

## SUU's response to campus safety questions

### **1. Procedure and policy for processing complaints from student victims to ensure the privacy and rights of victims.**

- Upon receipt of a report involving a student or employee complainant, the University will take and/or make available reasonable and appropriate confidential interim measures to protect the complainant and address the short-term effects of the incident, regardless of whether the complainant requests an investigation, initiates a code of conduct proceeding, or makes a criminal report. These interim measures may include referral to counseling and/or health services or referral to the employee assistance program, support for modification to housing or transportation arrangements, altering work arrangements for employees, a safety plan such as providing campus security escorts, implementing contact limitations between the parties, offering adjustments to academic deadlines, course schedules, etc.
- The SUU Police Department officers offer information and guidance to victims when they file a report. If a student chooses to report the incident, a University police officer will take a statement from the student regarding what happened. The officer will ask the student to describe the assailant(s) and may ask questions about the scene of the crime, any witnesses, and what happened before and after the incident. Students are welcome to have a support person with them during the interview.
- Individuals may also consider reporting a sexual violence, domestic violence, dating violence, stalking, or harassment incident to the Director of Ethics & Compliance/Title IX Coordinator, who can provide assistance in addressing the incident through consultation, administrative review, and/or Investigation. Both formal and informal grievance procedures are available under University Policy 5.60.

### **2. How is sensitive evidence of crimes being protected from in-department and out of department dissemination beyond that which is reasonably necessary to investigate and prosecute the crimes alleged. How long is evidence held and what is the policy for returning or destroying the evidence to the victim at the conclusion of the case?**

The following text comes from Section 800 (Property and Evidence) in the *Southern Utah University Police Department Policy Manual*.

- 800.4 PROPERTY HANDLING - Any police officer who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with a Property Form. Care shall be taken to maintain the chain of custody for all evidence. Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The Property Form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).
  - 800.4.1 PROPERTY BOOKING PROCEDURE - All property must be booked prior to the police officer going off-duty unless otherwise approved by a supervisor. Police officers booking property should observe the following guidelines:

1. Complete the Property Form describing each item of property separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings.
  2. Mark each item of evidence with the booking officer's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
  3. Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
  4. Place the case number in the upper right hand corner of the bag.
  5. The original Property Form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
  6. When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.
- 800.7 PROPERTY CONTROL - Each time the property and evidence technician receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the property and evidence technician at least one day prior to the court date.
    - 800.7.1 RESPONSIBILITY OF OTHER PERSONNEL - Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of possession. No property or evidence is to be released without first receiving written authorization from a supervisor or detective.
    - 800.7.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY - The transporting officer will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis. The property and evidence technician releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the officer to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.
  - 800.8 DISPOSITION OF PROPERTY - All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of an authorized release form for disposal. The property and evidence technician shall request a disposition or status on all property which has been held in excess of 120 days and for which no disposition has been received from a supervisor or detective.

- 800.8.3 PRESERVATION OF BIOLOGICAL EVIDENCE - The Evidence Room Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

1. The defendant
2. The defendant's attorney
3. The appropriate prosecutor
4. Any sexual assault victim
5. The patrol supervisor

Biological evidence shall be retained for a minimum of 12 months. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed within 12 months unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Patrol Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor's office.

Biological evidence related to sexual assaults must be retained in accordance with Utah Code 76-5-604 and Utah Code 76-5-605. If the evidence relates to an unsolved sexual offense, the victim shall be notified at least 60 days prior to destruction and provided with information on how to appeal the decision (Utah Code 77-37-3(3)).

- 800.8.4 PROPERTY NO LONGER NEEDED AS EVIDENCE - When a prosecuting attorney notifies the Department that evidence may be returned to the rightful owner, the property and evidence technician shall attempt to notify the rightful owner that the property is available for return (Utah Code 24-3-103). Prior to the release of the property, the owner shall provide:
  1. Documentation establishing ownership of the property.
  2. Documentation that the owner may lawfully possess the property.

When the property is returned, a receipt listing the detail of the property shall be signed by the owner and retained by the Department. A copy of the receipt shall be provided to the owner.

If the Department is unable to locate the rightful owner or the rightful owner is unable to lawfully possess the property, the Department may dispose of the property as provided by Utah Code 24-3-103.

- 800.10 ADMITTANCE TO EVIDENCE ROOM - Admittance to the Evidence Room should be restricted to the evidence technician, the Chief of Police, others specifically designated by the Chief of Police. All other individuals entering the Evidence Room require escort and an Evidence Room access log entry shall be made indicating:
  - a. Date and time of entry and exit.
  - b. Name of individual(s) entering the Evidence Room.

- c. Reason for entry.
- d. Name of the escort.

The Evidence Room is located in the SUU Police Department's physically secure building. The room remains locked at all times.

### 3. What measures are taken to discipline law enforcement officers who violate policy and procedures that would violate victim's privacy including reporting violations to Utah agencies that have oversight over law enforcement officers?

The following text comes from Section 1008 (Personnel Complaints) in the *Southern Utah University Police Department Policy Manual*.

- 1008.1 PURPOSE AND SCOPE - This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Southern Utah University Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.
- 1008.2 POLICY - The Southern Utah University Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any memorandum of understanding or collective bargaining agreement.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

- 1008.3 PERSONNEL COMPLAINTS - Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

- 1008.3.1 COMPLAINT CLASSIFICATIONS - Personnel complaints shall be classified in one of the following categories:

**Informal** - A matter in which the Patrol Lieutenant is satisfied that appropriate action has been taken by a supervisor of rank greater than the accused member.

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Chief, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Chief, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

- 1008.3.2 SOURCES OF COMPLAINTS - The following applies to the source of complaints:
  1. Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.
  2. Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.
  3. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
  4. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
  5. Tort claims and lawsuits may generate a personnel complaint.
- 1008.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS
  - 1008.4.1 COMPLAINT FORMS - Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other State facilities. Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.
  - 1008.4.2 ACCEPTANCE - All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate. Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.
- 1008.5 DOCUMENTATION - Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible. All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.
- 1008.6 ADMINISTRATIVE INVESTIGATIONS - Allegations of misconduct will be administratively investigated as follows.

- 1008.6.1 SUPERVISOR RESPONSIBILITIES - In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The Chief of Police or any supervisor who is aware of circumstances where an officer's certification as a peace officer may be subject to suspension or revocation by Utah Peace Officer Standards and Training (POST), based on a violation or condition described in Utah Code 53-6-211(1), has an affirmative responsibility to investigate the matter and report to POST, if the allegation is found to be true (Utah Code 53-6-211(6)). If an officer who is the subject of the investigation resigns, retires, or otherwise separates from the agency before the conclusion of the investigation, the Chief of Police shall report the allegations and any investigation results to POST (Utah Code 53-6-211(6)).

The responsibilities of supervisors include but are not limited to:

1. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
  - a. The original complaint form will be directed to the Patrol Lieutenant of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
  - b. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Chief or the Chief of Police, who will initiate appropriate action.
2. Responding to all complainants in a courteous and professional manner.
3. Resolving those personnel complaints that can be resolved immediately.
  - a. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
  - b. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Patrol Lieutenant.
4. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Patrol Lieutenant and Chief of Police are notified via the chain of command as soon as practicable.

5. Promptly contacting the Department of Human Resources and the Patrol Lieutenant for direction regarding the supervisor's role in addressing a complaint that relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination.
  6. Forwarding unresolved personnel complaints to the Patrol Lieutenant, who will determine whether to contact the complainant or assign the complaint for investigation.
  7. Informing the complainant of the investigator's name and the complaint number within three days after assignment.
  8. Investigating a complaint as follows:
    - a. Making reasonable efforts to obtain names, addresses, and telephone numbers of witnesses.
    - b. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
  9. Ensuring that the procedural rights of the accused member are followed.
  10. Ensuring interviews of the complainant are generally conducted during reasonable hours.
- 1008.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES - Whether conducted by a supervisor or Chief, the following applies to officers under internal investigation:
1. Interviews of an accused officer shall be conducted during reasonable hours and preferably when the officer is on-duty. If the officer is off-duty, he/she shall be compensated.
  2. Unless waived by the officer, interviews of an accused officer shall be at the Southern Utah University Police Department or other reasonable and appropriate place.
  3. No more than two interviewers should ask questions of an accused officer.
  4. Prior to any interview, an officer should be informed of the nature of the investigation.
  5. All interviews should be for a reasonable period and the officer's personal needs should be accommodated.
  6. No officer should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
  7. Any officer refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
    - a. An officer should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the officer has been given a Garrity advisement and after the investigator has

consulted with the prosecuting agency. Administrative investigators should consider the impact that compelling a statement from the officer may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

- b. No information or evidence administratively coerced from an officer may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- 8. The interviewer should record all interviews of officers and witnesses. The officer may also record the interview. If the officer has been previously interviewed, a copy of that recorded interview shall be provided to the officer prior to any subsequent interview.
- 9. All officers subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- 10. All officers shall provide complete and truthful responses to questions posed during interviews.
- 11. No officers may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.
- 1008.6.3 ADMINISTRATIVE INVESTIGATION FORMAT - Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Conclusion** - A recommendation regarding further action or disposition should be provided.



**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

- 1008.6.4 DISPOSITIONS - Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

- 1008.6.5 COMPLETION OF INVESTIGATIONS - Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation.
- 1008.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS - The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

- 1008.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

- 1008.8 ADMINISTRATIVE LEAVE - When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused officer to administrative leave. Any officer placed on administrative leave:
  - a. May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.
  - b. Shall be required to continue to comply with all policies and lawful orders of a supervisor.

- c. May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The officer may be required to remain available for contact at all times during such shift, and will report as ordered.
- 1008.9 CRIMINAL INVESTIGATION - Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be provided with all rights afforded to a civilian. The member should not be administratively ordered to provide any information in the criminal investigation.

The Southern Utah University Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

- 1008.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES - Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.
  - 1008.10.1 CHIEF RESPONSIBILITIES - Upon receipt of any completed personnel investigation, the Chief of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Chief may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Chief may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Chief shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

- 1008.10.2 CHIEF OF POLICE RESPONSIBILITIES - Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Chief for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any that should be imposed. In

the event disciplinary action is proposed, the Chief of Police shall provide the member with a written notice and the following:

1. Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
2. An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the notice.
  - a. Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.
  - b. If the member elects to respond orally, the presentation shall be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

- 1008.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT - The Chief of Police or the authorized designee should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint.
- 1008.11 PRE-DISCIPLINE EMPLOYEE RESPONSE - The pre-discipline process is intended to provide the accused officer with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The officer shall consider the following:
  - a. The response is not intended to be an adversarial or formal hearing.
  - b. Although the officer may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
  - c. The officer may suggest that further investigation could be conducted or the officer may offer any additional information or mitigating factors for the Chief of Police to consider.
  - d. In the event that the Chief of Police elects to conduct further investigation, the officer shall be provided with the results prior to the imposition of any discipline.
  - e. The officer may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.
- 1008.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE - In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

- 1008.13 POST-DISCIPLINE APPEAL RIGHTS - An officer discharged or suspended without pay for more than three days or 24 working hours may, within five days from the issuance by the Chief of Police of the order of suspension or discharge, appeal to the Civil Service Commission (Utah Code 10-3-1012; Utah Code 10-3-912).

The officer may appear in person and may have counsel and a public hearing. The findings and decision of the Civil Service Commission shall be final and immediately enforced by the Chief of Police.

Any final action or order of the Civil Service Commission may be appealed to the Court of Appeals within 30 days of the issuance of the final action or order of the Civil Service Commission (Utah Code 10-3-1012.5).

- 1008.14 POST-DISCIPLINE APPEAL RIGHTS - An officer discharged, transferred to another position with less pay, or suspended without pay for more than two days may, within 10 days from the issuance by the Chief of Police of the order of discharge, transfer, or suspension, appeal to an appeal board or a hearing officer if one has been established. However, if the Department has established an internal grievance procedure, the officer must exhaust all available grievance remedies before making such an appeal (Utah Code 10-3-1106).

The officer may appear in person and may have counsel and a public hearing. The findings and decision of the appeal board or hearing officer shall be final.

Any final action or order of the appeal board or hearing officer may be appealed to the Court of Appeals within 30 days of the issuance of the final action or order of the appeal board or hearing officer.

- 1008.15 POST-DISCIPLINE APPEAL RIGHTS - A merit system deputy who is the subject of disciplinary charges seeking demotion, suspension, discharge, or reduction in pay may, within 10 days after service of the charges, appeal in writing to the County Merit Service Commission. The deputy and the Sheriff or authorized designee may attempt to resolve the grievance through informal internal procedures. Such informal procedures shall not extend the time to appeal to the County Merit Service Commission (Utah Code 17-30-19).

The deputy may appear in person and be represented by counsel at a hearing set by the County Merit Service Commission. The hearing shall be held not fewer than 10 and not more than 90 days after an appeal or grievance is filed. The hearing may be held more than 90 days after an appeal or grievance is filed if the deputy and Sheriff agree or if the County Merit Service Commission orders such an extension in time.

The County Merit Service Commission shall issue a written decision, including findings of fact.

Any final action or order of the County Merit Service Commission may be appealed to the District Court within 30 days of the issuance of the final action or order of the County Merit Service Commission (Utah Code 17-30-20).

- 1008.16 POST-DISCIPLINE APPEAL RIGHTS - An employee of the State of Utah who believes that he/she has a grievance related to a disciplinary matter as defined in Utah Code 67-19a-202 may file a written grievance with his/her supervisor and the Career Service Review Office administrator. The

employee's immediate supervisor may issue a written decision on the matter within five days (Utah Code 67-19a-402).

If the employee's immediate supervisor fails to respond within five days, or if the officer is dissatisfied with the immediate supervisor's written decision, the officer may advance the grievance to his/her Patrol Lieutenant within 10 days after the expiration of the response period or receipt of any written decision, whichever is earlier. The Patrol Lieutenant may issue a written decision within five days.

If the Patrol Lieutenant fails to respond within five working days or if the officer is dissatisfied with the Patrol Lieutenant's written decision, the officer may advance the grievance to the Chief of Police within 10 days after the expiration of the response period or receipt of any written decision, whichever is earlier. The Chief of Police may issue a written decision within 10 days.

The decision of the Chief of Police is final unless the personnel matter submitted meets the subject matter requirements of Utah Code 67-19a-202 and the Chief of Police fails to respond within 10 working days after submission, or the aggrieved officer is dissatisfied with the Chief of Police's written decision. In such cases, the officer may advance the written grievance to the Career Service Review Office administrator within 10 working days after the expiration of the period for decision or receipt of the written decision, whichever is earlier.

- 1008.17 PROBATIONARY EMPLOYEES AND OTHER MEMBERS - At-will and probationary officers and members other than non-probationary officers may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct should be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

Any probationary period may be extended at the discretion of the Chief of Police in cases where the individual has been absent for more than a week or when additional time to review the individual is considered to be appropriate.

- 1008.18 RETENTION OF PERSONNEL INVESTIGATION FILES - All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

**4. What training has been given to campus law enforcement officers regarding best practices and procedures for handling victims reporting crimes—especially crimes involving sexual violence, criminal stalking and dating violence. Has law enforcement been given adequate training by professionals outside of the department?**

- SUU Police utilizes the Domestic Violence Lethality Assessment Program (LAP), which is a project of the Maryland Network Against Domestic Violence. The Utah Domestic Violence Coalition provides training to SUU police officers for the LAP instrument and accompanying protocol. Trained officers on the scene of a domestic violence call assess a victim's risk for serious injury or death using the one-of-a-kind Lethality Assessment Screen. Officers then link victims classified as "high risk" to local hotlines that provide victim assistance while remaining on scene. Officers are equipped with informational pamphlets and various contact cards for local victim advocates, crisis response teams,

and domestic violence hotlines. One officer in the SUU Police Department is appointed as the agency point of contact, which facilitates and coordinates the agency's training, technical assistance, and data collection as necessary.

- One member of the SUU Police Department has been certified as a Rape Crisis Advocate by the Utah Coalition Against Sexual Assault. The Rape Crisis Advocacy training satisfies the requirements in the Utah Confidential Communications Act (Utah Code 78-3c).
- All university employees, including law enforcement officers, are required to complete training on Sexual Violence Awareness (Campus SaVE Act) through the online SafeColleges training.
- Canyon Creek Services, the Iron County Victim Advocate and the Cedar City Victim Advocate provide annual training to officers.
- All SUU Police officers have attended interview training. Some examples include Child Interview Training/Forensic Interview Training and Detective Training.

**5. Does the campus provide victim advocate resources for students? How is this information regarding availability of victim advocate resources being delivered to students?**

- The Annual Security and Fire Safety Report, as required by the Jeanne Clery Act in the Code of Federal Regulations, provides students with general safety information, as well as specific victim resources and reporting information for victims of crimes—especially crimes involving sexual violence, criminal stalking and dating violence.
- The Health and Wellness Center provides general student advocacy with specialized knowledge in victim advocacy. We partner with Canyon Creek Services to provide individualized victim advocacy services to students. Canyon Creek Services has information available in every restroom on campus.
- Victims of sexual assault or persons who have information regarding a sexual assault are strongly encouraged to report the incident to the University Police Department immediately. Any student or employee who reports being a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the students or employee's rights and options. It is the policy of the Title IX Department to conduct investigations of all sexual assault complaints with sensitivity, compassion, patience, and respect for the victim. Investigations are conducted in accordance with guidelines established by the Utah Criminal code and the Iron County Attorney's Office.
- A local victim advocate, which is funded through grant money, serves both Cedar City Police and SUU Police and assists with all victim advocacy services.
- Off Campus services and resources are offered to victims by SUU officers, the Title IX office, and the Dean of Students office . Some of the services and resources include:
  - Canyon Creek Crisis Center:
    - Call: 435-233-5732 (all genders)

- Call: 435-865-7443 for safe house information (women/children)
- Iron County Victim Services:
  - CCPD/SUUPD involvement: 435-704-6659
  - ICSO involvement: 435-704-6658
- Domestic Violence Hotline:
  - Utah: 800-897-LINK (5465)
  - National: 800-799-7233
- Division of Child and Family Services: 855-323-3237
- Care and Share Shelter: 435-586-4962
- Suicide prevention hotline:
  - Local: 435-634-5600
  - National: 800-273-TALK (8255)
- Fifth District Court: 435-867-3250
- Iron County Justice Court: 435-865-5335
- Dispatch: 435-867-7550
- Emergency: 911

**6. Are victims made aware of their right to obtain victim advocate support and how to access those resources? Are victims made aware of the availability of obtaining personal protective orders, including stalking, dating violence and sexual violence injunctions? Are they provided the forms or directions on how to access these self-help protections?**

- Victim advocates provide services including making victims aware of the availability of obtaining personal protective orders, including stalking, dating violence and sexual violence injunctions and assist in the assess to and completion of forms for such self-help protections.
- Officers have pamphlets, handouts and business cards for local victim advocates. The pamphlets include general information, emergency contacts, danger/risk assessments, and instructions for assistance in filling out protective orders.
- 308.5 VICTIM ASSISTANCE - Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected. The following applies to domestic violence and dating violence (Utah Code 77-36-2.1; Utah Code 78B-7-408):

- a. Victims shall be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.
- b. Victims shall also be alerted to any available victim advocates, shelters, and community resources.
- c. When an involved person requests law enforcement assistance while removing essential items of personal property, officers shall stand by for a reasonable amount of time.
- d. If the victim has sustained injury or complains of pain, officers shall seek medical assistance for the victim as soon as practicable.
- e. Officers should ask the victim whether he/she has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.
- f. Officers should make reasonable efforts to ensure that any children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.
- g. If appropriate, officers shall seek or assist the victim in obtaining an emergency order.

**7. After the most recent incident regarding alleged mishandling of evidence by law enforcement, how do you establish the confidence and trust of students in campus law enforcement and administration that their complaints will be handled seriously and with sensitivity so victims will feel comfortable in coming forward to report abuse and acts of violence inflicted on students.**

- Southern Utah University Police Department is committed to serving the SUU campus and local community. The department's motto is, "Working with you to make our university a safer place to learn". This is the everyday goal to make sure the learning experience is a safe and enjoyable one. With the assistance of every member of the campus community, this is a realistic and attainable goal.

SUU Police utilizes a community-oriented policing model, which emphasizes a proactive approach to help reduce crime, provide safety, and promote positive relationships. SUU Police accomplishes this by engaging in preventative measures, utilizing problem-solving, engaging the community, and forming community partnerships. Officers are frequently present on and around campus and are intensely involved with the activities of the campus community. Officer presence on campus allows for a visible deterrent to crime, further inspiring a sense of security. Continued officer support through working relationships on campus develops a trust and cooperation between all members of campus life. In addition, university officers serve as liaisons for the campus and outside local agencies. SUU Police maintains positive relations with all nearby law enforcement agencies, public agencies, and local resources.

In reference to the most recent incident regarding alleged mishandling of evidence by law enforcement, SUU Police ensures that all evidence is handled appropriately and seriously. Sensitivity is given to all victims that wish to make a complaint so that they may feel comfortable in coming forward to report abuse and acts of violence. To protect the privacy and rights of victims, SUU Police maintains an evidence email account. The sole purpose of the account is for digital evidence communication. Victims of crimes that make a complaint to an officer can send any digital evidence to



that email account, if applicable to the case. The Chief of Police and the evidence technician are the only personnel that have access to the account and the account is only accessed on department computers. Once the information is received on the email account, the Chief of Police or the evidence technician transfer the evidence items to a secure server. Officers are allowed access to the data for investigative purposes, upon request to the Chief of Police. This additional level of security provides the assurance that all rights and privacy are granted to victims.