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To: Dave Woolstenhulme, Interim Commissioner – Utah System of Higher Education
From: Marlon C. Lynch, Chief Safety Officer
Date: June 3, 2020
RE: Campus Safety Discussion

As requested, I have attached a summary of how the University of Utah is addressing the following 7 points. The attached summary does not address each point separately because some of the points are directly connected to other point(s) and combining the point(s) with another provides context for the response. Where there are connected points I have indicated within the summary. Please let me know if you have any questions. Thank you.

1. Procedure and policy for processing complaints from student victims to ensure the privacy and rights of victims.
2. How is sensitive evidence of crime 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 victim at the conclusion of the case?
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?
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?
5. Does the campus provide victim advocate resources for students? How is this information regarding availability of victim advocate resources being delivered to students?
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?
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?

Victim Services and Rights (Points 1, 5, and 6)

The University of Utah Department of Public Safety's Victim Services program is modeled after best practices in law enforcement for victim advocacy. Included here is a list of services and advocacy efforts made available to crime victims, his or her family, and the systems in which victims come into contact. This section also describes the mechanics of victim services within law enforcement, case management, coordination of services with University of Utah partners, and the importance of developing and maintaining relationships in the community.

Victim Services

Individual Advocacy includes providing the following direct services:

- a) Crisis intervention,
- b) Emotional support,
- c) Informed decision making,
- d) Accompaniment to hospital, court, interviews, etc.,
- e) Transportation to court hearings or other appointments,
- f) Safety planning,
- g) Danger assessment,
- h) Assistance with obtaining a protective order,
- i) Assistance accessing benefits,
- j) Responding to victim needs,
- k) Reflecting needs of victim to others,
- l) Advocacy within courts, with employers, and landlords.

Family Advocacy can include the following:

- m) Prepare for possible smear tactics by defense attorney/ private investigators,
- n) Prepare for possible media attention,
- o) Advise on how to respond to others and how to support the victim,
- p) Encourage support of victim,
- q) Address common challenges,
- r) Offer education about trauma responses.

Systems Advocacy refers to advocates addressing systemic issues that impact victims. While systems advocacy may be used to help a specific victim, it is also used as a strategy for improving the overall response or outcomes for all victims. Examples include:

- s) Working with other agencies to improve their response to victims,
- t) Meeting with members of police department to discuss approach to investigation and help craft trauma sensitive questions to yield the best information,
- u) Collaborating with other criminal justice professionals to ensure all victims can have an advocate present throughout the criminal justice process, if they want one,
- v) Engaging in legislative advocacy to enact laws that protect victims and their rights, such as rape shield laws and statutes prohibiting the use of the polygraph,
- w) Collaborate through community Sexual Assault Response and Resource Teams (SARRT).

Case Assignment

Case Assignment can occur in a number of ways. At the moment, there are five pathways for the victim advocate to become involved with a crime victim. Each case is unique and the information below reflects how the initial contact might look.

- a) Patrol Officer calls directly to consult on cases and/or emails to direct VA attention to a case. When this occurs, the victim advocate assigns herself to the case, make outreach to the victim, and document efforts in the police database as supplement report.
- b) Detectives assigned a person's crime and loops in the victim advocate. The detective and victim advocate work closely together to create a trauma informed, victim centered environment to both support the victim and move the investigation forward. For example, the victim advocate can act as a liaison between the victim and the detective, update them on the status of their case, encourage victims to share more details with investigators, provide emotional support, and help craft trauma sensitive questions.
- c) Sergeant reviews case log and assigns victim advocate cases. This is straight forward. The investigations sergeant ensure that the review is thorough and carefully reviews initial reports. If any of the other four pathways fail, the sergeant's review acts as a safeguard.
- d) VA reviews case log and seeks Sergeant approval to become involved. The victim advocate can review the cases from previous days just as the sergeant does. Sometimes, the victim advocate sees concerning hints of domestic violence or another person's crime that are not completely evident or that the victim seeks to minimize. In these cases, the victim advocate will consult with the sergeant before making outreach to victims.
- e) Victim talks with victim advocate before making a police report. This sometimes occurs when a crime victim is not sure what options they have to report a crime and what it all means. Many victims are concerned with perpetrator retaliation, reputation smearing, disruption to their lives, harm that may come to their family and any number of things. Having a chance to talk it through with a victim advocate can be helpful as they determine the best course of action as they see it. Though victim advocates encourage a crime victim to make a police report, they fully respect and support a victim's decision.

Case Management Basics

- a) Review case log and assigned cases each day. Ensure person's crimes are assigned to victim advocate.
- b) Review all cases, follow up needs and check in with detectives on active cases.
- c) Prioritize cases and consult with sergeant or direct supervisor if there are question on priority.
- d) Check court calendars regularly.
- e) Reach out to victims regularly. They often have questions but do not call for any number of reasons.
- f) Triage when necessary. Operate only within your expertise. If you don't know, do NOT make up or assume an answer.
- g) Work closely and communicate openly with detectives.
- h) Follow up verbal conversations with written communication. Victims cannot hold onto all the information coming at them. Confirm a safe email or address to send information.
- i) Document efforts in Victim Contact spreadsheet, write case note and file under the case number, and provide a brief supplement report.

- j) Honor privacy, confidentiality, and all other Crime Victim Rights in face to face interactions, writings, and advocacy efforts.

New Cases

- a) Make initial victim outreach within one day of crime or police contact.
- b) Provide information about Crime Victim Rights, Crime Victim Reparations, Title IX, OEO, Office of Dean of Students, and other resources available to them.
- c) Conduct Danger Assessment and discuss results:
 - i) LAP – review if officers performed,
 - ii) Jaqueline Campbell 2019 Danger Assessment,
 - iii) Stalking Assessment.
- d) Offer Safety Planning:
 - i) Crisis,
 - ii) Intermediate,
 - iii) Long term.
- e) Educate:
 - i) Criminal Justice process,
 - ii) How to obtain a Protective Order,
 - iii) Domestic Violence: Common tactics abusers use. Power and control wheel,
 - iv) Danger of Strangulation in intimate partner relationships,
 - v) Trauma response,
 - vi) Forensic Medical exams:
 - (1) Sexual assault forensic examination (CODE R- Rape Kit),
 - (2) Strangulation forensic examination.
- f) Resources Referral:
 - i) Campus-Based Resources:
 - (1) Title IX/Office of Equal Opportunity required information,
 - (2) Office of the Dean of Students,
 - (3) Housing and Residential Education,
 - (4) Counseling Center,
 - (5) Victim Survivor Advocates,
 - (6) And many more (depending on need).
 - ii) Community Based Resources:
 - (1) CVR,
 - (2) Legal Service Providers,
 - (3) Other advocacy groups,
 - (4) Domestic Violence Coalition and service providers,
 - (5) And many more (depending on need).

24/7 Victim Advocate Crisis Response

When Officers should CALL for Victim Advocate to Respond:

- a) Officers have responded to a physically violent incident between cohabitants OR,
- b) The Victim has been transported to the hospital OR,
- c) The Victim answered yes to any of the following LAP questions:
 - i) Has he/she ever used a weapon against you or threatened you with a weapon?
 - ii) Has he/she ever threatened to kill you or your children?
 - iii) Do you think he she might try to kill you?
 - iv) Has he/she ever tried to choke you?
 - v) Does he/she follow or spy on you or leave threatening messages?

NOTE: If Field Response- Victim advocate can only come on scene after suspect is detained or scene has been secured. Consider a field response if the victim is distressed.

Victim Services Coordination with University of Utah Partners

Title IX, Office of Equal Opportunity

All University of Utah staff and faculty are mandatory reporters to the Office of Equal Opportunity, and it is our obligation to ensure crime victims have information about Title IX and University resources available to them.

The following is a basic outline of the process:

- a) When UUPD Victim Advocate comes into contact with the crime victim. Among other information, the Victim Advocate provides the OEO brochure and OEO Letter. The Victim Advocate says something like, “This is not something you have to think about now, but it’s here so you can be aware of your options. If you would like to address your perpetrator through the University with anything from education to academic sanctions, OEO is the office that can help you with that. OEO can also help you connect to other campus resources regardless if you choose to file. Because the victim advocate is a mandatory reporter, the incident is shared with OEO. They will record it in their system and reach out over email, but it is up to the victim to engage. If the victim decides to file an OEO complaint, they do that when they feel ready. The victim advocate can even schedule an appointment or introduce the victim if they’d like. In some instances, consistent with the goal of safety for all members of the university community, the university may file a formal complaint on its own, independent of a victim’s decision as to how they wish to proceed. However, if that is something that may happen here, OEO would reach out and keep the victim informed.”
- b) After UUPD shares the report with OEO. OEO then conducts an email outreach. Unless UUPD asks to delay outreach. Now the survivor/complaint has OEO information and can discuss it further with UUPD victim advocate, Housing and Residential Education, and/or other support network.
- c) OEO soft check in X days later. # of days to be determined. Likely somewhere between 7 to 10 days. If student does not engage after two outreaches, OEO outreach stops. The student can still engage in the OEO process at a time that is best for them. Victim Advocates can help with a warm handoff at that time. Administrative Filing: If an Admin filing is appropriate in a certain incident, it would most likely be introduced at this time, after the survivor has had a chance to think about filing themselves.

The Office of the Dean of Students (ODS)

Coordinates the student accountability processes, serve as a support for students facing challenges to their success as students, and assist with the interpretation of University policy and regulations.

- UUPD Victim Advocates inform crime victims of this resources. UUPD Victim Advocates have a limited role here whereas the campus-based Victim Survivor advocates are heavily involved in class schedule changes, academic adjustments, and so on.

Behavioral Intervention Team (BIT)

BIT’s primary function is to help keep the university community safe and connect distressed students to support services. BIT seeks prevention rather than reaction to students in distress.

- UUPD Victim Advocate attends BIT meetings as needed. BIT reviews cases assess potential threats to campus, coordinates care and acts as a hub for campus partners to staff cases.

Housing and Residential Education (HRE):

Creates an engaging community where students live, learn, and thrive. HRE aims to develop a sense of belonging, provide opportunities for personal growth, and foster a safe and supportive environment. HRE adapts to student needs and moves quickly to move crime victims when needed.

- UUPD Victim Advocate will coordinate care with HRE. Because HRE attends to immediate needs of crime victims, i.e. safe housing, food, and other resources, Victim Advocates need to have a healthy understanding of HRE services. We commonly rely on Residential Assistants and Housing Directors to move victims into safe housing and perpetrators off campus.

Center for Student Wellness

Provides a number of resources and services for the campus community including workshops and trainings, Victim-Survivor advocacy services, and STI/HIV testing.

- UUPD Victim Advocate will coordinate care with Victim Survivor Advocates (VSA) but information sharing is limited. VSA have privileged survivor/advocate communication. As such, they protect all survivor information unless given written consent otherwise. They are not mandatory reporters to OEO and are a great resource for survivors.

Property and Evidence Control (Point 2)

Implement a general order that details property and evidence control. The purpose of this directive is to publish the guidelines and procedures for the receipt, storage, security, transfer and disposition of property and evidence that is impounded or acquired by the department. The University of Utah Department of Public Safety employees follow the guidelines in this directive to ensure the security and integrity of property and evidence impounded by our personnel.

Final property disposition should be accomplished shortly after legal requirements have been satisfied. The disposition records of each item of evidence and in-custody property will be maintained in our records management system. The following guidelines for disposition or destruction of evidence and in-custody property will be followed:

It is the responsibility of the officer and/or Investigator assigned to the case to report the results of court proceedings, in writing and to notify the Evidence and Property Custodian of any findings of the case.

Evidence and in-custody property may be disposed of following:

1. Authorization by the officer and/or Investigator.
2. Expiration of statute of limitation for prosecution, if any.
3. Court order.

In cases of theft, retail theft, robbery and burglary, the property may be photographed for evidentiary purposes and the property returned to the rightful owner following established procedures. This procedure may be followed only if returning the property would not interfere with the successful pursuit of the case. Any such photos must meet the requirements of admissibility in court and bear the written signature and star number of the officer making the photos, and the date and time. The photographs will be inventoried

and packaged as evidence and entered into the records management system following the procedures established by this order.

When property is returned to the owner by the responsible officer prior to entry into the records management system, the officer will properly complete UUPD Incident Report and ensure that the disposition of the property is properly noted in the report. The officer will forward a copy of the original report to the Shift Supervisor or Lieutenant, who will route it to the Evidence and Property Custodian who will then in turn enter it into the records management system.

When property is retained in police custody and the Evidence and Property Custodian is notified in writing of a final disposition, the Evidence and Property Custodian will hold the property in question for 30 days pending a notice of appeal. If a notice of appeal is received, the Evidence and Property Custodian will hold the property until a final disposition is received.

1. At the end of the 60 days, the Evidence and Property Custodian will notify the owner of record in writing, that the property is being held and the means of recovering it.
2. Until the property is returned to the owner, the Evidence and Property Custodian will re-notify the owner of record at 30-day intervals in writing that the property is being held and the means of recovering it, until 150 days have elapsed from the date the first notification was made.
3. After 150 days, if the owner has not recovered the property, the Evidence and Property Custodian will notify the Lieutenant over the Investigations Unit in writing that the property has not been recovered and describe the nature of the property. The Lieutenant over the Investigations Unit will notify the Deputy Chief, who will order in writing, the property destroyed, or other dispositions deemed appropriate.
4. Items of evidence and in-custody property may be returned to their legal owner, after authorization, upon presentation of proof of ownership and proper identification. The release of property will normally take place Monday –Friday, 0800- 1600 hours, excluding holidays. After hour return of property will require prior arrangements.

Special Considerations:

Large items should be photographed and returned to the owner upon approval of the investigating officer or District Attorney's office.

Perishable items in misdemeanor shoplifting cases can be released to the owner after being photographed.

Drugs will be disposed of/destroyed in the presence of at least two (2) witnesses, one of whom must be a sergeant or higher rank. Witnesses will sign a Verification of Destruction document.

Hypodermic needles will be disposed of in a sealed sharps container. Biohazard materials will be disposed in biohazard bins. The Evidence and Property Custodian will be responsible for contacting the necessary disposal service when containers are filled. OSHA standards will be adhered to at all times when dealing with hazardous materials

Whenever property is recovered, seized, or held, it is the responsibility of the officer assigned to the case to identify the owner of the property and initial notification to the owner regarding recovery of the property. The responsible officer will report the identification and initial notification in writing. If the officer is, after thorough efforts, unable to identify the owner, the Investigations Unit will be notified and will assign a follow-up investigator to identify and notify the owner.

Police personnel checking out evidence or in-custody property for court will make the request in writing at least one business day in advance of the needed date. The transfer of evidence or in-custody property shall be recorded in the records management system. The evidence or in-custody property will be placed in a temporary storage locker if the Evidence and Property Custodian is unavailable. The locker and key will be available for the requesting police personnel in a sealed and marked envelope. The evidence and in-custody property will be returned to the evidence lockers with the original paperwork after court.

In cases involving weapons or contraband, officers appearing in court will obtain a Confiscate and Destroy Order, signed by the presiding judge and stamped with the court seal. The order will be submitted to the Evidence and Property Custodian.

Contraband and confiscated weapons will be destroyed, rendering the property useless. All property destruction will be witnessed. The witness will sign the chain of custody record.

Whenever property is disposed of by means other than destruction, complete and proper receipts will be obtained and retained by the Evidence and Property Custodian.

When evidence or in-custody property is permanently released, the property report, evidence report, and any additional paperwork associated with the evidence or in-custody property will be forwarded to the Records Unit to be maintained with the case file.

Use of mobile devices

- A. Sworn officers may use their issued mobile communication devices for crime scene photographs only. All personnel are prohibited from using their device for video evidence recording at a crime scene. The use of the device camera is not a replacement for department owned audio/visual recording devices specified for the use of evidence collection.
 1. Photographs or other digital evidence related to criminal cases may become discoverable and must be entered in an unaltered state by the end of shift into the records management system case file.
 2. If the photograph or other digital evidence is unable to be attached to the case file, the officer must immediately report to the Investigations Unit for removal of the photograph from the device.
 3. Once entered into the case file or collected by the Investigations Unit, the photograph or digital evidence must be deleted from the issued device.
- B. Non-sworn personnel are strictly prohibited from using their issued devices to photograph or video a crime scene.

Supervisor Responsibilities

Supervisors during line inspections shall ensure mobile communication devices, assigned as part of duty equipment, are clean, serviceable, and inspected for damage. Supervisors may also review digital content to ensure photographs or any other digital evidence is not being maintained on an issued device. Any discrepancies would be reported to a command level officer.

Corrective Action and Reporting to P.O.S.T. (Point 3)

The University of Utah Department of Public Safety shall investigate every complaint or allegation of misconduct with the intent to determine the whole truth. All complaint investigations shall be addressed considering the severity of the complaint or allegation. Complaint investigations shall be conducted with equal effort applied toward confirming or denying an allegation of employee misconduct; and finding facts that would serve to mitigate the severity of any subsequent disciplinary actions. The Chief Safety Officer has the ultimate responsibility for complaint investigations. The Chief of Police has the authority to administer discipline.

The Executive Officer for the Office of the Chief Safety Officer or designee shall notify the Chief Safety Officer, as well as the Chief of Police or their designees, in a timely fashion of every incident or complaint against the Department or its employees that is subject to a complaint register investigation. This notice shall be immediate for any of the following allegations:

1. Criminal conduct that can result in an arrest.
2. Cruelty, excessive use of force, or brutality against a person or animal.
3. Civil rights violation.

The investigator will classify the complaint in one of the following ways:

- a. *Unfounded*: when the allegation is false or not factual
- b. *Exonerated*: when the incident occurred but the actions of the employee were lawful and proper.
- c. *Not sustained*: when there is insufficient evidence either to prove or disprove the allegation(s).
- d. *Administratively Closed*: when an investigation into the allegation is not conducted or cannot be completed due to one or more of the following: lack of cooperation from the complainant(s), the investigation lacks a statement from the accused employee due to their voluntary termination.

Corrective Action

1. When corrective action is recommended for a sustained complaint, it will be in accordance with University HR Policy.
2. Before corrective action is taken for a sustained allegation, the University Human Resources Employee and Labor Relations section shall be consulted.
3. Corrective action will be conducted by the employee's chain of command and will be documented on the University Notice of Corrective Action form.

The University of Utah Department of Public Safety would report all incidents involving police officers that are required by P.O.S.T. criteria.

Police Officer Training for Report Taking of IPV (Point 4)

All University of Utah police officers have or are completing training in the [Utah Domestic Violence Coalition's Lethality Assessment Program](#)—a protocol designed to reduce risk of violence and save lives. The intervention program presents police officers and other first responders with questions they can use to assess a victim's risk for serious injury or death.

Also, all university police and dispatchers are to be trained on domestic violence indicators and the lethality assessment to help officers recognize warning signs and respond appropriately. The questions help officers identify potential high-risk victims and connect victims with resources, emergency housing, counseling. It also enables officers and Utah's support and prevention service providers to partner in a more coordinated way with victims who may otherwise be unlikely to seek services on their own. As officers identify victims who meet the "high-risk" or "danger" category, the officers make initial contact with a local organization to start a conversation and connect the victim with those resources.

Re-establish Trust (Point 7)

Charge to the University Public Safety Advisory Committee

The Public Safety Advisory Committee (PSAC) is charged with assisting the Chief Safety Officer with the development of the strategic direction of the Department of Public Safety in order to enhance the safety, inclusion and overall quality of life for the University of Utah (U of U) community as we build trust through collaborative efforts.

The PSAC comprises faculty, staff and students from a cross-section of academic departments, administrative departments, centers and associations from the U of U.

Committee members will use their varied expertise and areas of specialization within the U of U community to offer sound advice and constructive criticism to the Chief Safety Officer. They will assist in educating the U of U community about programs, services and initiatives offered by the Department of Public Safety (DPS), and in turn advise the Chief Safety Officer regarding the services and policies desired by the U of U community.

The PSAC is committed to ensuring that the DPS strives to deliver the highest quality comprehensive and integrated safety and security program for all valued members of the U of U community.

Duties of the Public Safety Advisory Committee

1. Review current DPS policies and procedures and make recommendations for their improvement. It shall specifically review current policies and procedures for:
 - a. educating the campus community about personal safety and crime prevention;
 - b. referring complaints to appropriate authorities;
 - c. counseling victims; and
 - d. responding to inquiries from concerned persons

- e. Interpersonal violence:
 - i. educating the campus community, including public safety personnel and those persons who advise or supervise students, about sexual assault, domestic violence and stalking offenses and
 - ii. reporting sexual assaults, domestic violence and stalking incidents and assisting victims during investigations.
2. The committee shall report, in writing, to the President's Cabinet or designated representative on its findings and recommendations at least once each academic year, and such report shall be available upon request (timed for April submission annually). The committee Chair shall also submit and present its annual report to the Academic Senate, Associated Students of the University of Utah, and the Staff Council.

The broader spirit of the PSAC

The PSAC will be responsible for:

1. Polling and reporting to the constituencies they represent, as appropriate, to advise the DPS on methods, tactics, programs, and approaches to best ensure community safety and inclusion.
2. Considering various initiatives designed to improve community safety, taking into consideration cost-benefit analyses, weighing privacy concerns, image and liability issues, etc.
3. Making recommendations that address potentially contentious and/or forward-looking issues and considerations.
4. Becoming knowledgeable in selected Public Safety topics with the ability to inform/educate other members of the U of U community.
5. Providing information that assists in the effective development of communication strategies designed to reach members of the greater U of U community.
6. Creating greater awareness among key stakeholders of the ways in which DPS works to protect the safety of the University (people, property, and reputation).

Composition of the Public Safety Advisory Committee

Committee composition:

- a. Composed of a minimum of ten members
- b. Minimum of 2 must be selected from Associated Students of the University of Utah
- c. Minimum of 2 must be selected from the Academic Senate
- d. Minimum of 2 must be selected from Staff Council
- e. Minimum of 2 must be selected from UHealth
- f. Minimum of 2 must be selected by the President's Leadership Council
- g. Housing and Residential Education (2 students)
- h. Cultural Centers (2 students)
- i. Greek Life (2 students)
- j. Athletics (2 students)

Chair and Meeting Frequency

The Chief Safety Officer, or their designee, will chair the PSAC with meetings scheduled twice per month (during the academic year).

An April meeting will include review of the Annual DPS Report, and the December meeting will include review of the Annual Clery Report. DPS will be responsible for analyzing data to identify trends and forecast potential future issues, benchmark results against peers, research best practices, develop cost-benefit analyses, etc., for the Committee's review and consideration. DPS will formulate proposals for new programs for the Committee's review and consideration. When appropriate, Committee recommendations requiring approval prior to implementation will be included in submissions to University Leadership.