-945) and court ordered forfeited deadly weapons, dangerous instruments or explosives (A.R.S. §13-3105), unless prohibited from being sold, must be disposed of or sold as directed by the previously referenced statutes.

B. The Chief shall determine the distribution of unclaimed property for use in police operations, as well as any property forfeited to the department for its use.

84.7.2 Special retention for biological and cold case evidence

Biological evidence collected in connection with certain homicides and felony sexual assault cases must be preserved for an extended period of time. Such evidence shall not be disposed of except in compliance with the State law regarding retention of such evidence that is in effect at the time of disposal of the evidence or in accordance with a lawful court order signed by a judge with jurisdiction over the subject matter and the parties.

84.7.3 Destruction of marijuana and narcotics.

Destruction of marijuana and narcotics shall be overseen by a supervisor or shall be conducted by two or more officers, with supervisor approval.

APPENDIX A:
LETHALITY ASSESSMENT

OTHER APPENDICES