

COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 24, 2013

Members may attend in person or by telephone

Ed Foster, Mayor
Michael Jewitt, Vice Mayor

Carol Kelley
Mark Orgeron

Norma Crooks
Mary Scott

**Quartzsite Town Hall
Council Chambers
465 North Plymouth Avenue
Quartzsite, Arizona**

**Regular Meeting
9:00 a.m.**

SPEAKING TO THE COUNCIL

If you are interested in speaking to the Council during Public Hearings, Communications from Citizens, or other designated agenda items, you must fill out a speaker card (located on the table inside the front entrance to the Council Chambers) and deliver it to the Town Clerk prior to the convening of the meeting. Each individual will be limited to three (3) minutes for their remarks.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council Rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly, will be asked to leave.

CELL PHONES AND RECORDING DEVICES

As a courtesy to others please turn off or silence all cell phones or pagers. Reporters or others with recording devices need to be staged at the back of the public seating area.

*The times listed for agenda items are estimated.
Items may be discussed earlier or in a different sequence.*

Est. Time	AGENDA ITEM	COUNCIL ACTION
9:00	CALL TO ORDER OF REGULAR MEETING	
9:00 – 9:05	INVOCATION AND PLEDGE OF ALLEGIANCE <i>The invocation may be offered by a person of any religion, faith, belief or non-belief. Interested persons should contact the Clerk for further information.</i>	
9:05 – 9:06	ROLL CALL	
9:06 – 9:07	APPROVAL/AMENDMENT OF AGENDA	Discussion, possible action by MOTION.
	PRESENTATIONS; PROCLAMATIONS	
9:07 – 9:22	1. PRESENTATION – ADOT Proposal for Improvements of the I-10/Exit 17 Interchange.	

9:22 – 9:37	2.	PRESENTATION – Proposal for Quartzsite Deviated Fixed Route Transit System.	
9:37 – 9:45		CONSENT AGENDA <i>All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of Council for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.</i>	
	3.	LEDGER OF ACCOUNTS PAID – Consider approval of check series 36146 – 36214, totaling \$129,893.52.	Discussion; possible action by MOTION; may be acted upon with single motion.
	4.	MINUTES – Consider approval of the minutes of the Regular Meeting of September 10, 2013.	Discussion; possible action by MOTION; may be acted upon with single motion.
	5.	ORDINANCE – Consider approval of an ordinance amending Town Code, Section 2-4-6, by repealing the present Section 2-4-6 and adopting an amended Section 2-4-6, relating to the order of business conducted by the Mayor and Common Council and amending the Council Procedure Policy Manual to conform thereto.	Discussion; possible action by MOTION; may be acted upon with single motion.
	6.	POSITION DESCRIPTION – Consider approval of the description for the position of Quartzsite Town Manager.	Discussion; possible action by MOTION; may be acted upon with single motion.
		ADMINISTRATIVE ITEMS <i>Administrative items are for Council discussion and action. It is at the discretion of the majority of the Council regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a Request to Speak Form and indicate the Item they wish to address. Council may or may not accept public comment.</i>	

9:45 – 9:55	7.	POLICE POLICIES – Consider approval of updates to certain portions of the Town’s Police Department policies and procedures.	Discussion; possible action by MOTION.
9:55 – 10:15	8.	EXECUTIVE SESSION <ul style="list-style-type: none"> Executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct its attorneys regarding the Town’s position regarding the contract with Police Chief Jeff Gilbert that is the subject of negotiations. 	
		COMMUNICATIONS	
10:15 – 10:20	9.	Announcements and Reports from the MAYOR on current events.	
10:20 - 10:25	10.	Announcements and Reports from the COUNCIL on current events.	
10:25 – 10:30	11.	Reports from the TOWN MANAGER to the Council.	
10:30 – 10:45		COMMUNICATIONS FROM CITIZENS <i>At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. For the official record, individuals must state their name. There is a 3 minute limit for each speaker. The Council’s response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.</i>	
10:45		ADJOURN	MOTION to adjourn.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Quartzsite Town Hall, 465 N. Plymouth Ave, Quartzsite, AZ, U.S. Post Office, 80 W. Main Street, Quartzsite, AZ and The Senior Center, 40 Moon Mountain Ave, Quartzsite, AZ, on the ____ day of _____, 2013, at ____ a.m./p.m. in accordance with the statement filed by the Town of Quartzsite with the Town Clerk, Town of Quartzsite.

By: _____, Town Clerk’s Office.

QUARTZSITE PUBLIC LIBRARY
Statistical Report August, 2013

Total Number of Patrons	1,968
Adult Fiction	291
Adult Non Fiction	95
Paperbacks	180
Large Print	97
E-Books	215
Arizona Books	15
Foreign Language	4
ILL Sent to other Libraries	5
ILL. Received from other Libraries	4
TOTAL ADULT BOOKS	906
Young Adult Fiction	15
Young Adult Non-Fiction	1
Juvenile Fiction	20
Juvenile Non-Fiction	3
Kids Computer Use	80
Graphic Novel	1
MISCELLANEOUS	
Puzzles	1
DVD	412
VHS	228
CD Audio	24
Audio Cassettes	50
TOTAL CIRCULATION	1370
Computer Questions	162
Reference Questions	140
Information	119
Computer Use	440
Wireless Usage	174
New Patrons Registered	10
Meeting Room Use	30
Donations	134



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, September 24, 2013

Agenda Item #1 PRESENTATION – ADOT Proposal for Improvements to the I-10/Exit 17 Interchange.

Summary: Paul Patane, ADOT Yuma District Engineer, will make a presentation about proposed improvements at the interchange of I-10 and Exit 17.

Responsible Person: Laura Bruno, Town Manger

Attachment: None

Action Requested: Discussion only.



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, September 24, 2013

Agenda Item #2 PRESENTATION – Proposal for Quartzsite Deviated Fixed Route Transit System

Summary: John Andoh, Transit Director for the Yuma County Intergovernmental Public Transit Authority and Janet Collier, Quartzsite Transit Coordinator, will make a presentation regarding the Quartzsite Deviated Fixed Route Transit System Proposal.

Responsible Person: Janet Collier, Quartzsite Transit Coordinator

Attachment: Quartzsite Transit Services (QTS) Deviated Route Proposal

Action Requested: **Discussion only.**

**Town of Quartzsite
Quartzsite Transit Services (QTS) Deviated Fixed Route Proposal
September 19, 2013**

Introduction

The Town of Quartzsite has a need to run a more effective and efficient transit service for the members of the community. Staff explored alternatives with the following goals:

- Better meeting the needs of the Town's ridership
- Providing organized and timely fixed routes
- Reducing fuel costs
- Increasing local service from three to five days per week.

Staff proposes to restructure the current dial-a-ride transportation program to a deviated fixed route program, operating on a fixed schedule with deviation availability for those that do not live along the bus route or have the ability to walk to a bus stop. This type of service will provide consistency in service for residents, allow for the ability to better plan for annual service hours and annual service miles operated. The present service is funded through the Town's General Fund with additional revenues generated through the receipt of donations and miscellaneous revenues such as the sale of older buses.

The Town is pursuing a Federal Transit Administration (FTA) Section 5310 – Enhanced Mobility for Seniors and Persons with Disabilities grant to fund public transit services operations. Historically, the Town uses FTA Section 5310 to fund capital purchases such as bus replacements. Should the Town be successful in its grant application, approximately \$25,000 to \$50,000 would be reduced from the General Fund's contribution to the transit system.

Service Description

The deviated fixed route system would operate throughout the Town limits. There would be approximately 32 bus stops that would be identified by a Quartzsite Transit Services bus stop sign. The proposed bus route will serve all major destinations in the Town limits including:

- Casa de Quartzsite
- Quartzsite Municipal Center and Library
- US Post Office (both locations)
- Quartzsite Chamber of Commerce
- Love's Travel Center
- Major businesses along Main Street (Family Dollar, Bealls Outlet, Dollar General)
- La Paz Regional Medical Center
- Valley Medical Center
- Quartzsite Community Center
- Quartzsite Senior Center
- All major RV Parks

Under this proposal, the Town would continue to serve the Town of Quartzsite five days a week and regional destinations, including Parker, Lake Havasu City, Yuma and Blythe. In coordination with La Paz County Transit and Desert Roadrunner (Palo Verde Valley Transit Agency/ PVVTA), QTS will no longer need to travel directly to Blythe; and could potentially realign direct service to Parker.

A coordination agreement with PVVTA and La Paz County Health Department will be required to ensure that there is capacity for QTS riders on their existing services, recognizing that both agencies operate vehicles with limited capacity.

This route is proposed to flex off route; passengers may request the bus operator to flex off route, up to 1 mile on either side of the route by asking the bus operator or calling 928.927.4333 up to seven days in advance. Deviation requests are limited to the first four (4) requests per one-way trip.

Since this service is geared towards seniors and persons with disabilities, this route would need to be geared towards that demographic group as first priority. General fare passengers may be carried on an incremental basis provided that seniors and persons with disabilities passengers are not displaced. The bus carries only eight (8) passengers per one way trip, so it is prudent to manage capacity to prevent system overcrowding. The transit system owns three buses (of which two are wheelchair accessible) which provides ample assets to implement this program.

Comparable Services and Demonstration Period

The Town today currently operates a dial-a-ride system (which is similar to a personal taxi service) that is primarily for seniors and persons with disabilities. Similar sized communities that operate general public dial-a-ride services are:

- City of Escalon, CA
- City of Rio Vista, CA
- City of Woodlake, CA
- City of Gridley, CA
- Ajo Dial-A-Ride by Regional Transportation Authority of Pima County, AZ

The following transit systems that operate comparable services to the proposed deviated fixed route are:

- Town of Chino Valley, AZ
- Town of Douglas, AZ
- Desert Roadrunner, Blythe, CA
- Tuolumne County Transit, Sonora, CA
- Calaveras Transit, San Andreas, CA

Careful attention should be paid towards the implementation of this deviated fixed route service. The deviated fixed route pilot should operate for a period of 180 days (six months) to test viability. At the end of the demonstration period, the deviated fixed route service model would be evaluated.

Proposed Fares

Presently QTS operates on a suggested cash donation basis. While the majority of the senior passengers currently riding QTS donate, there are complaints that other passengers take advantage of the free ride, thus causing an inequity in regard to passengers paying their fair share. Staff recommends that a fare requirement be implemented to reduce the General Fund subsidy for the transit program. The proposed fare structure is:

Category	All Passengers One Way
Local with Quartzsite	\$2.00
Local within La Paz County	\$3.00
Regional (Yuma/Lake Havasu City)	\$7.50
Route Deviation (each stop)	+ additional \$1.00
Monthly Pass	\$75.00
10-Ride Pass	\$25.00
Transfer to/from Desert Roadrunner	+ additional \$2.50

Bus passes could be printed and sold at Quartzsite Town Hall during business hours, at other local business, and the Chamber of Commerce and Senior Center. A bus pass outlet agreement would be created with Town staff reconciling revenue regularly.

The fare structure would be based on one way fares with the opportunity for passengers to pay round trip. The fareboxes donated by the Yuma County Intergovernmental Public Transportation Authority (YCIPTA) should be installed on each of the buses so that passengers can pay their fare in a safe, locked box.

Proposed Route, Schedule and Bus Stops

A proposed route, schedule, and bus stops map is attached to this report for review. Bus stops will initially consist of a QTS sign; in some locations, in cooperation with local businesses, benches and/or bus shelters can be available at the bus stop.

The proposed route and schedule meets the following goals:

- Local service in Quartzsite will be available five days a week.
- Service to Parker will be available Wednesday through La Paz County Transit on a space available basis.
- Service to Parker will also be available on Thursday.
- Service to Blythe will be available on Wednesday through a transfer to Desert Roadrunner in Ehrenberg.
- Service to Yuma or Lake Havasu City will be available on alternating Tuesdays.

Proposed Cost

The proposed transit service change will fit within the existing transit operations budget of \$103,000 budgeted for FY 2013-2014. It is recommended that the full time position be revamped

with at least three part time positions. With this enhanced flexibility, all aspects of the schedule can be covered.

Town staff is evaluating the potential to contract out the transit system and may release a request for proposals to the market. Staff will present findings to the Town Council regarding the cost difference through potentially contracting with the private sector. This practice is common in the cities of Phoenix, Yuma, Tucson and Blythe, which have realized savings of approximately 25% vs. directly operating the service. The biggest savings is through vehicle liability insurance, reduced administrative staff and training costs.

Proposed Policies

Formalized policies are required for the transit service to ensure that passengers understand the service operating parameters necessary. As part of the Rider's Guide development, a section explaining QTS policies would be provided, including information such as: Title VI, travel training, reservations, registering for service, passenger rules, use of mobility devices, door to door assistance, shopping bag and bus operator assistance, oxygen, route deviations, five minute wait time, no shows and late cancels, subscription service, customer comments and trip cancellations.

Marketing & Public Outreach

Public outreach and marketing is critical towards the success of the proposed change in transit service. Public workshops and travel training seminars are important tools to help people understand how to use the new transit service. Materials such as a Rider's Guide would be developed for distribution on buses and at various locations through Quartzsite. This guide can be posted at bus stops as well. In addition, advertisements can be placed in Chamber of Commerce guide/map, local Town newsletters and newspapers, and the telephone book.

Other marketing activities include the Town's website at www.ci.quartzsite.az.us, distribution and posting of flyers and Rider's Guides throughout the community, utility mail outs, name the bus contest with a new logo and brand to replace QTS, and submission of press releases to the local media. In addition to this program, to generate additional revenue, a new advertising on bus program can be implemented which would allow local businesses to advertise on the exterior sides and inside the bus. Ads can be sold by town staff or a contractor.

Monitoring

The importance to a successful transit service is monitoring the performance. The following performance measures are proposed to ensure that the transit system is meeting the expectations for success:

- Passengers per hour should be 3.0 or greater
- Subsidy per passenger should be \$40.00 or less
- Passengers trips per day should be 15 or greater
- Passenger per mile should be 1.5 or greater
- Cost per operating hour should be \$90.00 or less
- Farebox recovery ratio should be at least 10% (Revenue generated by passengers)

Should the performance objectives listed above not be met, corrective action should be taken to improve the productivity of the new transit service, including additional marketing and public outreach with another three to six month extension to monitor the correction action. Further poor performance would result in returning to general public dial-a-ride service and/or alternative service delivery methods.

Next Steps

The goal is to implement this new service in November, to coincide with the start of the “snowbirds” arriving to Quartzsite. This means the following actions would need to take place:

1. Introduce and present the proposed concept to the Town Council
2. Public Workshop
3. Finalize the route, schedule and bus stop locations
4. Coordinate and put in place agreements with La Paz County and PVVTA
5. Print and distribution of materials, flyers, press releases and other marketing materials
6. Install bus stop signs
7. Implement new service, including special ribbon cutting ceremony
8. Monitor and report to the Town Council following six months of service implementation

Additional questions regarding this proposal can be directed to John Andoh at 928.304.2297 or via email to jandoh@ycipta.az.gov or Janet Collier at 928.927.4333 or via email to townhall@ci.quartzsite.az.us.

QTS Schedule - Quartzsite Municipal Center to Q Mountain Estates

Quartzsite											
Day of Operation	Inside Quartzsite Municipal Center - Plymouth @ Quail Trail	La Paz Medical Center - Tyson Street @ Central Blvd	Quartzsite Senior Center - Moon Mountain @ Cowell Street	Quartzsite Municipal Center - Plymouth @ Quail Trail	Main Street @ Moon Mountain	Love Travel Center @ Quartzsite Blvd	Kuehn Street @ Coway Lane (Q Mountain Estates)	Riggles Avenue @ Main Street (Chevron)	Casa de Quartzsite - Quail Trail @ Riggles Avenue	Inside Quartzsite Municipal Center - Plymouth @ Quail Trail	
M, T, W, TH, F	---	---	---	---	---	---	---	---	8:35 AM	8:37 AM	0.033333333
M, T, W, TH, F	8:40 AM	8:45 AM	8:55 AM	9:00 AM	9:05 AM	9:15 AM	9:25 AM	9:29 AM	9:35 AM	9:37 AM	0.95
M, T, W, TH, F	9:40 AM	9:45 AM	9:55 AM	10:00 AM	10:05 AM	10:15 AM	10:25 AM	10:29 AM	10:35 AM	10:37 AM	0.95
No Service Between 10:37 AM and 11:40 AM											
M, T, W, TH, F	---	---	---	---	---	---	---	---	11:35 AM	11:37 AM	0.033333333
M, T, W, TH, F	11:40 AM	11:45 AM	11:55 AM	12:00 PM	12:05 PM	12:15 PM	12:25 PM	12:29 PM	12:35 PM	12:37 PM	0.95
M, T, W, TH, F	12:40 PM	12:45 PM	12:55 PM	1:00 PM	1:05 PM	1:15 PM	1:25 PM	1:29 PM	1:35 PM	1:37 PM	0.95
No Service Between 1:37 PM and 2:40 PM											
M, T, W, TH, F	---	---	---	---	---	---	---	---	2:35 PM	2:37 PM	0.033333333
M, T, W, TH, F	2:40 PM	2:45 PM	2:55 PM	3:00 PM	3:05 PM	3:15 PM	3:25 PM	3:29 PM	3:35 PM	3:37 PM	0.95
M, T, W, TH, F	3:40 PM	3:45 PM	3:55 PM	4:00 PM	4:05 PM	4:15 PM	4:25 PM	4:29 PM	4:35 PM	4:37 PM	0.95

Wednesday QTS Schedule				
Connections	Quartzsite			Connections
Desert Roadrunner to Blythe	Leave Quartzsite	Arrive Ehrenberg	Arrive Quartzsite	Desert Roadrunner from Blythe
10:30 AM	10:00 AM	10:30 AM	11:00 AM	
	2:00 PM	2:30 PM	3:00 PM	2:30 PM

Thursday QTS Schedule		
Connections	Quartzsite	
La Paz County Transit to/from Parker	Start Pick Up In Quartzsite	End Pick Up In Quartzsite
7:30 AM	6:30 AM	7:00 AM
1:15 PM	1:15 PM	1:45 PM

Day	Service	Out of Town	Quartzsite	Out of Town	Quartzsite	Total Hours Daily	Total Days	Total Rev Hours Annually	Shift	Total Plat Hours Annually
Monday	Quartzsite Local	---	8:35 am to 4:37 pm	---	---	5.8	43	249.4	8:15 am to 4:50 pm	6.583
Tuesday	1 Bus - Quartzsite Local 1 Bus - Regional	---	8:35 am to 4:37 pm	9:40 am to 4:40 pm	---	12.8	52	665.6	8:15 am to 4:50 pm 9:20 am to 4:50 pm	14.083
Wednesday	1 Bus - Quartzsite Local 1 Bus - Ehrenberg	---	8:35 am to 4:37 pm	10 am to 11 am & 2 pm to 3 pm	---	7.8	52	405.6	8:15 am to 4:50 pm 9:40 am to 11:10 am & 1:40 pm to 3:10 pm	8.583
Thursday	1 Bus - Quartzsite Local 1 Bus - Parker	---	8:35 am to 4:37 pm	9:40 am to 2:40 pm	---	10.8	52	561.6	8:15 am to 4:50 pm	12.583
Friday	Quartzsite Local	---	8:35 am to 4:37 pm	---	---	5.8	52	301.6	8:15 am to 4:50 pm	6.583
					Revenue	43	251	2183.8		
					Platform	48.415	52	2517.58		1.41383333

AM times are shown in lightface type. PM times are in boldface type. Schedules are subject to change without notice. Times are approximate and may vary depending on traffic conditions, weather and other conditions.

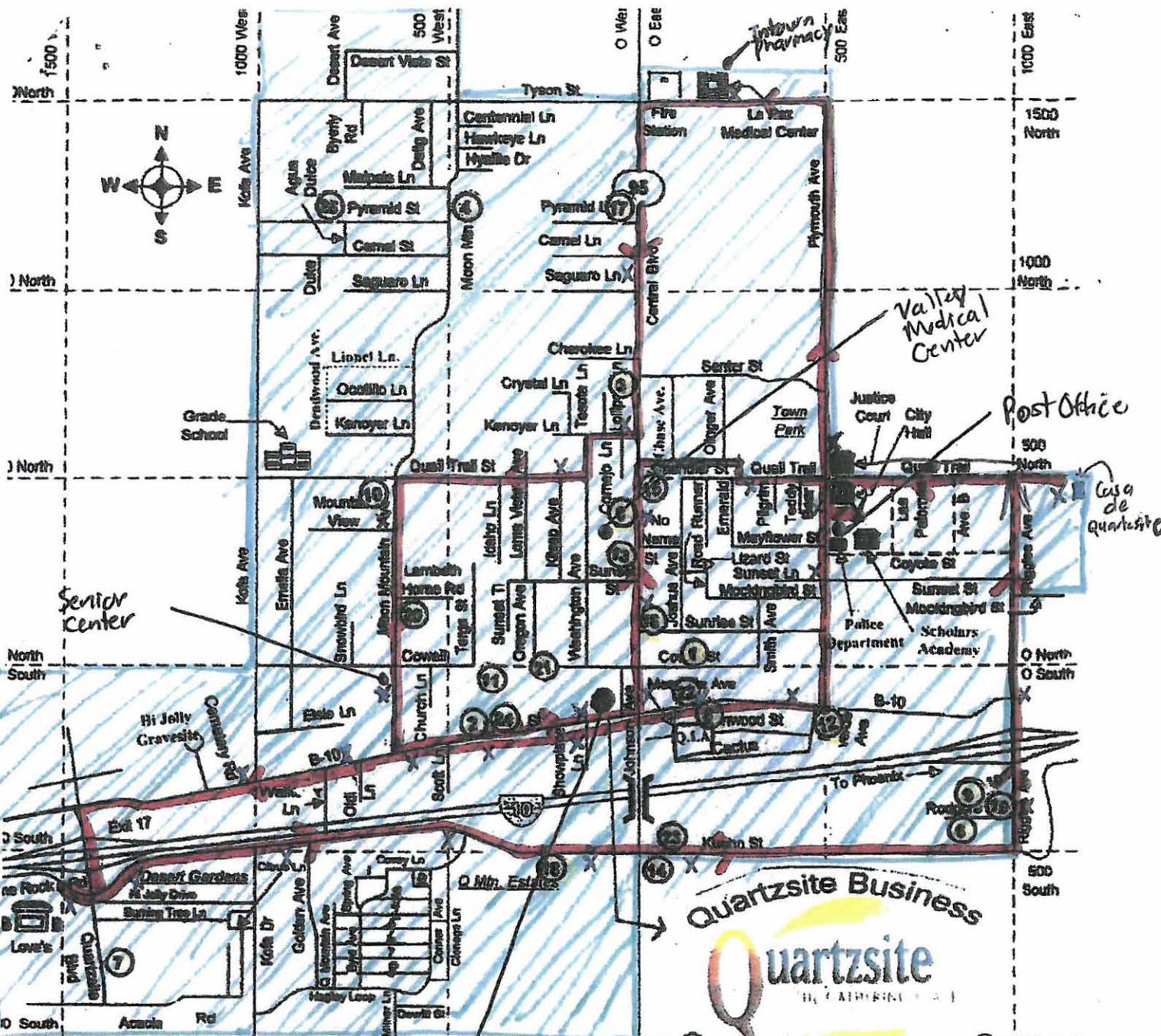
Not all QTS bus stops are shown. This route will stop at all QTS bus stops along the route or passengers may flag the bus down along its route. Passengers may also ask bus operator to deboard bus along the route between bus stops.

Route Deviations: This route can flex off route. Passengers may request the bus operator to flex off route, up to 1 mile on either side of the route by asking the bus operator or calling 928.927.4333 - the next day up to seven days in advance. Deviations requests are limited to the first four (4) requests per one-way trip.

No transit service on Saturday, Sunday or New Years Day, Dr. Martin Luther King Jr. Day, Presidents Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day & Christmas Day.

Proposed Bus Stops

Street	Cross Street	Side of Street	Bus Stop Number	Town
Quail Trail	Casa De Quartzsite Rental Office	Mid Block	01	Quartzsite
Quartzsite Municipal Center	In front of Town Hall Bldg	Mid Block	02	Quartzsite
Plymouth	Quail Trail (Court)	Far Side	03	Quartzsite
Tyson	La Paz Regional Medical Center	Far Side	04	Quartzsite
Central	Saguaro	Far Side	05	Quartzsite
Kenoyer	Central	Far Side	06	Quartzsite
Quail Trail	Across Kitsap	Mid Block	07	Quartzsite
Moon Mountain	Mountain View	Near Side	08	Quartzsite
Moon Mountain	Quartzsite Senior Center	Far Side	09	Quartzsite
Main	Across Moon Mountain	Mid Block	10	Quartzsite
Main	Showplace	Near Side	11	Quartzsite
Johnson	Main	Far Side	12	Quartzsite
Johnson	Sunrise	Far Side	13	Quartzsite
Johnson	No Name	Far Side	14	Quartzsite
Chandler	Central	Far Side	15	Quartzsite
Quail Trail	Chandler	Far Side	16	Quartzsite
Plymouth	Quail Trail	Far Side	17	Quartzsite
Plymouth	Sunset	Far Side	18	Quartzsite
Main	Plymouth	Far Side	19	Quartzsite
Main	Across QIA	Mid Block	20	Quartzsite
Main	Johnson	Far Side	21	Quartzsite
Main	Between Moon Mountain and Johnson	Mid Block	22	Quartzsite
Main	Cemetery	Near Side	23	Quartzsite
Love's Travel Plaza	Quartzsite Blvd	Mid Block	24	Quartzsite
Kuehn	Desert Gardens	Mid Block	25	Quartzsite
Kuehn	Golden Lane	Near Side	26	Quartzsite
Kuehn	Covey Lane	Near Side	27	Quartzsite
Kuehn	near Johnson	Near Side	28	Quartzsite
Kuehn	after Johnson	Far Side	29	Quartzsite
Riggles	Across Rogers	Far Side	30	Quartzsite
Riggles	Across Main (Chevron)	Far Side	31	Quartzsite
Quail Trail	Casa De Quartzsite Rental Office	Mid Block	01	Quartzsite
Quartzsite Municipal Center	In front of Town Hall Bldg	Mid Block	02	Quartzsite



1. Apache St
2. Arrowhead St
3. Bonanza St
4. Comanche St
5. Desert St
6. Emerald St
7. Falcon St
8. Granada St

Quartzsite Business
Quartzsite
 Chamber of Commerce
Town of Quartzsite



To La Posa
 North and South,
 La Paz Valley,
 and Yuma



Deviation Zone X Bus stop
 Proposed Route 32



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, September 24, 2013

Agenda Item #3 Consider approval of check series 36146 – 36214, totaling \$129,893.52.

Summary: The Quartzsite Town Council Procedure Policy states that at least once each month the Council shall review a list of all the bills paid, and may ask for clarification of any time.

The Procedure Policy also states the Council should designate the check numbers being approved.

Responsible Person: Laura Bruno, Town Manager

Attachment: Ledger of Accounts Paid: check series 36146 – 36214.

Action Requested: Motion to approve the Ledger of Accounts Paid; Check series 36146 – 36214.

**Council Meeting of September 24, 2013
Check Register/ Revenue/ Consent Agenda**

Horizon Community Bank- Begin Ck# 36146 - 36214

Balances on all cash accounts as of September 18, 2013

Checking Account	\$	2,337,197.47
LGIP Account	\$	686,505.95
WIFA Debt Reserve Account	\$	92,171.09

Total Expensed Dollar Amount for Consent Agenda	\$	198,662.99
Total Payroll for Pay Period Ending 08/31/13	\$	68,769.47
YTD Total Revenue Dollar Amount for Consent Agenda	\$	242,367.27
YTD Total Sewer Sales Revenue as of 09/18/13	\$	120,300.10
YTD Total Sewer Cap Revenue as of 09/18/13	\$	3,799.08
YTD Total Water Sales Revenue as of 09/18/13	\$	114,751.69
YTD Total Water Cap Revenue as of 09/18/13	\$	3,516.40

Report Criteria:

Report type: GL detail

Check.Check Number = 36146-36214

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
36146						
09/11/2013	36146	Alsco - Steiner Corp	260.97	Uniform Cleaning Service	03-220-5035	260.97
Total 36146:			260.97			
36147						
09/11/2013	36147	APS	1,059.36	Electric Service	03-220-5049	1,059.36
Total 36147:			1,059.36			
36148						
09/11/2013	36148	Arizona State Treasurer	13,245.63	Fees Collected in August 2013	01-000-2212	13,245.63
Total 36148:			13,245.63			
36149						
09/11/2013	36149	C&D Disposal	103.90	4Yd Commercial Bin Fee	01-180-5035	103.90
Total 36149:			103.90			
36150						
09/11/2013	36150	Chevron Usa	42.05	Fuel	01-130-5024	42.05
09/11/2013	36150	Chevron Usa	69.84	Fuel	03-220-5024	69.84
09/11/2013	36150	Chevron Usa	215.54	Fuel	01-110-5043	215.54
Total 36150:			327.43			
36151						
09/11/2013	36151	D And L Auto Parts	62.04	Equipment/Auto Parts	03-220-5040	62.04
09/11/2013	36151	D And L Auto Parts	48.18	Equipment/Auto Parts	03-220-5060	48.18
09/11/2013	36151	D And L Auto Parts	652.74	Equipment/Auto Parts	01-140-5025	652.74
09/11/2013	36151	D And L Auto Parts	53.98	Equipment/Auto Parts	01-180-5040	53.98
09/11/2013	36151	D And L Auto Parts	8.51	Equipment/Auto Parts	15-500-5040	8.51
Total 36151:			825.45			
36152						
09/11/2013	36152	Diamond Brooks Bottled W	6.15	Drinking Water	01-130-5035	6.15
09/11/2013	36152	Diamond Brooks Bottled W	6.15	Drinking Water	01-140-5035	6.15
09/11/2013	36152	Diamond Brooks Bottled W	6.15	Drinking Water	01-150-5035	6.15
09/11/2013	36152	Diamond Brooks Bottled W	6.15	Drinking Water	01-170-5035	6.15
09/11/2013	36152	Diamond Brooks Bottled W	12.30	Drinking Water	03-220-5035	12.30
Total 36152:			36.90			
36153						
09/11/2013	36153	Etherspeak Inc.	4.90	Phone Services	01-110-5048	4.90
09/11/2013	36153	Etherspeak Inc.	48.94	Phone Services	01-130-5048	48.94
09/11/2013	36153	Etherspeak Inc.	53.85	Phone Services	01-140-5048	53.85
09/11/2013	36153	Etherspeak Inc.	19.59	Phone Services	01-150-5048	19.59
09/11/2013	36153	Etherspeak Inc.	14.69	Phone Services	01-160-5048	14.69
09/11/2013	36153	Etherspeak Inc.	14.69	Phone Services	01-170-5048	14.69

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
09/11/2013	36153	Etherspeak Inc.	9.79	Phone Services	01-185-5048	9.79
09/11/2013	36153	Etherspeak Inc.	14.69	Phone Services	03-220-5048	14.69
09/11/2013	36153	Etherspeak Inc.	9.79	Phone Services	15-500-5048	9.79
09/11/2013	36153	Etherspeak Inc.	9.79	Phone Services	16-550-5048	9.79
Total 36153:			200.72			
36154						
09/11/2013	36154	Hach Company	50.08	Lab Supplies for WWTP	15-500-5052	50.08
Total 36154:			50.08			
36155						
09/11/2013	36155	Home Depot Credit Service	548.97	Saw, Charger & Small Tools for P	03-220-5060	548.97
09/11/2013	36155	Home Depot Credit Service	8.42	Janitorial Supplies for PW Dept	03-220-5022	8.42
Total 36155:			557.39			
36156						
09/11/2013	36156	Jack Pots Portables, Inc.	190.53	Porta Potty for Qtz Park	01-180-5035	190.53
Total 36156:			190.53			
36157						
09/11/2013	36157	La Paz County Landfill	49.81	Concrete Disposal	03-220-5029	49.81
Total 36157:			49.81			
36158						
09/11/2013	36158	La Paz County Sheriff's De	291.22	Fees Collected in August 2013	01-000-2212	291.22
Total 36158:			291.22			
36159						
09/11/2013	36159	La Paz County Treasurer	53.53	Fees Collected in August 2013	01-000-2212	53.53
Total 36159:			53.53			
36160						
09/11/2013	36160	Lawson Products, Inc.	177.00	Drill Bit Sharpener	03-220-5060	177.00
Total 36160:			177.00			
36161						
09/11/2013	36161	Lowe's	258.34	Supplies for Park Dept	01-180-5086	258.34
Total 36161:			258.34			
36162						
09/11/2013	36162	Petty Cash	205.90	Newsletter Mailings Postage	01-130-5035	205.90
09/11/2013	36162	Petty Cash	40.00	Per Diem for Finance Workshop	01-130-5043	40.00
09/11/2013	36162	Petty Cash	12.32	Light Bulbs for Police Dept	01-140-5030	12.32
09/11/2013	36162	Petty Cash	19.20	Snacks for Recreation	01-185-5095	19.20
09/11/2013	36162	Petty Cash	12.05	Fan for Tina's Office	01-160-5022	12.05
09/11/2013	36162	Petty Cash	27.27	Flashlight for Library	01-170-5022	27.27
09/11/2013	36162	Petty Cash	35.00	MVD Physical for O. Cruz	16-550-5035	35.00

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
09/11/2013	36162	Petty Cash	23.20	M.O. for Fingerprints New Employ	01-160-5035	23.20
09/11/2013	36162	Petty Cash	46.40	M.O. for Fingerprints New Employ	01-230-5035	46.40
09/11/2013	36162	Petty Cash	34.80	M.O. for Fingerprints New Employ	15-500-5035	34.80
09/11/2013	36162	Petty Cash	34.80	M.O. for Fingerprints New Employ	16-550-5035	34.80
09/11/2013	36162	Petty Cash	5.47	Postage for Police	01-140-5042	5.47
09/11/2013	36162	Petty Cash	10.00-	Cash Over in Utilities	01-000-4101	10.00-
Total 36162:			486.41			
36163						
09/11/2013	36163	Road Runner Sanitary Sup	16.46	Janitorial Supplies	01-130-5022	16.46
09/11/2013	36163	Road Runner Sanitary Sup	16.45	Janitorial Supplies	01-140-5022	16.45
09/11/2013	36163	Road Runner Sanitary Sup	16.45	Janitorial Supplies	01-150-5022	16.45
09/11/2013	36163	Road Runner Sanitary Sup	16.45	Janitorial Supplies	01-170-5022	16.45
09/11/2013	36163	Road Runner Sanitary Sup	16.45	Janitorial Supplies	03-220-5022	16.45
09/11/2013	36163	Road Runner Sanitary Sup	16.45	Janitorial Supplies	15-500-5022	16.45
09/11/2013	36163	Road Runner Sanitary Sup	16.45	Janitorial Supplies	16-550-5022	16.45
09/11/2013	36163	Road Runner Sanitary Sup	63.77	Janitorial Supplies	01-185-5022	63.77
09/11/2013	36163	Road Runner Sanitary Sup	37.69	Janitorial Supplies	01-180-5022	37.69
09/11/2013	36163	Road Runner Sanitary Sup	8.33	Janitorial Supplies	01-130-5022	8.33
09/11/2013	36163	Road Runner Sanitary Sup	8.33	Janitorial Supplies	01-140-5022	8.33
09/11/2013	36163	Road Runner Sanitary Sup	8.33	Janitorial Supplies	01-150-5022	8.33
09/11/2013	36163	Road Runner Sanitary Sup	8.33	Janitorial Supplies	01-160-5022	8.33
09/11/2013	36163	Road Runner Sanitary Sup	8.33	Janitorial Supplies	01-170-5022	8.33
09/11/2013	36163	Road Runner Sanitary Sup	8.33	Janitorial Supplies	03-220-5022	8.33
09/11/2013	36163	Road Runner Sanitary Sup	8.34	Janitorial Supplies	15-500-5022	8.34
09/11/2013	36163	Road Runner Sanitary Sup	8.34	Janitorial Supplies	16-550-5022	8.34
09/11/2013	36163	Road Runner Sanitary Sup	6.87	Janitorial Supplies	01-185-5022	6.87
09/11/2013	36163	Road Runner Sanitary Sup	125.29	Janitorial Supplies	01-180-5022	125.29
Total 36163:			415.44			
36164						
09/11/2013	36164	Southwest Laboratories, In	19.50	Drug Testing for New Employee	01-150-5035	19.50
09/11/2013	36164	Southwest Laboratories, In	19.50	Drug Testing for New Employee	01-160-5035	19.50
09/11/2013	36164	Southwest Laboratories, In	29.25	Drug Testing for New Employee	15-500-5035	29.25
09/11/2013	36164	Southwest Laboratories, In	29.25	Drug Testing for New Employee	16-550-5035	29.25
09/11/2013	36164	Southwest Laboratories, In	19.50	Drug Testing for New Employee	01-230-5035	19.50
Total 36164:			117.00			
36165						
09/11/2013	36165	Tamco Capital Corp.	52.82	Phone System Rental Pmt	01-110-5061	52.82
09/11/2013	36165	Tamco Capital Corp.	527.72	Phone System Rental Pmt	01-130-5061	527.72
09/11/2013	36165	Tamco Capital Corp.	580.53	Phone System Rental Pmt	01-140-5061	580.53
09/11/2013	36165	Tamco Capital Corp.	211.26	Phone System Rental Pmt	01-150-5061	211.26
09/11/2013	36165	Tamco Capital Corp.	158.45	Phone System Rental Pmt	01-160-5061	158.45
09/11/2013	36165	Tamco Capital Corp.	158.45	Phone System Rental Pmt	01-170-5061	158.45
09/11/2013	36165	Tamco Capital Corp.	105.63	Phone System Rental Pmt	01-185-5061	105.63
09/11/2013	36165	Tamco Capital Corp.	158.45	Phone System Rental Pmt	03-220-5061	158.45
09/11/2013	36165	Tamco Capital Corp.	105.63	Phone System Rental Pmt	15-500-5061	105.63
09/11/2013	36165	Tamco Capital Corp.	105.63	Phone System Rental Pmt	16-550-5061	105.63
Total 36165:			2,164.57			

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
36166						
09/11/2013	36166	Verizon Wireless	35.84	Cell Phone Services	01-160-5048	35.84
09/11/2013	36166	Verizon Wireless	62.30	Cell Phone Services	01-230-5048	62.30
09/11/2013	36166	Verizon Wireless	122.32	Cell Phone Services	01-130-5048	122.32
09/11/2013	36166	Verizon Wireless	30.46	Cell Phone Services	01-170-5048	30.46
09/11/2013	36166	Verizon Wireless	93.45	Cell Phone Services	01-180-5048	93.45
09/11/2013	36166	Verizon Wireless	40.01	Cell Phone Services	20-121-5048	40.01
09/11/2013	36166	Verizon Wireless	77.96	Cell Phone Services	01-185-5048	77.96
09/11/2013	36166	Verizon Wireless	30.50	Cell Phone Services	03-220-5048	30.50
09/11/2013	36166	Verizon Wireless	79.13	Cell Phone Services	15-500-5048	79.13
09/11/2013	36166	Verizon Wireless	120.81	Cell Phone Services	16-550-5048	120.81
Total 36166:			692.78			
36167						
09/11/2013	36167	Visa	245.00	ACTC: Conf & Workshop for D. A	01-180-5043	245.00
09/11/2013	36167	Visa	95.00	Tri-State Seminar 9/24-9/26/13 for	15-500-5043	95.00
09/11/2013	36167	Visa	95.00	Tri-State Seminar 9/24-9/26/13 for	16-550-5043	95.00
09/11/2013	36167	Visa	218.40	South Point Hotel: R. Troxler for T	15-500-5043	218.40
09/11/2013	36167	Visa	218.40	South Point Hotel: J. Sorensen for	16-550-5043	218.40
09/11/2013	36167	Visa	75.00	AACOP Trng 9/11-9/13/13 for Chi	01-140-5043	75.00
09/11/2013	36167	Visa	200.00	AZBO: Permit Tech Trng T. Hoog	01-160-5043	200.00
09/11/2013	36167	Visa	326.11	Freightliner: Equip. Repair/Mainte	03-220-5040	326.11
09/11/2013	36167	Visa	31.51	Amazon: Money Tray for Front Co	01-130-5022	31.51
Total 36167:			1,504.42			
36168						
09/11/2013	36168	Wells Fargo Financial Leas	41.05	Color Copies on Bizhub 650	01-130-5038	41.05
09/11/2013	36168	Wells Fargo Financial Leas	41.04	Color Copies on Bizhub 650	01-140-5035	41.04
09/11/2013	36168	Wells Fargo Financial Leas	41.04	Color Copies on Bizhub 650	01-150-5038	41.04
09/11/2013	36168	Wells Fargo Financial Leas	41.04	Color Copies on Bizhub 650	01-160-5035	41.04
09/11/2013	36168	Wells Fargo Financial Leas	41.05	Color Copies on Bizhub 650	15-500-5038	41.05
09/11/2013	36168	Wells Fargo Financial Leas	41.05	Color Copies on Bizhub 650	16-550-5038	41.05
Total 36168:			246.27			
36169						
09/11/2013	36169	Connected Computer & Re	425.00	Computer Tech Services	01-170-5035	425.00
09/11/2013	36169	Connected Computer & Re	187.50	Computer Tech Services	01-110-5035	187.50
09/11/2013	36169	Connected Computer & Re	257.88	Computer Tech Services	01-160-5035	257.88
09/11/2013	36169	Connected Computer & Re	326.87	Computer Tech Services	01-185-5035	326.87
Total 36169:			1,197.25			
36170						
09/11/2013	36170	Beverly Birgenhneier	108.00	Refund: Overpayment	01-000-4410	108.00
Total 36170:			108.00			
36171						
09/11/2013	36171	Kansas State Bank	146.64	Konica Minolta Bizhub C654 Copi	01-130-5058	146.64
09/11/2013	36171	Kansas State Bank	57.54	Konica Minolta Bizhub C654 Copi	01-130-5057	57.54
Total 36171:			204.18			

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
36172						
09/11/2013	36172	Palo Verde Valley Times	69.07	Notice of Vacancy Ad	01-110-5035	69.07
Total 36172:			69.07			
36173						
09/11/2013	36173	Precision Striping Inc.	4,800.00	Inv#5118: Striping Plamosa Rd P	03-220-5029	4,800.00
09/11/2013	36173	Precision Striping Inc.	375.00	Inv#5121: Striping Cemetery Lot	03-220-5029	375.00
Total 36173:			5,175.00			
36174						
09/11/2013	36174	Quill Corporation	96.18	Office Supplies: Magistrate Court	01-150-5022	96.18
09/11/2013	36174	Quill Corporation	52.14	Office Supplies: Admin	01-130-5022	52.14
09/11/2013	36174	Quill Corporation	260.41	Office Supplies: Community Svc	01-160-5022	260.41
09/11/2013	36174	Quill Corporation	7.14	Office Supplies: PW Dept	03-220-5022	7.14
09/11/2013	36174	Quill Corporation	7.14	Office/Cleaning Supplies: Wastew	15-500-5022	7.14
09/11/2013	36174	Quill Corporation	7.14	Office/Cleaning Supplies: Water D	16-550-5022	7.14
09/11/2013	36174	Quill Corporation	7.14	Office/Cleaning Supplies: Library	01-170-5022	7.14
09/11/2013	36174	Quill Corporation	7.14	Office/Cleaqing Supplies: Police	01-140-5022	7.14
09/11/2013	36174	Quill Corporation	32.30	Other Supplies: Clipboard Park D	01-180-5022	32.30
09/11/2013	36174	Quill Corporation	38.07	Office Supplies: Admin	01-130-5022	38.07
09/11/2013	36174	Quill Corporation	82.01	Office Supplies: Wastewater Dept	15-500-5022	82.01
09/11/2013	36174	Quill Corporation	9.78	Office Supplies: Community Servi	01-160-5022	9.78
09/11/2013	36174	Quill Corporation	76.15	Office Supplies: Water Dept	16-550-5022	76.15
Total 36174:			682.74			
36175						
09/11/2013	36175	REDW LLC	17,301.00	Sales Tax Audit through Agust 26,	01-130-5032	17,301.00
Total 36175:			17,301.00			
36176						
09/11/2013	36176	Jesse J. Newton	72.00	Per Diem: Valor Trng 9/23-9/25/1	01-140-5043	72.00
Total 36176:			72.00			
36177						
09/11/2013	36177	Robert Brady	72.00	Per Diem: Valor Trng 9/23-9/25/1	01-140-5043	72.00
Total 36177:			72.00			
36192						
09/18/2013	36192	ClassicPlan Premium Fina	1,039.85	Liability Insurance	01-185-5046	1,039.85
09/18/2013	36192	ClassicPlan Premium Fina	2,079.70	Liability Insurance	01-130-5046	2,079.70
09/18/2013	36192	ClassicPlan Premium Fina	4,939.28	Liability Insurance	01-140-5046	4,939.28
09/18/2013	36192	ClassicPlan Premium Fina	779.89	Liability Insurance	01-150-5046	779.89
09/18/2013	36192	ClassicPlan Premium Fina	779.89	Liability Insurance	01-170-5046	779.89
09/18/2013	36192	ClassicPlan Premium Fina	9,618.58	Liability Insurance	03-220-5046	9,618.58
09/18/2013	36192	ClassicPlan Premium Fina	1,299.81	Liability Insurance	01-230-5046	1,299.81
09/18/2013	36192	ClassicPlan Premium Fina	3,119.54	Liability Insurance	15-500-5046	3,119.54
09/18/2013	36192	ClassicPlan Premium Fina	2,339.66	Liability Insurance	16-550-5046	2,339.66
Total 36192:			25,996.20			

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
36193						
09/18/2013	36193	Connected Computer & Re	887.39	Computer Maintenance/Services	01-110-5035	887.39
09/18/2013	36193	Connected Computer & Re	368.39	Computer Maintenance/Services	01-130-5035	368.39
Total 36193:			1,255.78			
36194						
09/18/2013	36194	Diamond Brooks Bottled W	10.25	Drinking Water	01-130-5035	10.25
09/18/2013	36194	Diamond Brooks Bottled W	10.25	Drinking Water	01-140-5035	10.25
09/18/2013	36194	Diamond Brooks Bottled W	10.25	Drinking Water	01-150-5035	10.25
09/18/2013	36194	Diamond Brooks Bottled W	12.30	Drinking Water	03-220-5035	12.30
09/18/2013	36194	Diamond Brooks Bottled W	10.25	Drinking Water	01-170-5035	10.25
Total 36194:			53.30			
36195						
09/18/2013	36195	Employers Direct Health	380.00	Employers Direct Health	01-110-5016	380.00
09/18/2013	36195	Employers Direct Health	1,520.00	Employers Direct Health	01-130-5016	1,520.00
09/18/2013	36195	Employers Direct Health	4,940.00	Employers Direct Health	01-140-5016	4,940.00
09/18/2013	36195	Employers Direct Health	1,520.00	Employers Direct Health	01-150-5016	1,520.00
09/18/2013	36195	Employers Direct Health	760.00	Employers Direct Health	01-160-5016	760.00
09/18/2013	36195	Employers Direct Health	1,140.00	Employers Direct Health	01-170-5016	1,140.00
09/18/2013	36195	Employers Direct Health	570.00	Employers Direct Health	01-180-5016	570.00
09/18/2013	36195	Employers Direct Health	570.00	Employers Direct Health	01-185-5016	570.00
09/18/2013	36195	Employers Direct Health	3,040.00	Employers Direct Health	03-220-5016	3,040.00
09/18/2013	36195	Employers Direct Health	760.00	Employers Direct Health	01-230-5016	760.00
09/18/2013	36195	Employers Direct Health	380.00	Employers Direct Health	01-181-5016	380.00
09/18/2013	36195	Employers Direct Health	1,330.00	Employers Direct Health	15-500-5016	1,330.00
09/18/2013	36195	Employers Direct Health	1,710.00	Employers Direct Health	16-550-5016	1,710.00
09/18/2013	36195	Employers Direct Health	380.00	Employers Direct Health	20-121-5016	380.00
Total 36195:			19,000.00			
36196						
09/18/2013	36196	Herbs Hardware, Inc.	104.73	Maintenance & Parts	03-220-5060	104.73
09/18/2013	36196	Herbs Hardware, Inc.	52.72	Maintenance & Parts	01-130-5022	52.72
09/18/2013	36196	Herbs Hardware, Inc.	69.61	Maintenance & Parts	01-180-5086	69.61
09/18/2013	36196	Herbs Hardware, Inc.	157.43	Maintenance & Parts	01-180-5060	157.43
09/18/2013	36196	Herbs Hardware, Inc.	27.60	Maintenance & Parts	15-500-5022	27.60
09/18/2013	36196	Herbs Hardware, Inc.	187.02	Maintenance & Parts	16-550-5060	187.02
Total 36196:			599.11			
36197						
09/18/2013	36197	Legend Technical Services	108.00	Monthly APP/AZPDES	15-500-5039	108.00
Total 36197:			108.00			
36198						
09/18/2013	36198	Pitney Bowes Inc	674.05	Quarterly Leasing Charges	01-130-5038	674.05
09/18/2013	36198	Pitney Bowes Inc	54.95	Supplies: Ink Crtgds & Tape Strip	01-130-5022	54.95
09/18/2013	36198	Pitney Bowes Inc	54.95	Supplies: Ink Crtgds & Tape Strip	01-140-5022	54.95
09/18/2013	36198	Pitney Bowes Inc	54.96	Supplies: Ink Crtgds & Tape Strip	01-150-5022	54.96
09/18/2013	36198	Pitney Bowes Inc	54.96	Supplies: Ink Crtgds & Tape Strip	03-220-5022	54.96
09/18/2013	36198	Pitney Bowes Inc	54.96	Supplies: Ink Crtgds & Tape Strip	15-500-5022	54.96
09/18/2013	36198	Pitney Bowes Inc	54.96	Supplies: Ink Crtgds & Tape Strip	16-550-5022	54.96

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
Total 36198:			1,003.79			
36199						
09/18/2013	36199	Quill Corporation	210.77	Copy Paper	01-130-5022	210.77
09/18/2013	36199	Quill Corporation	210.76	Copy Paper	01-140-5022	210.76
09/18/2013	36199	Quill Corporation	210.76	Copy Paper	01-150-5022	210.76
09/18/2013	36199	Quill Corporation	210.76	Copy Paper	01-160-5022	210.76
09/18/2013	36199	Quill Corporation	210.76	Copy Paper	15-500-5022	210.76
09/18/2013	36199	Quill Corporation	210.76	Copy Paper	16-550-5022	210.76
09/18/2013	36199	Quill Corporation	210.76	Copy Paper	03-220-5022	210.76
Total 36199:			1,475.33			
36200						
09/18/2013	36200	Road Runner Sanitary Sup	15.94	Janitorial Supplies	01-130-5022	15.94
09/18/2013	36200	Road Runner Sanitary Sup	70.59	Janitorial Supplies	01-140-5022	70.59
09/18/2013	36200	Road Runner Sanitary Sup	15.93	Janitorial Supplies	01-150-5022	15.93
09/18/2013	36200	Road Runner Sanitary Sup	15.94	Janitorial Supplies	01-160-5022	15.94
09/18/2013	36200	Road Runner Sanitary Sup	15.94	Janitorial Supplies	01-170-5022	15.94
09/18/2013	36200	Road Runner Sanitary Sup	15.94	Janitorial Supplies	03-220-5022	15.94
09/18/2013	36200	Road Runner Sanitary Sup	15.94	Janitorial Supplies	15-500-5022	15.94
09/18/2013	36200	Road Runner Sanitary Sup	15.94	Janitorial Supplies	16-550-5022	15.94
Total 36200:			182.16			
36201						
09/18/2013	36201	TDS Telecom	324.09	Telephone Service	01-130-5048	324.09
09/18/2013	36201	TDS Telecom	353.48	Telephone Service	01-140-5048	353.48
09/18/2013	36201	TDS Telecom	236.62	Telephone Service	01-150-5048	236.62
09/18/2013	36201	TDS Telecom	60.55	Telephone Service	01-160-5048	60.55
09/18/2013	36201	TDS Telecom	240.14	Telephone Service	01-170-5048	240.14
09/18/2013	36201	TDS Telecom	171.50	Telephone Service	03-220-5048	171.50
09/18/2013	36201	TDS Telecom	212.79	Telephone Service	15-500-5048	212.79
09/18/2013	36201	TDS Telecom	198.06	Telephone Service	16-550-5048	198.06
Total 36201:			1,797.23			
36202						
09/18/2013	36202	U.S. Bank Operations Ctr.	13,105.21	Excise Tax Revenue Bond Obligat	01-000-1105	13,105.21
Total 36202:			13,105.21			
36203						
09/18/2013	36203	West Payment Center	430.66	West Law Information Charges	01-150-5051	430.66
Total 36203:			430.66			
36204						
09/18/2013	36204	Yuma Winnelson Co.	373.52	System Maintenance for Water D	16-550-5091	373.52
Total 36204:			373.52			
36205						
09/18/2013	36205	Amanda Lilly	286.80	Per Diem/Hotel: JP Conference 9/	01-150-5043	286.80

Check Issue Date	Check Number	Payee	Invoice Amount	Description	Invoice GL Account	Amount
Total 36205:			<u>286.80</u>			
36206						
09/18/2013	36206	Curtis, Goodwin, Sullivan,	6,765.77	Inv# 18805-1: General Council Se	01-120-5072	6,765.77
09/18/2013	36206	Curtis, Goodwin, Sullivan,	2,073.53	Inv# 18805-2,3: Special Council S	01-120-5072	2,073.53
Total 36206:			<u>8,839.30</u>			
36207						
09/18/2013	36207	Cyle Johnson Electric	292.20	Booster Pump Repair Water Plant	16-550-5050	292.20
Total 36207:			<u>292.20</u>			
36208						
09/18/2013	36208	Hill Brothers Chemical Co.	623.12	Chlorine & Sulfur Dioxide for Wate	16-550-5050	623.12
09/18/2013	36208	Hill Brothers Chemical Co.	623.11	Chlorine & Sulfur Dioxide for Wate	15-500-5050	623.11
Total 36208:			<u>1,246.23</u>			
36209						
09/18/2013	36209	Jean Winter	15.14	Wood Wheelbrw Handle	01-130-5022	15.14
Total 36209:			<u>15.14</u>			
36210						
09/18/2013	36210	Park Place RV Park	54.30	Refund: Audit Period 1/1/11-2/28/	01-000-4011	54.30
Total 36210:			<u>54.30</u>			
36211						
09/18/2013	36211	Precision Electric Co.	657.04	Process Pump/Repair Motor	15-500-5050	657.04
Total 36211:			<u>657.04</u>			
36212						
09/18/2013	36212	Purcell Tire Co	498.18	Tires for Ditch Witch	15-500-5040	498.18
09/18/2013	36212	Purcell Tire Co	498.18	Tires for Ditch Witch	16-550-5040	498.18
09/18/2013	36212	Purcell Tire Co	498.18	Tires for Ditch Witch	03-220-5040	498.18
Total 36212:			<u>1,494.54</u>			
36213						
09/18/2013	36213	Usa Blue Book	211.29	Lab Supplies for WWTP	15-500-5052	211.29
Total 36213:			<u>211.29</u>			
36214						
09/18/2013	36214	Ward Law Offices, PLLC	3,200.00	Prosecutorial Services	01-120-5073	3,200.00
Total 36214:			<u>3,200.00</u>			
Grand Totals:			<u><u>129,873.52</u></u>			

Grand Totals:	<u>129,893.52</u>	<u>129,893.52-</u>	<u>.00</u>
---------------	-------------------	--------------------	------------

Report Criteria:

Report type: GL detail

Check.Check Number = 36146-36214



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, September 24, 2013

Agenda Item # 4 Consider approval of the minutes of the Regular Meeting of September 10, 2013.

Summary: The Town Clerk shall keep the minutes of all meetings of the Common Council. Upon approval by the Council, the Clerk shall enter the approved minutes in a book constituting the official record of the Council.

Responsible Person: Terry Frausto, Town Clerk

Attachment: Minutes of the Regular Meeting of September 10, 2013.

Action Requested: **Motion to approve the Minutes of the Regular Meeting of September 10, 2013.**

**MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, SEPTEMBER 10, 2013, 9:00 AM**

CALL TO ORDER: 9:04 am

Council Member Kelley

Town Attorney Ronan requested the record show that Council Member Kelley was appointed as Acting Mayor for this meeting.

INVOCATION:

Moment of silence for the victims of 9/11

PLEDGE OF ALLEGIANCE:

Led by Norma Crooks

ROLL CALL:

Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Scott. (Mayor Foster and Vice Mayor Jewitt both appeared telephonically)

ABSENT:

STAFF PRESENT:

Laura Bruno- Town Manager, Terry Frausto – Town Clerk, Tina Abriani – Assisting Town Clerk, Patricia Ronan- -Town Attorney

APPROVAL/AMENDMENT OF AGENDA:

Motion: Approve the agenda as presented, **Action:** Approve, **Moved by** Vice Mayor Jewitt, **Seconded by** Council Member Orgeron.
Approved by all.

PRESENTATIONS; PROCLAMATIONS:

1. **National Alcohol & Drug Addiction Recovery Month Proclamation**
Read by Council Member Kelley
Motion: to proclaim September as National Alcohol & Drug Addiction Recovery Month: **Moved by** Council Member Scott, **Seconded by** Council Member Crooks
Approved by all
2. **National Preparedness Month Proclamation.**
Read by Council Member Kelley
Motion: to proclaim September as National Preparedness Month, **Action:** Approve, **Moved by** Council Member Scott, **Seconded by** Council Member Crooks.
Approved by all

CONSENT AGENDA:

3. **Ledger of Accounts Paid – Consider approval of check series 36088-36415, totaling \$84,959.46.**

4. **Minutes** – Consider approval of the minutes of the Regular Meeting of August 26, 2013 and the Special Meeting of August 30, 2013.
5. **Engineering Project** – Consider approval of an engineering project with Atkins Engineering for the design for Showplace Lane and Quail Trail Street East improvements.
6. **Columbarium Wall** – Consider approval of the purchase of a columbarium niche wall for the Quartzsite Town Cemetery.
Motion: To approve as written, **Action:** Approve, **Moved by** Council Member Orgeron, **Seconded by** Council Member Crooks.
Motion passed unanimously.

PUBLIC HEARING

7. **Liquor License – Conduct hearing and consider approval** of a Special Event Liquor License for the General Federation of Women’s Clubs (GFWC) Quartzsite Women’s Club charitable fund raiser

Open for public hearing.

Mary Ann Peck spoke on the subject.

Motion: To approve the Special event Liquor License for the Charitable fund raising event to be held at 1 W. Kuehn, Quartzsite, Arizona, by the Quartzsite Women’s Club,
Action: Approve, **Moved by** Council Member Crooks, **Seconded by** Vice Mayor Jewitt.
Motion passed unanimously.

ADMINISTRATIVE ITEMS:

8. **Town Manager Salary Range** – Discuss Town Manager recruitment process and consider approval of proposed annual of proposed annual salary range for the position of Quartzsite Town Manager.
A discussion was held by the Council on what the salary range should be.
Motion: to approve proposed annual salary range of 70 to 100 thousand to recruit for the position of Quartzsite Town Manager, **Action:** Approve, **Moved by** Vice Mayor Jewitt, **Seconded by** Council Member Orgeron.
Call for the vote. 5 – Ayes and 1 Nay. Motion Passed

COMMUNICATIONS:

9. **Announcements and Reports from the Mayor on current events.**
Council Member Kelley spoke on Bountiful Baskets at Community Center.
10. **Announcements and Reports from the Council on current events**
No Announcements by Council.
11. **Reports from the Town Manager to the Council**
Twitter account for the Town

Call to the Public

Jennifer Jones spoke on the subject of the hiring the town Manager; what an illegal kennel is; revising the ordinance; and Council legal issues.
She would like the Town Council to review the kennel ordinance

ADJOURNMENT: 9:40 am
Motion to adjourn by Council Member Crooks

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of September 10, 2013, of the Town Council of Quartzsite, Arizona.

I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 24th day of September, 2013

Terry Frausto, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor

DRAFT



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, September 24, 2013

Agenda Item #5 Consider approval of an ordinance amending Town Code, Section 2-4-6, by repealing the present Section 2-4-6 and adopting an amended Section 2-4-6, relating to the order of business conducted by the Mayor and Common Council and amending the Council Procedure Policy Manual to conform thereto.

Summary: On August 24, 2013, the Council approved amending the council meeting procedure for addressing each agenda item as follows:

- 1) Open the item for presentation or discussion.
- 2) Staff may present or explain the item or issue, followed by council discussion.
- 3) Make a motion to act upon the item, where required.
- 4) If necessary, make amendments to the original motion.
- 5) Act on the motion by taking a vote.

The proposed ordinance reflects the change in procedure for addressing council meeting agenda items.

Responsible Person: Kelly Schwab, Town Attorney

Attachment: Proposed Ordinance

Action Requested: **Motion to approve an ordinance amending Town Code, Section 2-4-6, by repealing the present Section 2-4-6 and adopting an amended Section 2-4-6, relating to the order of business conducted by the Mayor and Common Council and amending the Council Procedure Policy Manual to conform thereto.**

TOWN OF QUARTZSITE

ORDINANCE NO. 13-04

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA, AMENDING THE TOWN CODE, SECTION 2-4-6, BY REPEALING THE PRESENT SECTION 2-4-6 AND ADOPTING AN AMENDED SECTION 2-4-6, RELATING TO THE ORDER OF BUSINESS CONDUCTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUARTZSITE, ARIZONA AND AMENDING THE COUNCIL PROCEDURE POLICY MANUAL TO CONFORM THERETO.

Section 1: Section 2-4-6 of the Town Code of the Town of Quartzsite, Arizona, is hereby repealed in its entirety and adopted as follows:

Section 2-4-6 Order of Business

- CALL TO ORDER – The presiding officer shall remind persons present to turn off all cell phones.
- INVOCATION – The Invocation shall be given on a rotating basis by Clergy or a member of the public present at the Council meeting; or by holding a moment of silence.
- PLEDGE OF ALLEGIANCE – The Pledge shall be led by selected member of Council.
- ROLL CALL OF THE COUNCIL
- PRESENTATIONS; PROCLAMATIONS
- CONSENT AGENDA – Consent agenda items are generally non-discussion items. A Council Member may request an item to be removed from the consent agenda for discussion and a separate action on the item.
- BUSINESS – For items that include public comment, the item shall so state on the agenda. Public comments shall be limited to three (3) minutes per person. The Town Clerk shall maintain the clock. For each agenda item, the staff may explain the item or issue, followed by Council discussion, before the motion is made.
- COMMUNICATIONS- All announcements and reports must be pertinent to Town business, Town charitable or non-profit events and may not include commercial statements, political or personal news. All reports and announcements must be placed on the agenda.
- COMMUNICATIONS FROM CITIZENS (call to the public) – Members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. Each citizen is limited to three (3) minutes and must stand at the podium and state their name for the record. The clerk shall maintain the clock. Personal attacks, personal comments, political comments or commercial comments shall not be allowed. One person may not assign their time to another person. If there are several speakers on a particular matter, they should select a person to make the presentation on their behalf. Citizens shall observe rules of propriety, decorum and good conduct. Profanity, threatening or personal attacks

and slanderous remarks are not permitted. If such behavior does not cease at the request of the Mayor or a Council Member, the individual may be barred from further audience before the Council for the remainder of that meeting and the next general meeting unless permission is granted by a majority vote of the Council. Public officials and Town staff may respond to criticism or request staff to review a matter or place on the agenda.

Section 2: Quartzsite Town Council Procedure Policy Manual, Section VII Citizen's Rights, Part 1, Addressing the Council be replaced in its entirety and be read as follows:

1. Addressing the Council:

During the "Communications from Citizens" portion of the agenda anyone may address the Council on any subject within the jurisdiction of the Town but not on the agenda, when recognized by the Presiding Officer. Comments will be limited to three (3) minutes and individuals may address an issue only once.

- The public will be permitted three (3) minutes to present their comments in regards to any agenda item so stated.
- Persons wishing to speak on an item shall complete the appropriate Request to Speak Form indicating the item they wish to address.
- No one individual can address the same issue a second time.
- When public input is complete, the floor will be closed to any further public comment. Council Members may respond to criticism, ask staff to review a matter commented upon or ask that a matter be put on a later agenda.
- Each person shall step up to the microphone and give his/her name in a clearly audible manner for the record.
- It is recommended that persons write their remarks in advance so that they can present them concisely and make maximum use the allotted time.
- All remarks shall be addressed to the Council as a body, and not to any individual Member thereof.

No person, other than Members of the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through the Members of Council. No questions shall be asked of Council Members or Town Staff, except through the Presiding Officer.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Quartzsite, Arizona, and this 24th day of September, 2013

ATTEST:

Terry Frausto, Town Clerk

APPROVED:

Ed Foster, Mayor

APPROVED AS TO FORM:

Patricia Ronan, Town Attorney



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, September 24, 2013

Agenda Item #6 Consider approval of the description for the position of Quartzsite Town Manager.

Summary: The Town will begin recruiting for the position of Town Manager. The recruitment will be conducted both on a state and national level. The Council has established an approved salary range for the position.

The proposed position description establishes Essential Duties and Functions, and Minimum Qualifications for the position of Town Manager.

Responsible Person: Laura Bruno, Town Manager

Attachment: Proposed position description for Town Manager

Action Requested: **Motion to approve the description for the position of Quartzsite Town Manager.**

POSITION DESCRIPTION

Position Title:	Town Manager
Department:	Administration
Status:	Appointed by Town Council
Authority:	Town Code
Supervision Exercised:	Supervises full-time, part-time or seasonal employees and volunteers
Overtime Status:	Unclassified, Exempt
Pay Range:	\$70,000 - \$100,000

OPENING DATE: September 24, 2013

CLOSING DATE: Open Until Filled

JOB SUMMARY:

Under the direction of the Town Council, the Town Manager serves as Chief Administrative Officer of the Town of Quartzsite and directs the operations of departments within the Town Government, assuring compliance with policies established by the Council within limits of the Town Code, state and federal law. This position serves at the pleasure of the Council.

ESSENTIAL DUTIES AND FUNCTIONS:

Administration. Manage and supervise all departments, agencies and offices of the Town, except as noted in the Town Code, to achieve goals within available resources; plan and organize workloads and staff assignments; train, motivate and evaluate assigned staff; review progress and direct changes as needed.

Public Relations. Responsible for inter-governmental relations with other towns and cities; county, state and federal agencies; and public and private organizations. Serve as the public relations and media representative for the Town.

Laws and Ordinances. See that all laws and ordinances of the Town, and that all franchises, contracts, permits and privileges granted by the Council, are faithfully observed; and report any failure in that regard to the Council. Recommend to the Council such measures and ordinances, or amendments thereto, deemed necessary.

Town Council Meetings. Attend all Council meetings; present information and recommendations deemed necessary or as requested by members of the Council.

Financial Reports. Keep the Council fully advised as to the needs of the Town in such form and at such times as requested by the Council.

Budget. Direct and participate in the development and administration of the Town budget and capital program; propose the Town's annual operating budget to the Council for approval.

POSITION DESCRIPTION

Expenditure Control and Purchasing. See that no indebtedness is incurred or expenditure made in violation of the State Budget Law and Arizona Revised Statutes, or Town Code.

Human Resources. Develop, manage and administer employee policies that comply with federal, state and local labor law and regulations.

DESIRED MINIMUM QUALIFICATIONS:

Graduation from an accredited college or university with a Master's degree in public administration, political science, business management or a closely related field; and a minimum of five years experience as a municipal administrator. An equivalent combination of education, training, and experience may be acceptable.

SPECIAL REQUIREMENTS:

Residence in the Town at the time of appointment as Town Manager shall not be required as a condition for appointment, but within sixty (60) days after reporting for work the Town Manger must become a resident of the Town unless the council approves residence outside the Town.

NECESSARY KNOWLEDGE, SKILLS AND ABILITIES:

Considerable knowledge of modern policies and practices of public administration; working knowledge of municipal finance, human resources, public works, public safety; and community and economic development. Skill in preparing and administering municipal budgets; ability to maintain effective working relationships with employees, town officials and the public; ability to efficiently and effectively administer a municipal government.

TOOLS AND EQUIPMENT USED:

Personal computer, including word processing, spreadsheet and electronic mail and internet browser software; calculator; telephone; copy machine; and fax machine. Driving an automobile.

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

POSITION DESCRIPTION

While performing the duties of this job, the employee is frequently required to sit and talk or hear, use hands to finger, handle, feel or operate objects, tools, or controls; and reach with hands or arms. The employee is occasionally required to walk.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

The noise level in the work environment is usually quiet. There are occasional stressful situations involving members of the public who are angry or upset.

APPLICATION PROCESS:

Mail a resume, cover letter and application to:

Town of Quartzsite
PO box 2812
Quartzsite, Arizona 85346

Applications are available at the Town website: www.ci.quartzsite.az.us.

SELECTION CRITERIA:

Applicants whose experience and training are most closely suited to the needs of the Town may be selected for further testing/interviews. Criteria will be based on job-related knowledge, skills, and abilities.

The Town of Quartzsite is an Equal Opportunity Employer and does not discriminate on the basis of race, color, religion, disability, age, gender, sexual orientation, or national origin.

In accordance with the Americans with Disabilities Act (ADA and Section 504), the Town of Quartzsite does not discriminate on the basis of disability in the admission or access to, treatment, or employment in its programs, activities, or services.

Salary: DOQ/E

The Town of Quartzsite supports a drug free workplace.

IMMIGRATION REFORM ACT NOTICE:

The Town of Quartzsite must verify the right to work in the United States of every individual hired. In the event you are selected, you will be required to provide the appropriate documents to Human Resources. Failure to provide these documents will result in termination.



TOWN OF QUARTZSITE

REGULAR COUNCIL MEETING

Tuesday, September 24, 2013

Agenda Item #7 Consider approval of updates to certain portions of the Town's Police Department policies and procedures.

Summary: The Town Attorneys have been working with staff to comprehensively update our Police Department policies and procedures.

The initial focus was on areas of greatest potential liability for the Town including such areas as laws of arrest, use of force procedures, and use of cameras by officers.

The Town Attorneys will provide a presentation on the proposed updates.

Responsible Person: Patricia Ronan and Kelly Schwab, Town Attorneys

Attachment: Town of Quartzsite Police Department Policies and Procedures covering law enforcement role and authority, and use of video cameras.

Action Requested: Motion to approve updates to certain portions of the Town's Police Department policies and procedures.

Chapter 1 – Law Enforcement Role and Authority

1.1	Employee Loyalty Oath	6
1.2	Code of Ethics	7
1.3	Jurisdiction and Authority	8
1.4	Interrogations and Confessions	9
1.5	Search and Seizure	21
1.6	Laws of Arrest	52

Town of Quartzsite Police Department Policies and Procedures

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

Every Department employee shall take the Arizona Loyalty Oath as part of their employment with the Town. 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)."

Town of Quartzsite Police Department Policies and Procedures

1.2 Law Enforcement Code of Ethics

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

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

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

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

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

Town of Quartzsite Police Department Policies and Procedures

1.3 Jurisdiction and Authority

- A. Pursuant to Town Code section, Chapter 4; Article 4-1, the Department is responsible for providing law enforcement services within the jurisdictional limits of the Town.
- B. Pursuant to A.R.S. §13-3871, the authority of an Arizona peace officer extends to any place in the State, with one exception. An officer may not stop a person solely based on reasonable suspicion of a criminal activity outside of the jurisdiction without the prior consent of the chief law enforcement officer in the jurisdiction, or that person's authorized representative.
- C. As required by Arizona law, in order to exercise the authority of a peace officer, a person must be certified by or exempted from certification by the Arizona Peace Officer Standards and Training Board (AZPOST). All Department sworn personnel shall be AZPOST certified.
- D. Officers are governed by all provisions of these Policies, Procedures and 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.

- B. When the officer advises a person of their *Miranda* rights, the officer will document the date, time, location, officer's name, and name of all other persons present on appropriate reports.
- C. An officer shall read *Miranda* warnings to a person when a person is both in custody and going to be interrogated in connection with criminal charges, criminal traffic charges, or the charge of driving a vehicle while under the influence of an intoxicating liquor. The officer must read the *Miranda* warning before the interrogation begins. An officer shall record the *Miranda* warning and the person's response to the warning.
1. A person is in custody when a person has been formally arrested or is in circumstances which would lead a reasonable person to believe he or she was in custody. The determination of whether a

Town of Quartzsite Police Department Policies and Procedures

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 in a significant way (e.g., handcuffs).

2. Interrogation occurs when an officer:

- asks 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).

D. There are exceptions to the requirement to read a person who is in custody *Miranda* warnings prior to asking questions. The courts have determined that the 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 gun. Officers must be aware that this exception is permitted only when absolutely necessary – once the danger is eliminated, no further questions may be asked.
2. **At traffic stops.** *Miranda* warnings do not need to be read to persons stopped for traffic violations, unless the stop involves a crime, such as a DUI. *Miranda* is not required for the initial stop and questioning, however the person should be read their *Miranda* warnings if the person is placed in custody and before interrogation.

Town of Quartzsite Police Department Policies and Procedures

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, *Miranda* rights are not required. If the person is taken into custody, however, *Miranda* rights are required before any questioning.
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. Officers may not ask clarifying questions about volunteered or spontaneous statements in the absence of a valid waiver of *Miranda* rights. If *Miranda* rights have not been read, or if the person has invoked his or her rights, the officer should simply document the statements made without asking any follow-up questions. Such statements and encounters should be recorded to preserve evidence of spontaneous statements.
5. **General on-scene questioning to ascertain “what happened”** does not require a *Miranda* warning. However, if self-incriminating information is revealed, the *Miranda* warnings should be given immediately, particularly if the person is in custody or reasonably believes that she/he is being deprived of freedom of movement. Such “what happened” investigative conversations should be recorded.
6. **During the initial questioning at an investigative detention (Terry stops).** Even though a person subject to a Terry stop is not free to leave, the courts have held that officers are not obligated to provide the detained person a *Miranda* warning 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 a person’s identity, or whether criminal activity has occurred or is ongoing, do not require *Miranda* warnings. Nevertheless, a person held in an investigative detention may refuse to answer questions and that alone is not sufficient to establish probable cause for arrest.
7. **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.

8. **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. (However, certain physical evidence, such as blood, cannot be collected without consent or a warrant.)

1.4.1.2 Invocation of Miranda rights

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

A. Invocation of right to silence.

If a person invokes the right to silence, the interrogation must immediately be stopped. No further questioning may take place unless the person changes their mind and voluntarily reinitiates contact with the officer. If an officer fails to stop an interrogation after a person asserts their *Miranda* rights, there is a significant risk that the officer is committing a civil rights violation. Furthermore, any information learned pursuant to the unlawful interrogation is likely to be excluded from court and therefore hinder criminal prosecution.

1. A person may change their mind about invoking their right to silence. If the person changes his/her mind and seeks to speak with the officer again, the officer may speak to and question the person but must first reread the *Miranda* warnings to the person and have the person waive their rights.
 - a. An officer may not seek to influence the person to change their mind and waive their rights.
 - 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. If an officer fails to stop an interrogation after a person asserts their *Miranda* rights, there is a significant risk that the

Town of Quartzsite Police Department Policies and Procedures

officer is committing a civil rights violation. Furthermore, any information learned pursuant to the unlawful interrogation is likely to be excluded from court, and therefore hinder criminal prosecution.

- 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 confirm that the person is knowingly and voluntarily waiving their *Miranda* rights before beginning the interrogation.
- b. Once the right to remain silent is invoked, an officer may not question the person.
- c. Once the right to counsel is invoked an officer may not approach the person to try to get the person to change their mind. Further questioning is prohibited unless:
 - 1) the suspect's attorney is present, or
 - 2) the person initiates the conversation and waives the right previously invoked, or
 - 3) 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
 - 4) 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 which indicates a waiver. For example:
 1. A person may waive their rights by signing a document that indicates that they have been read their rights, and noting what the rights are (*the right to remain silent; the right to the presence of an attorney; the right to an appointed attorney if indigent*), that they understand these rights and voluntarily waive those rights.
 - a. If a person is presented with a written waiver form and declines to sign it, the officer may not ask any questions.

Town of Quartzsite Police Department Policies and Procedures

- b. The written waiver should record the date, time, location, and all persons present.
 2. 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, but the officer should document the date, time, place, circumstances and any witnesses to the verbal waiver.
 3. A person may waive their rights by simply answering questions once the rights have been read. The officer should ensure that the person heard and understood the *Miranda* warning and is acting voluntarily. The officer may then begin asking questions. The officer should document the time, place, circumstances and any witnesses to the waiver through conduct.
 4. A person may make a conditional waiver – “Depends on the question,” for example. At that point, an officer may begin asking questions, but the officer should document the time, place, circumstances and any witnesses to the conditional verbal waiver. If at any time the person indicates they do not wish to answer a question, officers should clarify whether the person is willing to continue answering other questions. If at any time the person states that they do not want to answer any questions or requests an attorney, the officer must immediately cease asking questions.
 5. 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 never offer advice or make any other comments about whether an attorney is needed or recommend waiving the right to remain silent.

1.4.2 Voluntariness

Confessions are presumed by the courts to be involuntary. Therefore, in addition to meeting *Miranda* requirements, an officer must be able to demonstrate and adequately document that a confession was not coerced, that it was freely given and that it was not the result of duress or confusion. Part of the policy of the Quartzsite Police Department is to record all encounters and interviews with witnesses and suspects, and the video record will assist in establishing that any confession is voluntary.

Officers shall not use coercion, threats or promises to elicit confessions or admissions.

Under no circumstances may an officer grant immunity from prosecution or a reduced charge to a suspect. Consideration for granting immunity or specific charges will only be made by the prosecuting agency, in coordination with the Chief of Police.

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.

Officers should exercise caution when a subject's mental condition is impaired as a result of age, intoxicating substances, or health.

Officers should also exercise caution when a subject's English language skills are limited.

1.4.3 Juvenile interrogations

- A. Juveniles have the same rights under *Miranda* as adults. In determining whether a juvenile is in custody for purposes of *Miranda*, the officer should consider the fact that the person is a juvenile. If the officer believes a juvenile, based on the juvenile's age, would believe he/she is in custody, the officer should read the juvenile *Miranda* warnings.
- B. All juvenile interrogations shall be recorded and should be observed by a supervisor, where possible.
- C. Pursuant to federal law (18 U.S.C. § 5033), whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise the juvenile of his legal rights in language understandable to a juvenile. The officer shall also immediately notify the prosecutor and the juvenile's parents or legal guardians. The arresting officer shall also notify the parents or guardian of the juvenile's rights, including *Miranda* rights, and the nature of the alleged offense. The parent or guardian must be advised of the juvenile's *Miranda* rights before an officer begins interrogation of the juvenile.
- D. A parent or legal guardian may counsel the juvenile to invoke their rights under *Miranda*. The law does not require a parent or guardian to be present at the interview of a juvenile. However, the courts will consider the absence of a parent or guardian when determining whether statements made by the juvenile are voluntary and admissible. Unless the parent or guardian is a suspect or a co-defendant, an officer shall:
 - 1. make a reasonable effort to notify parents or guardians of the arrest of a juvenile and the juvenile's *Miranda* rights.
 - 2. permit an in-custody juvenile to call a parent or guardian.
 - 3. prior to the start of any questioning, the officer shall present the *Miranda* warning to the juvenile and also ask if the juvenile wants a parent or legal guardian present during the interview. This exchange shall be recorded. Unless time is of the essence, the officer shall delay questioning for a reasonable period of time to permit the parent or guardian to arrive.
 - a. If a parent or guardian refuses or is unable to respond in a reasonable time, the officer shall inform the juvenile of the parent or guardian's

Town of Quartzsite Police Department Policies and Procedures

unavailability and clarify whether the juvenile is willing to answer questions without the parent or guardian being present. This waiver must be in addition to a *Miranda* waiver before the officer may begin to question the juvenile.

- b. If a parent or guardian attends the interview but is being disruptive during the interview in such a way that the juvenile's responses are affected, the parent or guardian may be asked to leave the interview. *The parent or guardian may not be excluded simply because they advise the juvenile not to answer a question or to invoke Miranda rights.* After excluding a parent, the officer must then clarify with the juvenile whether they are willing to answer questions without the parent or guardian being present and make sure the juvenile on his/her own understands and voluntarily waives the *Miranda* rights.
4. If the juvenile does not want the parent or guardian to be present during questioning, the officer must determine whether the juvenile appears to have the maturity and experience to reasonably make such a decision. Record the juvenile's preference that a parent not be present. Also separately document the juvenile's request to exclude the parent and the reasons for your belief that the juvenile does or does not possess sufficient maturity and experience to undergo questioning without the adult.
 - a. Where you are able to provide and document the objective grounds for the juvenile's maturity (such as age, education level, intelligence, verbal sophistication), you may exclude the parent or guardian from the interview.
 - b. If the juvenile appears afraid of the parent or guardian, stay alert to signs that the parent or guardian has abused the juvenile. If the juvenile wishes to exclude the parent or guardian because of a fear of physical harm by the adult, the officer should not proceed with questioning the juvenile. The officer should document the reasons for concerns about abuse.
- E. Officers have an obligation to ensure that the juvenile understands his or her *Miranda* rights and waives those rights voluntarily. The courts have 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 shall:

Town of Quartzsite Police Department Policies and Procedures

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. Record the *Miranda* warning and response.
2. If further explanation of the rights is necessary, thoroughly document the explanation that was provided in the officer's report, and electronically record it.
3. Advise the juvenile, when applicable, that the juvenile may be, or will be, tried as an adult. Record this advice. Consult the Town Attorney or Town Prosecutor if you have concerns and See A.R.S. §13-501.
4. Limit the duration of the interview to a reasonable period of time (not to exceed two hours without supervisory approval).
5. Limit to two the number of officers present during the interview (under normal circumstances). Additional officers may observe the interview through one-way glass, but should not be in the room.
6. Ensure that the interview is observed and/or recorded *in its entirety* by another member of the department.

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 complaint is filed for a criminal offense, or a person has an initial appearance on a criminal case. (It also applies, as embodied in the *Miranda* warning, where a person is detained or arrested and being questioned by the police.)

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, has not invoked the right to counsel, is advised of and waives the person's right to counsel (*Miranda* warnings should be read to the person).
 4. whether or not in custody, the person initiates the conversation with the officer, is advised of and waives their right to have an attorney present.
 5. once the person is released from custody (or, if the person remains in jail or prison, is released into the general population) after at least 14 days. The officer may approach the person, remind him or her of the right to counsel, and seek to question the person.

1.4.5 Documenting Interrogations

- A. During any investigation of a violent crime against persons, officers shall electronically record (audio or video, video preferred) the complete interrogation of all suspects. In all other criminal investigations, the complete interrogation of a suspect should be electronically recorded (audio or video) if feasible to do so.
- B. When recording equipment is used, it should be activated at the beginning of any interrogation of the person, and should include the reading of *Miranda* rights and the waiver of those rights. Any break in the recording (to adjust the recording equipment, to take a break, etc.) should be explained on the recording. The recording equipment should be reactivated immediately upon resuming the interrogation.
- C. All recordings shall be preserved as evidence, following department evidence procedures, whether or not the recording has been transcribed. The officer doing the interrogation shall include in a police report that the interrogation was recorded and that the record was preserved as required.
- D. Any problem with the recording equipment will be fully documented in the report. As soon as the problem is detected, if while the interrogation is taking place, the recording equipment should be replaced, if feasible to do so. Officers should take thorough notes of suspect interrogations to prevent the loss of evidence in the event of an equipment malfunction.
- E. All recordings should state the name of the person being interrogated, the officer(s) present for the interrogation, the time, location, and date of the interrogation. After each break in interrogation, the recording should begin with the name of the person being interrogated, the officer(s) present for the interrogation, the time, location, date, and duration of previous break.

1.5 Search and Seizure

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 his private affairs, or his home invaded, without authority of law." Arizona and United States Supreme Court decisions regarding searches and seizures place the responsibility on the police to ensure that citizens' Fourth Amendment rights are respected and not violated.

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. If there are any concerns about developments in the law, speak with the Chief and the Town Attorney.

The guidelines in this policy are intended to assist officers in their application of the law; officers are required to maintain current training and are expected to stay informed in the area.

1.5.1 Reasonable Suspicion

Every officer who conducts a stop shall be prepared to articulate the specific factors that provide the justification for the stop. The elements of reasonable suspicion include:

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

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

1.5.2 Probable Cause

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

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

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

1.5.3 Seizures of Persons

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

1.5.3.1 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 right to be. A contact is not a seizure, stop or arrest, but rather is a consensual interaction between an officer and a person.
 - 1. Officers are required to use their body video cameras to record every contact in the line of duty. Cameras must be activated before the contact is initiated and remain on for the duration of the contact.
- B. Persons contacted shall not be detained against their will or searched without their voluntary consent. An officer may not use force or coercion in initiating a contact or in attempting to obtain cooperation once the contact is made. Officers shall act in a professional and courteous manner. A person who does not respond to the officer’s greeting or approach must be allowed to go on their way. Restraining the person in any manner converts the contact into a stop.
- C. A *stop* (including a Terry stop) is a temporary detention of a person and is considered a seizure under the Fourth Amendment. An officer may stop a person if the officer has reasonable suspicion or probable cause that criminal activity was committed, is being committed, or is about to occur. The reasonable suspicion and probable cause must be grounded in specific and articulable facts, taken together with rational inferences from those facts, to justify the intrusion.
 - 1. Officers shall make all stops in an objectively reasonable manner. Officers shall record all stops. Generally, a person detained for investigation should not be handcuffed, confined in a police car, or transported from the stop location without their consent. However, if the person presents an articulable safety or escape risk, the officer may restrain or confine the person during the stop.

Town of Quartzsite Police Department Policies and Procedures

2. At a stop, an officer may “freeze the scene” by detaining citizens for *20 minutes or less*. This is the length of time courts recognize as reasonably necessary to obtain identification or verify identity, and, if necessary account for the person’s presence or conduct, account for a criminal offense, or otherwise determine if the person should be arrested or released.
 3. Detained persons shall not be compelled to answer any questions. Refusal to cooperate, answer questions or produce identification does not alone establish probable cause to arrest a person.
 4. Persons stopped by an officer and given a verbal warning or issued a citation (but who are not taken into custody) shall not be searched absent Terry elements. (The Supreme Court case *Terry v. Ohio* requires that to search a person, the officer must have a reasonable suspicion based on specific and articulable facts that the person has committed, is committing, or is about to commit a crime and a reasonable belief that the person may be armed and presently dangerous).
 5. A person is not automatically subject to a frisk (protective search) simply because they have been detained. There must be probable cause for the frisk, or consent.
 6. Officers must use their video body cameras to record the entirety of all stops by turning the camera on before the stop and ensuring that the camera remains on throughout the stop until the officer leaves the scene.
- D. Vehicles may also be stopped based on reasonable suspicion or probable cause. A vehicle may be stopped for investigation if the officer has reasonable suspicion or probable cause to believe the driver or occupants are involved in criminal activity or have committed a traffic offense. The driver and passengers may be ordered out of the vehicle or ordered to remain within the vehicle.
1. Vehicular video recording devices installed in each patrol vehicle are to be turned on when first efforts are made to stop a vehicle pursuant to probable cause. The device must remain on until the stop concludes and the suspect or officer departs the scene.
 2. Officers must use their video body camera to record the entirety of traffic stops. The camera must be activated upon exiting the patrol vehicle and remain on throughout the stop until the officer or suspect leaves the scene.
- E. A marked vehicle should make the stop unless none is available or the time required for the marked unit to respond would be excessive, or if

Town of Quartzsite Police Department Policies and Procedures

waiting for a marked unit would jeopardize an arrest or investigation. Generally, officers driving unmarked police vehicles while not wearing a police uniform will not attempt to make vehicle stops.

1.5.3.2 Conduct during a Stop

- A. The courts, in determining whether the stop was reasonable and therefore lawful, will consider every phase of a stop.
- 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 has been committed and whether the person will be arrested or released.
 - 1. The length of time is generally limited to 20 minutes. The default policy of the Quartzsite Police Department is that no stop should exceed 20 minutes.
 - 2. In the event any stop exceeds 20 minutes, the officer shall document why it was reasonable under the circumstances to detain persons for more than 20 minutes.
- C. Officers shall act professionally and courteously toward the person stopped. Officers not in uniform making stops shall identify themselves as law enforcement officers as soon as practical. Officers shall explain the reason for the stop.
- D. Officers may question a detained person for the purpose of obtaining name, address, and an explanation of presence and conduct. Arizona law provides that, when an officer has reasonable suspicion that a person has committed, is committing or is about to commit a crime, the person must state the person's true full name. If the person refuses to do so, the law requires the officer to advise the person that his or her refusal to answer is unlawful. If the person continues to refuse to provide his/her true full name, he/she is subject to arrest for a violation of A.R.S. §13-2412.
- E. The person may not be compelled to answer other questions besides their true name. Officers may request the person to produce identification, but citizens are not generally required to carry or produce identification. When the person has been operating a vehicle, the officer may demand to view certain documents (such as operator's license and vehicle registration). The statutory requirement in Arizona law to provide identification applies only to those who are driving a motor vehicle.

Town of Quartzsite Police Department Policies and Procedures

- 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.
- G. To ensure compliance with these policies, officers shall use body video cameras for the entirety of a stop, and where a vehicle is involved, the vehicular video recording device must be used.

1.5.3.3 Requesting Social Security Number Information

- A. The Federal Privacy Act of 1974 requires that before requesting a person's social security number (SSN), the person must be provided with all of the following information:
 - 1. whether providing their SSN is voluntary or mandatory,
 - 2. the statutory authority for making the request, and
 - 3. the purpose for which the information will be used.
- B. Completion of the *Arizona Traffic Ticket and Complaint* form requires the driver's social security number. Persons who are being cited for violations of Title 28 shall be advised that:
 - 1. providing their SSN is required by Arizona law and Arizona Supreme Court Rule, and
 - 2. the SSN is used to ensure accurate record keeping in the administration of driver's license and vehicle registrations systems.

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

- C. Before requesting an SSN for any citation issued for violations other than Title 28 statutes, the person shall be advised that:
 - 1. providing their SSN is voluntary and requested as a matter of Department policy, and
 - 2. the SSN is used to ensure accurate record keeping.
- D. No action shall be taken against a person who refuses to provide a social security number, even if it is required for a Title 28 violation as described above. If a person refuses to provide a social security number, the officer shall write "refused" in the space provided for the number on the form or report.

1.5.3.4 Field Interviews

The purpose of a field interview is to assist in the investigation and prevention of crime. Because confessions are presumed not to be

Town of Quartzsite Police Department Policies and Procedures

voluntary, absent proof to the contrary, and to refute possible claims of police misconduct, officers will use their body video cameras for the entirety of all field interviews.

- A. Officers shall conduct a field interview whenever a stop is made and may conduct a field interview when a contact is made. A field interview shall be conducted with professionalism and courtesy. Reasonable questions posed by a 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 fully identify themselves as police officers and shall exhibit their badges or credentials prior to initiating any field interview. 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 it may assist in the prevention or investigation of a crime.
- B. If an individual asks for a copy of the field interview report or the video recording of the interview, the officer shall provide the person, in writing, the date, time and location of the field interview listed on the back of the card. The person shall be advised that he/she can present that information to the Records Section and a copy of the report, if one is made, or video will be made available to him/her in accordance with the existing records release protocols.

1.5.3.5 Arrests

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

All arrests must be recorded.

1.5.4 Seizures of Property

- A. Property may be seized pursuant to a search warrant that particularly describes the place to be searched and the item(s) to be seized, and provides authority to seize the item(s).
- B. Property that is contraband, evidence of a crime, or any item subject to seizure, may be seized by an officer without a warrant if the property is in plain view and if the officer is in a place the officer has the right to be. This seizure is lawful because a person has no right of privacy in an item that is in plain view.

Town of Quartzsite Police Department Policies and Procedures

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

D. Officers shall video record all seizures of property. Proper use of the body video camera will ensure a record of property that is in plain view and the officer has not manipulated the item in anyway. The recordings will also substantiate proper recording of seized property as Evidence.

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, of a person, or of an area or item in which a person has a reasonable expectation of privacy. 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).
- B. No search may be performed without a warrant, unless the search can be justified by one of the exceptions to the warrant requirement (see below). 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

It is a search under the Fourth Amendment when an officer examines those things or areas in which a person has a reasonable expectation of privacy. The examination of an item or area in which a person has no reasonable expectation of privacy is not a search under the Fourth Amendment and is not regulated by the Fourth Amendment. Examples of areas/items in which there is no expectation of privacy include:

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

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

Open Fields - An open field is defined by the Supreme Court as any unoccupied or undeveloped area outside of the curtilage of a home. The

Town of Quartzsite Police Department Policies and Procedures

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.

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

Dog or Human Sniff - Sniffing the air around a person or property that is in a public place or a place open to the public is not considered a search, as there is no reasonable expectation of privacy in the air. The Supreme Court recently ruled that the front porch of a residence is not considered open to the public for purposes of dog searches.

Where there is no expectation of privacy, as set forth above and in *any* public space, officer should not hesitate to operate their personal body cameras to record all contacts and their own conduct.

1.5.5.2 Searches Not Subject to Fourth Amendment Protection

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

Visual Aids or Photographic Equipment - The use of flashlights or photo surveillance to view or examine property that is otherwise open to public view is not considered a search, as it simply enhances the officer's senses using equipment that is generally available to the public. Use of specialized equipment not generally available – the use of heat sensing equipment on a residence, for example – is considered a search, and is subject to the Fourth Amendment. As a result, there is no concern about using police cameras in public spaces or the exterior of private spaces.

Plain View - This is not a search issue, but rather a seizure issue, since no search is performed. When a police officer sees an object in "plain view" and there is probable cause that the item 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

Town of Quartzsite Police Department Policies and Procedures

investigation. (An example could be where an employer finds contraband among an employee's belongings and provides that evidence to the police.) However, an officer may not use a non-officer as an "agent" to search if the officer would not be authorized to conduct the search.

1.5.6 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 (evidence, contraband, instrumentalities, or fruits of the crime)?

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

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

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.

1. Because an affidavit in support of a warrant is a legal document reviewed by a magistrate, all warrant applications and affidavits must be reviewed by the Town Attorney before being submitted to the

Town of Quartzsite Police Department Policies and Procedures

magistrate. All applications should request permission to digitally video record the search. The officer must make appropriate modifications or additions, as guided by the Town Attorney, prior to submitting the warrant application for approval. The Town Attorney is on call at all times to advise about warrants to ensure warrants are granted and to prevent investigative delays.

- 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. If there is probable cause that a vehicle on the premises contains an item(s) subject to seizure, the vehicle must be listed and described as specifically as possible given the information known to the officer. A warrant to search premises does not automatically extend to include the search of outbuildings or a person at the premises at the time of the search. If officers have probable cause to search certain persons who may be present at the premises, the officers shall include those persons and the probable cause to search them in the affidavit and warrant.
- 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 unannounced 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 approving a no-knock entry in the Search Warrant. This should only be done when the justification for the no-knock entry was not known at the time the warrant was signed. The reasons for an unannounced entry are that an announced entry would endanger the safety of any person or that it would result in the destruction of evidence.
- H. The officer drafting an affidavit to obtain a search warrant shall submit the completed affidavit to the officer’s supervisor for review and approval prior to submission to the magistrate.

1.5.6.1 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 and Superior Court Judges, Justices of the Peace and Magistrates. A

Town of Quartzsite Police Department Policies and Procedures

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.
- C. All warrant applications must be reviewed and approved by the Town Attorney before submission to the magistrate. To ensure compliance with Quartzsite Police Policies, Procedures and General Order, each warrant application shall include a request to digitally video record to service and execution of the warrant.

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 as usual, including the Town Attorney for prior review.
 - 2. Fax the affidavit and search warrant to a magistrate.
 - 3. If approved, the magistrate will sign the search warrant and fax it back to the officer.
 - 4. The faxed search warrant with the magistrate'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 magistrate to establish to establish probable cause and discuss the presentation with the Town Attorney.
 - 2. The required equipment should be prepared to record the phone call, which is required.

Town of Quartzsite Police Department Policies and Procedures

3. The call to the magistrate may be placed from any telephone, but should be placed from an area where there is little or no background noise.
4. As a courtesy, the magistrate shall be called and told that the officer would like to obtain a telephonic search warrant. The officer should offer to call back in a few minutes, to allow the magistrate time to prepare for the call if necessary.
5. When the magistrate 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 magistrate. The purpose of the call shall be stated to the magistrate.
 - c. Prior to reciting any facts pertaining to probable cause, the magistrate must place the officer under oath. The failure to give an oath will invalidate the warrant.
 - 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 magistrate if there are any questions.
 - e. If the magistrate finds that probable cause exists, the officer must read verbatim the previously completed *Standard Arizona Duplicate Original Search Warrant* to the magistrate.
 - f. The magistrate will then direct the officer to sign the duplicate original warrant. The warrant shall be signed by the officer for the magistrate, the magistrate's name shall be listed, and both the officer and witness shall sign, indicating their name, rank, identifying number and department.
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 magistrate 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 magistrate 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 magistrate authorizes the officer over the telephone to sign a search warrant in the magistrate's name, the duplicate original search warrant has the same authority as a search warrant signed by the magistrate.

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 execution of the search warrant should be recorded, particularly where the issued warrant states recording is required or permitted. The supervisor is responsible for all notifications, warrant information review, warrant procedure conduct and security, appropriate memos, making sure that the entry and all interviews are recorded, and other tactical or administrative details regarding the procedures. All officers involved in the initial entry shall wear body armor. Supervisors may permit exceptions to this requirement when appropriate (for example, when the entry is being done through use of a ruse).
- B. A uniformed supervisor shall be in attendance for the duration of the search warrant procedure. Uniformed patrol officers will be used as situations dictate but will be returned to their regular duty assignments as soon as reasonably practical.
- C. Undercover officers whose dress and appearance are not conventional for law enforcement personnel will not be involved in the search warrant entry team and normally will not be in view of any persons inside the premises until entry has been accomplished and the premises secured.
- D. Search warrant locations known or believed to involve drug laboratories or other hazardous scenarios will be, when feasible, referred to officers or units with training in handling such scenes.
- E. The following shall be done before execution of a warrant.
 1. In all instances in which a forced entry may be necessary, a briefing shall be held. This briefing shall include raid and arrest operations planning which outlines at a minimum:
 - 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.

Town of Quartzsite Police Department Policies and Procedures

2. One officer will be assigned to make the official record, as completely as possible, of all conversations surrounding the execution of the warrant. If possible, this should be done with a video recording device. Special attention should be given to the announcement of presence and authority.
 - a. All officers shall have their body video cameras operating and recording during execution of the warrant. These recordings are supplemental to the official record.
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 in advance of executing the warrant.

F. Knock and Announce

1. Officers are to knock and announce prior to all entries to serve search warrants unless a magistrate has authorized an unannounced entry in the issuance of a warrant, or a supervisor has approved the unannounced entry as authorized in A.R.S. §13-3916 (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 recorded. 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 magistrate has authorized an unannounced entry; or
 - 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

Town of Quartzsite Police Department Policies and Procedures

would endanger the safety of any person or result in the destruction of evidence.

G. Serving the Warrant

1. Typically, service and execution of a warrant shall be recorded. If a supervisor determines that recording is not appropriate, the reasons shall be documented in advance of serving and executing the warrant.
2. 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. consider availability of medical resources and whether other emergency services (e.g., fire department) should be involved,
 - d. develop strategies and tactics for approaching, entering, securing, and leaving the structure,
 - e. discuss the threat potential and the anticipated necessity for using force and making arrests with all those involved in the entry and search teams,
 - 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.
3. 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 Town Attorney and Chief. Photographs shall be taken promptly after execution of the warrant to prevent subsequent tampering with the scene.
4. The supervisor, or officer designated to do so by the supervisor, should have possession of the search warrant, hand it directly to the person upon whom the warrant is served, and explain its purpose as soon after entry as feasible. It is not legally required that the person be shown the affidavit to the search warrant, but this is permissible. If the location is not occupied, the search warrant copy shall be left at a visible location within the searched area.

Town of Quartzsite Police Department Policies and Procedures

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

H. Seizure of Property

1. Although several officers may engage in the search, at least two officers should participate. One officer shall be designated the "finder." That officer is responsible for documenting the circumstances of the search for and seizure of all property. Another officer shall be designated as the "recorder" and be responsible for marking, sealing, photographing, and recording the evidence. The "recorder" should also maintain the official video record.
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 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, a receipt will be left at the location where the property was found. Any officer present and participating in the search may sign the receipt. The officer shall record in a written report that the person was provided with a receipt.

I. Returning the Search Warrant

A warrant shall be executed within five calendar days and returned to the issuing magistrate within three business days after the warrant is executed. If necessary, and only under extraordinary circumstances, the time for execution may be extended by five additional days, with the written authority of the magistrate. 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.

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 officer shall record the entirety of a consented search, including but not limited to the person's communication of consent to the search.
- C. The person giving consent must have common access or control over the item or area. If, under the totality of the circumstances, the officer ascertains facts that make it reasonable to believe that the person granting consent has authority, the consent will be considered valid.

If more than one person is present who has equal joint access and control, and one of those persons refuses consent, officers may not lawfully conduct a consent search. This is true even if another person with equal authority is present and consents to the search.

- D. If the person has the authority to give consent, the courts will then determine whether the consent was voluntary. The standard for determining voluntariness is clear and convincing evidence under the totality of the circumstances. Some of the factors the courts have 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, it is helpful to do so.
 - 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 (be brief).
 - 7. any threat of consequences if consent is not given (do not make threats, other than that you might seek a warrant).
 - 8. the surrounding circumstances, i.e., the number of officers present, drawn weapons, and detention in handcuffs.

Town of Quartzsite Police Department Policies and Procedures

9. whether the subject is in custody or investigative detention. Consent is most likely to be found voluntary if the subject is free to leave; least likely to be found voluntary if the subject is under arrest.
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.
11. age, education, and intelligence of the subject.
12. physical condition of the suspect – 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.

As with all contacts, the exchange leading to a consented search should be recorded on the officer's body video camera.

1.5.7.1 Scope of a Search Pursuant to Consent

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. A *Consent to Search Form* shall be completed, signed by the subject and witnessed by the officer or that the person's consent be recorded, unless extenuating circumstances exist. Typically, officers shall record presentation of the Consent Form and the person signing the form, as well as the search.

1.5.8 Frisks and Pat-Downs

- A. All frisks and pat downs shall be video recorded to create a record of the contact. The recording should be initiated before the frisk or pat-down begins to create a record of the essential elements of the frisk, as set forth below..
- B. The essential elements of a legal frisk or pat-down are that the officer must have:
 1. the subject's consent, or reasonable suspicion of criminal activity by the subject, or the person must be otherwise lawfully detained (such as a passenger in a lawful traffic stop), and
 2. the officer must be able to articulate a reasonable belief that the person to be frisked is presently armed and dangerous.
- C. The reasonable belief that person is armed and dangerous may be based on facts such as:

Town of Quartzsite Police Department Policies and Procedures

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.

1.5.8.1 Scope of Frisks and Pat-Downs

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.

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

1.5.8.2 Procedure of Frisks and Pat-Downs

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. The frisk must be recorded from prior to the person giving consent through the end of the frisk.

If the frisk discovers a seizeable 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.

If any object is contraband or evidence of a crime, the officer shall, where possible, provide a receipt to the person from whom the object is seized. Under all circumstances, the object seized shall be promptly documented and turned over to Evidence.

1.5.8.3 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 without the person's consent. 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.

An officer may always inspect the interior of such an object with the consent of the person.

1.5.8.4 Plain Feel During A Frisk

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

1.5.8.4 Documentation

- A. Proper documentation of stop and frisk activity serves to ensure the proper exercise of law enforcement authority and enhance an officer's ability to reconstruct those factors that authorized the stop or frisk, and what took place during the confrontation. They also serve to protect the officer from baseless allegations of wrongdoing.
- B. Pursuant to Department Policies, all stop and frisk activity shall be digitally video recorded and the recording shall be preserved according to Department procedures.
- C. Officers who have stopped or frisked any person shall document the event as required by Department procedures. The documentation shall include the reasons for the stop/frisk, whether and what contraband or weapons were identified, consent and/or probable cause.
- D. 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.

1.5.9. 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.

Such searches and the preceding arrest shall be digitally video recorded.

1.5.9.1 Scope of Search Incident to Arrest

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.

1.5.9.2 Strip Searches

No officer shall perform a strip search of a suspect without the express permission of a supervisor and a search warrant or facts demonstrating a clearly articulated danger requiring immediate action by the officer. Where both of these conditions exist, any strip search must be carried out by one officer and witnessed by another officer. 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.

Only where the person being stripped search consents will the strip search be video recorded. Such consent to the recording must be in writing prior to starting the recording or the search.

1.5.10 Community Caretaking

- A. Various courts have allowed warrantless searches of persons when those searches are in response to emergency situations concerning an injured or unconscious persons requiring aid, rather than a search in a criminal investigation.
- 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.

Emergency searches shall be video recorded, absent extenuating circumstances that are subsequently documented.

1.5.11 Searches of Residences

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

Where the officer gains consent to conduct a search, the consent and search should be video recorded.

Where a search is carried out pursuant to a warrant, the search should be recorded, particularly if the warrant states the search may be recorded. However, there is no requirement that a warrant indicate the search may be recorded to an officer to lawfully do so.

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

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. The "open fields" around a residence are defined as the unoccupied or undeveloped area outside of the curtilage. The Supreme Court has determined that there is no reasonable expectation of privacy in the open fields around a home and, therefore, a search of open fields does not raise a constitutional issue. However, areas within the curtilage of a home are treated as a part of the residence and are subject to the Fourth Amendment.
- B. "Curtilage" is normally defined as the area around the home to which the activity of home life extends. To determine curtilage, the U.S. Supreme Court considers:

Town of Quartzsite Police Department Policies and Procedures

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 courts will look to the totality of the circumstances in determining whether or not the consent was voluntary. Consent may only be granted by someone who the officer reasonably believes has the authority to grant consent. Officers should review [G.O. 1.5.7](#), above, for further direction on both these issues.
- 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. The officer should video record the consent and request to record the entire search at that 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. If it is not reasonable to assess the consent as voluntary, then the officer may not conduct the search, as any evidence or contraband recovered in a non-consensual search is

likely to be excluded from evidence in a criminal prosecution. Whenever possible, officers should record providing the Consent form to the person and their signing the form.

1.5.11.5 Public Safety or Emergency Search of a Residence

- A. This exception to the warrant requirement generally relates to factual situations in which it appears that a fight is in progress, or a person may be hurt or in need of immediate medical assistance. Examples include welfare checks and domestic violence situations where the crime reasonably appears to be ongoing.
- 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 at hand and that there is an 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. Judicial decisions on protective sweeps have authorized them in two circumstances. 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. Officers should record as much of the sweep and the reasons for the sweep as possible.

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 usually all the way from the scene of the crime. Although an officer need not be in sight of the fleeing suspect at all times, the officer or another person must be in active pursuit of the fleeing suspect if this exception is to be applied.

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

Where possible, the pursuit and reason for pursuit should be digitally video recorded.

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 facts indicating the ongoing destruction, or the immediate danger of destruction, of contraband or crime-related evidence. The search is limited to those actions necessary to preserve the evidence until a search warrant can be obtained.

Where possible, the reasons for the entry and the entry itself should be digitally video recorded.

1.5.11.9 Search of a Residence Incident to an Arrest

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

1.5.12 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 else has equal or greater access or control.

Neither reasonable suspicion nor probable cause is required. The extent of the search is limited by the consent given. The subject can stop the search at any time, or restrict the scope of the search at any time. It is recommended that a *Consent to Search* form be completed, signed by the subject and witnessed by the officer, or that the person's consent be recorded. Where possible, presentation of the Consent form and signing of that form, as well as the search itself, should be digitally video recorded.

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.

Any such search should be digitally video recorded, along with the reasons to justify the search.

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 are considered probable cause include:

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

If probable cause exists only for a single item (for example, all that was taken from the home during the burglary was the flat screen television), the search must cease once that item is found (the TV is in the back seat of the vehicle). If probable cause exists for contraband or evidence generally (the smell of burning marijuana; the proceeds of a home burglary), the search may continue throughout any portion of the vehicle, including the trunk, that may contain the evidence or contraband.

1.5.12.4 Vehicle Frisk

As with a body frisk, the sole purpose of a vehicle frisk is to locate weapons to ensure safety.

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

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.

Where possible, such frisks shall be digitally video recorded to document that the search is appropriately limited and to record the location of any contraband.

1.5.12.5. Vehicle Inventory

Town of Quartzsite Police Department Policies and Procedures

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. 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 is typically treated the same as a motor vehicle for the purposes of warrantless searches. *However*, 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 must include a proposed order and an affidavit. The officer's affidavit must include:
 - 1. probable cause that a felony has been committed,
 - 2. information that procurement of evidence of identifying physical characteristics may 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, and
 - 4. if the order is for buccal cells, blood, urine or semen, probable cause supporting the order.
- 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 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

Town of Quartzsite Police Department Policies and Procedures

pursuant to this section. The magistrate may extend the time for execution of the order for no longer than fifteen days.

More intrusive collections of physical characteristics, (e.g., buccal cells, blood, urine and semen) require probable cause and 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 a court order and an affidavit in support of the court order. The officer will submit the affidavit and order to the Town Attorney or prosecutor prior to filing with the court. An order may be obtained in person or by telephone, radio or other means of electronic communication, in the same manner as a search warrant.

1.5.13.2 Execution of the Court Order

The court order to seize physical characteristic evidence must be executed at the time and place specified in the order, or as soon afterwards as possible if the suspect cannot be found on the date specified in the order. The order is valid for 15 days; if not executed within 15 days it may be extended for an additional 15 days by the magistrate. However, only one extension is permitted.

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

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

1.6 Laws of Arrest

1.6.1 Authority to Arrest

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

- a felony has been committed, and probable cause exists to believe the person to be arrested has committed the offense,
- a misdemeanor or a petty offense has been committed, and probable cause exists to believe the person to be arrested has committed the offense, or
- the person is the subject of a valid misdemeanor or felony arrest warrant, or an Arizona civil arrest warrant.

1.6.2 Probable Cause

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

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

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

1.6.2.1 Location of arrest; 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
 - a. the officer has entered lawfully, or
 - b. the subject is outside of the residence, or
 - c. 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 shall be limited to felony offenses.

Officers shall not force entry into a person's home to serve a misdemeanor warrant.

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.

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.
- B. A person may be subject to an investigatory detention based on reasonable suspicion of criminal activity. The courts have indicated that the length of time of an investigatory detention may not exceed that necessary to determine whether or not a crime has been committed and whether the person will be arrested or released. An investigatory detention that exceeds that length of time may be determined to have been an arrest, requiring probable cause.
- C. The United States Supreme Court has held that a person who is transported against his or her will to a police facility has been arrested. If there is no probable cause to support the arrest at the time of the transport, 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.
- D. Brief transport of an individual for a show-up identification, when the detention is in close proximity to the time and location of the crime is permitted, if supported by reasonable suspicion.

1.6.5 Arrest Procedures

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

- Make a digital video recording of the arrest;
- 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.

Town of Quartzsite Police Department Policies and Procedures

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

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

Chapter 26 - Equipment

26.1 Body Video Cameras/Personal Video Recorder (PVR) xx

26.2 Vehicular Video Cameras xx

26.1 Body Video Cameras/ Personal Video Recorder (PVR)

The Quartzsite Police Department employs overt wearable video recording equipment to enhance enforcement actions and memorialize events.

The use of Body Video Cameras or Personal Video Recording (PVR) systems provides a method to document law enforcement activity through the audio and video recording as they incidents and contacts occur. The primary purpose of a wearable PVR system is officer safety and to create a durable record of statements and events during the course of an incident. These recorders are intended to assist officers in the performance of their duties and in criminal prosecutions by providing an audio and/or video record of a contact.

Use of PVR

- A. All sworn officers shall be assigned a PVR approved by the Chief of Police. They are required to promptly complete training in the proper use of such equipment.
 - 1. The training will consist of a review of the proper function and use of the recording devices, recommended times to employ the system, and Agency policy and procedures as they pertain to the system. The Chief is primarily responsible for ensuring that each officer is properly trained in operation and appropriate use of the device.
 - 2. A written record of the training provided will be completed by the supervisor who will forward it to the Training Officer where it will be maintained in the officer's training file.
- B. Each officer is responsible for the appropriate care and operation of the PVR. The Agency will provide all maintenance, batteries, belt holders, and any other accessories necessary for the standard operation of the PVR.
 - 1. Broken or malfunctioning recorders and accessories are to be reported to the on duty supervisor as soon as possible.
 - 2. The officer shall complete and submit a memorandum to the Supervisor detailing the nature of the malfunction. The Supervisor will ensure a replacement recorder is issued as soon as practicable, recognizing that the goal is that ever officer on patrol have a PVR at all times.
- C. Officers shall make every effort to record the entirety of all contacts with citizens, including witness interviews, Terry stops, arrests, citations and searches, regardless of whether the contact is initiated by a citizen or the officer and regardless of whether the contact appears to pose a risk of threat or confrontation.

Town of Quartzsite Police Department Policies and Procedures

1. PVR shall not typically be activated inside the station, unless for purposes of recording review of physical evidence, personal search or interrogation, including but not limited to advising of Miranda rights and the entirety of any interview or search (except strip searches).
 2. PVR shall not be used in any locker rooms, restrooms, or dressing rooms, unless officers are present in those locations to carry out law enforcement activities with probable cause or a warrant.
 3. PVR shall only be used for official police business, in the course of performing law enforcement duties and while on duty.
 4. PVR shall not be used to intentionally intrude into private spaces or activities.
 5. The Department prohibits surreptitiously recording any member of this Agency, unless approved by the Chief of Police.
- D. Officers shall ensure that they have at least 4 hours of battery charge and recording capacity on their PVR at the beginning of each shift. The officer shall return to the station to recharge the PVR and exchange for a new device or battery at least once per shift in order to comply with the policy requiring recording of all contacts in the line of duty.
- E. All recordings shall be preserved for a minimum of 185 days on the Department server.
1. Preservation will be ensured by downloading the recording from the device onto a secure server.
 2. All recordings that contain evidence (set forth in 3 below) or record an arrest, search, or interrogation, shall be saved on a CDR/DVD per electronic data storage protocol.
 3. Where a recording contains evidence (e.g., Miranda warning and confession in an interrogation, a search where contraband was recovered, report of a crime), the CDR/DVD will be placed in Evidence and will be maintained a minimum of 1 year.
 4. If a recording documents an arrest, search or interrogation, execution of a warrant, or if the recording is relevant to a criminal report, the data shall be preserved for a minimum of 25 years. Depending on the nature of the crime, the recording may have to be preserved longer.
 5. If a recording documents incidents or encounters relevant to a civil case or an internal affairs investigation, the data shall be preserved for a minimum of three years, or until the litigation is resolved, whichever is later.

Town of Quartzsite Police Department Policies and Procedures

6. If a recording is related to a Notice of Claim, the recording shall be copied from the server to a CDR/DVD prior to destruction of the server recording.
 7. The purge of data files that are not specifically related to a crime, internal affairs investigation or civil litigation, will be performed automatically after 185 days, in compliance with the Records Retention Schedule. The Chief of Police is responsible for overseeing implementation of any automatic deletion program for such digital recordings.
- G. Officers shall note in all reports what events were recorded. Any incident in which a report was taken and the recorder was activated requires that the video recorder's serial number be noted in the report. These recordings must be copies so they are preserved for more than 185 days.
- H. Copies of stored data may be only made for court, training, or pursuant to public records requests approved by the Town Attorney, or other purposes specifically approved by the Chief of Police or his designee.
- I. Recordings may be viewed in any of the following situations:
1. By an officer viewing the recording from his/her assigned recorder.
 2. By a supervisor at any time, for any law enforcement or training reason.
 3. By Agency personnel who request to review their own recordings.
 4. By officers of the court with the permission of the Chief of Police or his designee.
 5. By members of the public, after filing a public records request and pursuant to legal advice from the Town Attorney.
 6. Recordings may be shown for training purposes with express approval by the Chief of Police.
 7. In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee or member of the community.
- J. The recording officer is responsible for making duplicate copies of any video/audio footage for evidentiary purposes. All copies made for evidentiary purposes shall be properly booked into evidence.
- K. Officers will not copy or transfer any recorded images for any purpose other than training, court, or evidence without the permission of his/her immediate supervisor.

Town of Quartzsite Police Department Policies and Procedures

- L. In the event audio/video footage is made on a reportable event and the officer has determined that the footage is not going to be logged into evidence, the officer shall note in the police report the video recorder's serial number, date and time taken. The recording will be preserved for 180 days.

- M. In the event a recording is of no investigative or evidentiary value and is not likely to become the subject of subsequent civil litigation or an internal investigation, the officer may request that the PVR electronic file be deleted by submitting a written request explaining why the recording has no value or relevance and with sufficient information to locate the PVR file to the immediate supervisor.

- N. The Quartzsite Police Department shall conform to this policy for the storage, retrieval, and destruction of recordings maintained in a secure storage device. The Quartzsite Police Department will retain the recordings in accordance with state law and purge recordings in compliance with the same.

26.2 Vehicular Video Cameras

From time to time the Quartzsite Police Department may employ overt mobile video recording equipment to enhance enforcement actions and memorialize events. Mobile video equipment can be an added value in the *enforcement of traffic laws and related offenses, prosecuting violators, limiting inappropriate behavior, evaluation of officer performance, quality assurance, and as an aid to training*. In order to maximize the utility of these systems officers follow established procedures.

Use of Vehicular Video Cameras

Officers follow these steps when utilizing mobile video recording equipment:

- A. Security, maintenance, and operation of the mobile video recording equipment installed in vehicles are the responsibility of the officer assigned to that vehicle.
- B. The equipment is maintained and serviced in accordance with manufacturer's recommendations. It is the responsibility of the assigned officer to read and have available in his vehicle the manufacturer's written instructions and manual.
- C. Prior to each shift, officers determine whether their mobile video recording equipment is working satisfactorily and timely report any problems at this or other times to the attention of their immediate supervisor.

Mobile video recording equipment automatically activates when the vehicle's emergency warning devices are activated to the code 3 position. The equipment may be manually deactivated only during non-enforcement activities, such as when directing traffic at the scene of a traffic accident. Whenever equipment is manually deactivated, officers document the justification for this action.

- A. During traffic enforcement actions, officers take steps to:
 1. Position the vehicle and/or camera to record the most likely activity scene, usually the suspect vehicle;
 2. Check to determine their wireless microphone is activated in order to provide audio narration simultaneously with the video recording;
 3. State audibly into the wireless microphone the *reasonable suspicion* or justification for the enforcement action; and
 4. Do not stop recordings until the enforcement action is completed.

Town of Quartzsite Police Department Policies and Procedures

- B. When and where practical, officers use their mobile video recording equipment to record:
 - 1. Actions of suspects during interviews, field sobriety tasks, Miranda Warnings, and custody actions; and
 - 2. Circumstances at crime, accident scenes, confiscation and documentation of evidence or contraband, etc.
- C. Employees shall not erase, reuse or in any manner alter mobile video recordings and/or media, such as memory sticks.
- D. Prior to starting patrol duties, officers ensure they are equipped with an adequate supply of video tapes or other recording media, such as memory sticks to complete their tour of duty.
- E. Recorded media is identified prior to being submitted for storage in departmental records. Recording media that are near or at full storage capacity are transferred to a hard drive or other storage device before reuse. Guidelines include:
 - 1. Remove the media from the camera;
 - 2. Insert blank media to continue recording video;
 - 3. Submit media containing video recordings to their supervisor;
 - 4. In the event a supervisor is unavailable, submit media to another officer for transfer to an approved storage device; and
 - 5. Verify that the recorded media was successfully transferred to the data base.
 - 6. Following a successful transfer of the recorded media, enter or write:
 - a. Beginning and ending date range;
 - b. Officer's name submitting the video recordings;
 - c. Officer's signature;
 - d. Officer's name transferring recorded data;
 - e. Transferring officer's signature; and
 - f. Now the recording media can be erased for reuse.
- F. Officers are encouraged to inform their supervisor of any recorded media sequences that may be of training value;
- G. Note in incident, arrest, or other reports when media recordings were made during a reportable incident or event;

Town of Quartzsite Police Department Policies and Procedures

H. Officers may only use media and compact disc issued and approved by this agency.

For a familiarization and discussion of our current equipment see the manufacturer's manual and material located in vehicle.