

Introduction

On January 23, 2019 Mr. Ryan Snow the City Manger for Roosevelt City Utah, initiated a review of the Roosevelt City Police Department's response to allegations, involving the distribution of harmful materials to minors at Union High School, in Roosevelt City. The incident had been reported to that agency on April 18, 2018.

The review began February 7, 2019 and was conducted by Moab City Police Chief James. M. Winder. Chief Winder's review consisted, at the request of Roosevelt City, of evaluating the administrative structure of the Roosevelt City Police Department as well as a subjective analysis of the agencies, policies, procedures, response and investigative strategies in contrast to agencies of similar size and complexity.

The review conducted over the course of several weeks consisted of site visits, recorded interviews and the review of public and protected documents.

In addition to evaluating the internal process of the Roosevelt City Police Department, Chief Winder interviewed representatives of the Duchesne County Attorneys Office, the Duchesne County School District, the Wasatch County Attorneys Office and Roosevelt City Officials.

All interviews and records requests were voluntary obtained, no indivial or entities involved in the creation of this report were the subject of any civil, criminal or administrative investigation.

This report makes no recommendations or assessments, regarding the viability or veracity of any allegations associated with, or proffered to the Roosevelt City Police Department, regarding individuals or organizations named or unnamed in any pending or resolved criminal investigation.

The opinions and recommendations expressed in this report are those of it's author James M. Winder, and do not necessarily reflect the official position of the City of Moab, The Moab City Police Department or Roosevelt City.

Incident Summary

In April of 2018 students from Union High School, in Roosevelt Utah, attending an L.D.S. Seminary class contacted their instructor with information regarding allegations of “sexting.” The allegations indicated various individuals were sending and receiving explicit texts, photographs, and videos and that these activities were ongoing, and had been occurring for several months. The Seminary Teacher initially forwarded the report to his superiors, who directed him to contact Law Enforcement. The Seminary Teacher reached Officer Pete Butcher of the Roosevelt City Police Department on April 18, 2018, and relayed the allegations. Officer Butcher immediately initiated an investigation.

Two days after Officer Butcher received the initial complaint, Roosevelt City Police Chief Rick Harrison, became aware of the investigation and released the following statement on the agencies website:

“Roosevelt Police Department has seen a dramatic increase in teen sexting incidents and are urging parents to get educated and talk to their teens. "While this may not seem to be a serious concern for police," shares Chief Rick Harrison, "we have found that a perhaps unintended result is the 'bullying' effect it has on some participants. Many instantly regret sexting participation, feel pressured into participating or are continually asked to participate even when they refuse." Chief Harrison says his department has seen several incidents where students feel extremely uncomfortable at school due to comments from other students who may know of a sexting incident. "Parents, please talk with your students and help them realize the negative effects that may result from this type of activity," shares Chief Harrison. "Our students are kind and considerate at heart, but a reminder by parents, teachers, and others who have responsibilities with our youth, to be treated as we would like to be is always appropriate."

Officer Butcher conducted a series of interviews with both juvenile and adult victims, witnesses and complainants. He also recovered and reviewed various electronic devices. Officer Butcher seized two cellular phones and created an investigative “association chart,” detailing connections between individuals who he identified as being involved in the alleged activities.

As Officer Butcher conducted his investigation, information regarding the allegations were also being disseminated throughout the community. Those involved in the alleged activities were aware law enforcement was investigating. Parents of students attending Union High heard rumors from their children about the allegations. Educators within Union High were hearing students discussing the allegations. Religious leaders, who were aware of the allegations decided to address the issue of youth “sexting” with parishioners in their respective congregations.

After completing 20 days of investigative effort, Officer Butcher submitted a police report on May 8, 2018. The report documents a wide range of allegations and activities and concludes by stating:

“This case is being forwarded to the Duchesne County Attorney's Office for review. Case closed by investigation. End of Report.”

Shortly after Officer Butcher submitted his report, a meeting occurred at the Roosevelt City Police Department. Present were Roosevelt City Police Chief Rick Harrison, Mr. Grant Charles a Deputy County Attorney with the Duchesne County Attorneys Office and other employees of the Roosevelt Police Department. Deputy County Attorney Charles reviewed Officer Butcher's report and requested the Roosevelt Police Department conduct additional investigation. In response, Chief Harrison deployed Roosevelt City Police Officers to contact approximately 14 households with instructions to recover telephones believed to contain evidence. Officers collected three cellular devices from individuals who voluntarily surrendered them for examination. A Roosevelt City Investigator examined the three devices on May 31, 2018, and found they contained no harmful material.

Chief Harrison and Duchesne Deputy County Attorney Grant Charles met on several occasions after the phones had been collected. These meetings scheduled as a regular course of business continued through August 2018. During these meetings, Deputy County Attorney Charles made routine inquiries to Chief Harrison regarding the status of the “sexting” investigation.

Beginning in August 2018, Salt Lake City based news organization KSL initiated efforts to speak with the Roosevelt Police Department. KSL was seeking a response to a complaint they had received from a Roosevelt citizen regarding the perceived lack of progress on the “sexting” case. As part of their inquiries, KSL received police reports and requested an interview with Chief Harrison.

On October 4, 2018, after numerous unsuccessful attempts at receiving a response from Chief Harrison. KSL reporters traveled to Roosevelt and interviewed Lt. Alan Tucker of the Roosevelt City Police Department as well as representatives from the Duchesne County Attorneys Office, and the Duchesne County School District.

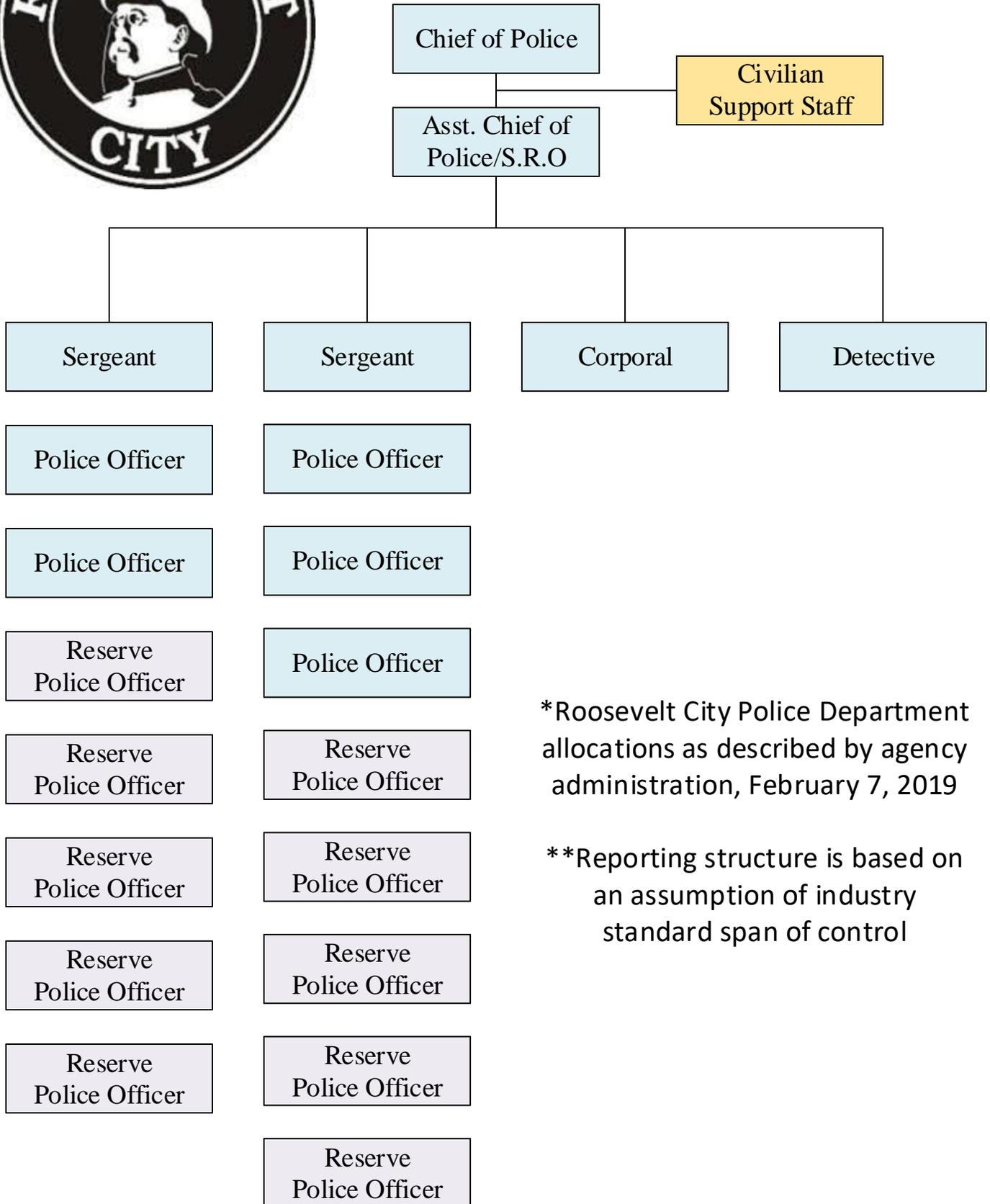
On October 11, 2018, seven days after KSL interviewed Lt. Tucker, Chief Rick Harrison submitted what would be the fourth and final Roosevelt police report regarding the “sexting” case and the only report submitted by Chief Harrison. In the report, Chief Harrison documents two cellular devices, seized six months prior by Officer Butcher had been returned from the Regional Criminal Forensic Laboratory (R.C.F.L) in Salt Lake City. The R.C.F.L determined the phones contained no evidence according to Chief Harrison's report and were returned to the owners.

Partially in response to the KSL investigation, Deputy County Attorney Charles contacted Chief Harrison seeking a case status update. He informed Chief Harrison the Duchesne County Attorneys Office required the investigative material generated by the Roosevelt Police

Department in order to forward the case to Wasatch County Prosecutors for a review of criminal charges.

On November 20, 2018, Duchesne County Deputy County Attorney Grant Charles transmitted investigative materials provided by Chief Harrison to the Wasatch County Attorneys Office for their review. As of the writing of this report, the case remains active with the Wasatch County Attorney.

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*Roosevelt City Police Department allocations as described by agency administration, February 7, 2019

**Reporting structure is based on an assumption of industry standard span of control

Summary

The concerns identified within this report are from this author's perspective serious and systemic. It should, however, be understood such issues are not unique to the Roosevelt City Police Department. Deficiencies similar to those identified in this report may be present in many similarly configured agencies. What is unique about this report is that it occurred at all.

The decision by the Roosevelt City Administration to independently commission an external review of its police structure is uncommon. Reports of this type are generally associated with jurisdictions who for various reasons become the subject of mandatory review, often as a result of civil litigation or federal oversight. The actions of the Roosevelt City Administration demonstrate a culture of transparency and a commitment to improvement.

While this report will focus on several specific deficiencies within the Roosevelt City Police Department, these issues should not overshadow the fact that the agency and its very dedicated membership have served the citizens of Roosevelt continuously for decades, with few resources and little recognition. This service includes many known and unknown acts of heroism as well as the ultimate sacrifice by Chief Cecil Gurr, who died in service to the citizens of Roosevelt Utah, on July 6, 2001.

Law Enforcement is a dangerous and challenging occupation undertaken by men and women who are like all humans imperfect. Like those who populate them, all police departments are similarly imperfect. The Roosevelt City Administration has by undertaking this analysis recognized imperfections will exist, and left undiscovered, they will remain unresolved.

The mandate of this report was to provide Roosevelt City Officials a subjective analysis of the investigative response to allegations of "sexting" by students at Union High School in Roosevelt Utah, as well as a general comparison of the policies, procedures and operational responses of the Roosevelt City Police Department in contrast to agencies of similar size and complexity.

Concerning the investigative response to "sexting" allegations reported to the Roosevelt City Police Department on April 18, 2018. Based on interviews and the analysis of pertinent records, it appears the Roosevelt Police Departments management of this case has and continues to be deficient.

The issues adversely affecting the investigation include:

A member of the Roosevelt City Police Department with restricted duties was maintained in a position to receive the initial allegations of "sexting." Despite being aware of these restrictions, the police officer initiated and maintained control over a sensitive investigation for 20 days.

The Roosevelt City Police Department appears to maintain inadequate supervisory control over restricted duty members. This lack of supervision resulted in the agencies failure to detect the restricted duty member's unauthorized activities. The lack of oversight delayed or eliminated the

timely and efficient collection, protection and analysis of critical victim, witness and suspect statements, and the recovery of critical evidence.

The Roosevelt City Police Department appears to maintain inadequate policies and procedures addressing complaint routing and case management. This deficiency resulted in the inability of agency administrators and staff to promptly identify the existence of a sensitive investigation and to ensure the case was appropriately assigned and monitored.

The Roosevelt City Police Department appears to maintain inadequate procedures to engage effectively with external criminal justice and social service support services which resulted in delayed notification and involvement of school, prosecution and victim services.

The Roosevelt City Police Department lacks sufficient internal policy and procedures to rapidly update and alter the agencies response to evolving criminal justice needs. This deficiency has resulted in a lack of policy or procedural modifications in response to the April 18, 2018 investigation, which may result in similar adverse outcomes in future investigations.

The Roosevelt City Police Department appears to lack fundamental, supervisory, investigative and specialized assignment training and certifications. The training deficiency appears to have compounded many of the internal policy and procedural deficiencies affecting the April 18, 2018 investigation and may result in similar adverse outcomes in the future.

The Roosevelt City Police Department appears to lack sufficient full time sworn and civilian personnel to effectively receive, assign and manage the current investigative volume of the community. Inadequate or undefined personnel management and delegation of responsibilities within the organization compound the staffing deficiency.

The issues identified throughout this report suggest the Roosevelt City Police Department does not, at present conform too many common best practices associated with agencies of similar size and complexity. The agency would benefit from a more comprehensive internal review focusing on investigatory, patrol, property and evidence and records management functions. The agency may also benefit from participation in a law enforcement agency accreditation program.

Supervision/Retention/Direction

Concern:

The Roosevelt City Police Department, like all law enforcement agencies, have a responsibility to ensure officers under their direction are supervised effectively and are retained in positions appropriate to their capabilities and limitations. Agencies must also maintain sufficient policy, procedures, and written directives to ensure members understand and comply with the agencies authority.

Prior to April 18, 2018, the Roosevelt City Police Department Administration had been provided documentation from the 8th District Court, informing them Officer Pete Butcher had been found in violation of “Brady/Giglio” requirements. After receiving notice from the court, the Roosevelt City Police Department informed Officer Butcher of specific limitations regarding his duties. These restrictions included a directive limiting his involvement in cases where he may be required to offer testimonial evidence.

Officer Butcher’s failure to abide by the restrictions relative to his authorities as well as the agencies apparent indifference to ensuring he conformed to these directives may harm this specific investigation and result in broader implications for the agency and the municipality.

Recommendation:

Currently, the Roosevelt City Police Department relies upon Lexipol® Policy 605:

“Brady Material Disclosure”, which outlines the agencies identification and releasing of potentially exculpatory or impeachment information (so-called “*Brady* information”) to a prosecuting attorney.

The agency should, in coordination with the Roosevelt City Attorney, promulgate additional policies dealing with the agencies response to the management of employees who have been determined to have violated these provisions.

The decision to maintain an officer, who has demonstrated credibility issues is at the discretion of the agency. This decision becomes significantly more problematic when an officer has a documented incidence of misrepresentation from a court of record. In either case, the agency should promulgate and disseminate specific policies and procedures including the following:

- Identification of specific operational responsibilities and limitations of “Brady” affected officers
- Documentation indicating the officer has received, understands and confirms the receipt of a formal notification of their restricted status
- Documentation process ensuring the respective prosecuting authorities associated with the affected officer have been notified and support the identified “Brady” restrictions or limitations
- Progressive discipline policy outlining the potential administrative implications associated with a violation of the restricted or modified duty status, or violations associated with any future credibility related incidents.

The Roosevelt City Police Department, through the Duchesne County Attorneys Office, should also ensure that the Wasatch County Prosecutors who are currently reviewing Officer Butchers April 18, 2018 investigation are aware of his “Brady” status.

Works Cited

Foote, Stephen. "United States v. Brady, United States v. Giglio Notification for Officer Pete Butcher ." *Official Correspondence from Duchesne County Attorneys Office*.

Unknown publish date

"Roosevelt City Police Department Policy 605." *Roosevelt City Police Department Policy and Procedure Manual*, vol. 1, 2018.

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Policy and Procedure

Concerns:

The Roosevelt Police Department adopted the Lexipol® policy suite in January 2019. Prior to the adoption of Lexipol® the department operated under a series of policies, which according to those interviewed, were outdated and did not reflect the procedures of the agency.

The Lexipol® policy suite provides agencies a complete, yet generic policy and procedure manual. Lexipol® is widely utilized in the State of Utah and has many advantages. The system relies on each agency to review the respective policies and make agency-specific alterations before dissemination. Lexipol® like all policy systems encourages agencies to modify sections following the identification of specific process deficiencies. Lexipol®, by design facilitates collaborative policy development between agency administrators and line staff, agency administrators and subject matter experts and the agencies legal representatives.

The Roosevelt City Police Department has made no modifications to any policies or procedures since this incident to address what appears to be significant communication and operational deficiencies within the agency.

Recommendations:

In addition to addressing the respective policy recommendations contained in other sections of this report. The Roosevelt City Police Department should engage in an ongoing comprehensive policy revision process to include a weekly review of the current Lexipol® manual. During these such reviews the Roosevelt Police Administration should engage, when appropriate, subject matter experts who can provide input and suggestions regarding specific polices and procedures. These subject matter experts may include but are not limited to:

- The Roosevelt City Manager or their designee
- The Roosevelt City Attorney or their designee
- The Duchesne County Attorney or their designee
- Roosevelt City Police Department Supervisory Staff
- Roosevelt City Police Department Investigative Staff
- Roosevelt City line staff
- Fraternal Order of Police or other law enforcement labor representatives
- Division of Child and Family Services
- Duchesne County School District Superintendent or their designee

The Roosevelt City Attorney or other legal representative assigned by the Roosevelt City Manager should engage in a bi-annual comprehensive review of the Roosevelt City Policy and Procedure Manual to ensure the agency maintains progress in the policy revision process.

Complaint Routing and Reporting

Concern:

Law enforcement must be prepared to receive complaints at any time and in any manner. Therefore, it is imperative agencies ensure every member of the organization is capable of directing any complaints they receive appropriately.

On April 18, 2018, an L.D.S. seminary teacher reported serious allegations involving multiple juvenile victims and suspects to Officer Pete Butcher. Officer Butcher, at the time he received this information, had no investigative responsibilities in fact, Officer Butcher had been ordered to not engage in any investigative functions.

Officer Butcher's failure to contact his superiors and inform them of the allegations or direct the complainant to an agency representative capable of addressing the claims resulted in significant and potentially irreversible errors concerning this investigation.

Recommendation:

Currently, the Roosevelt Police Department utilizes the Lexipol® policy suite which provides limited descriptions of the roles and responsibilities of agency personnel. The current policy does not specify the manner in which members receive and rout criminal complaints, non-criminal complaints, or complex investigations.

In order to clarify the report receipt, assignment and routing of all citizen complaints and investigations the Roosevelt City Police Department should immediately update the Lexipol® policy and clearly articulating the specific roles and responsibilities of each member within the service. The policy should clearly identify the responsibilities and define the position descriptions of the Police Chief, Lieutenant/Assistant Chief, Sergeant, Corporal, Detective, School Resource Officer and any other positions currently utilized or anticipated within the organization.

The Lexipol® policy should include a general statement articulating the agencies definition of the "authority" of all law enforcement personnel which may include the following language:

Irrespective of rank, each employee within the organization has clearly articulated duties and responsibilities. Each employee is hereby delegated the authority necessary to effectively execute those responsibilities. Each employee will also be held accountable for the appropriate application of that delegated authority.

The lexipol® policy should be similarly updated to include specific descriptions of the duties and responsibilities of "supervisory" and "non-supervisory" officers, such language may include but not be limited to:

Supervisors are Department members designated by their job description to directly supervise one or more subordinate members. Supervisors have authority to carry out Department policies and administer and supervise the work of various individuals, assignments or units.

The duties and responsibilities of supervisors include:

- the detailed inspection of all activities of subordinates;
- knowing the duties and responsibilities of subordinates;
- enforcing policies and orders among subordinates;
- encouraging cooperation between subordinates;
- providing leadership in carrying out assigned duties;
- coordinating the execution of assigned duties;
- providing training, as necessary, to ensure efficient and effective performance by subordinates;
- supervising the efficient and effective completion of assigned duties; and
- performing all duties required by the appropriate job description.

Duties and responsibilities of members:

“It shall be the responsibility of each member to perform the member's designated duties and perform all other duties assigned by competent authority. The duties and responsibilities of members include:”

- the efficient and effective execution of assigned duties;
- adhering to policies and procedures;

- reporting promptly, through designated channels, developments that may unusually affect public or official relations;
- proper care and use of Department equipment, supplies and facilities; and
- performing all duties required by the appropriate job description.

In addition to defining the authority of each member, as well as specific roles and responsibilities the agency should promulgate on a frequent basis a diagram or “flow chart” clearly describing the reporting structure of the organization. This organizational flow chart should be disseminated to each member of the organization. The flow chart should be posted prominently within the agency and updated when any member is promoted, transferred, terminated, or otherwise re-assigned.

After the creation of position descriptions, each member’s specific authorities and clarifying the agencies internal reporting structures. The Roosevelt City Police Department should promulgate polices which clearly define how each officer will be expected to receive, manage and route specific types of complaints and investigations including but not limited to:

- Juvenile related sex offenses
- Juvenile related abuse or neglect
- Crimes committed or attempted in or about a school or other education related environment
- Threats or harassment related to, or occurring amongst students or faculty
- Internet crimes against children
- Dissemination of harmful materials to minors

Works Cited

“Policy and Procedure Section 201, Authority and Responsibility.” *Unified Police Department of Greater Salt Lake Policy and Procedure Manual*, vol. 1, 2012, p. 38.

Unified Police Department of Greater Salt Lake Policy modification from Lexipol® manual

“Policy and Procedure Section 201, Authority and Responsibility.” *Unified Police Department of Greater Salt Lake Policy and Procedure Manual*, 2012, pp. 42–43.

Unified Police Department of Greater Salt Lake Lexipol policy modification

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Case Management/Case Clearance

Concerns:

It is essential police departments maintain effective case management and clearance procedures. These procedures ensure reports are appropriately routed and monitored from the time an initial complaint is received until there is a definitive conclusion. Failure to assign and track the progress of investigations will result in cases being delayed or forgotten.

After receiving the “sexting” complaint on April 18, 2018, Officer Butcher self-assigned this critical investigation to himself. Officer Butcher maintained the investigation for nearly a month before entering any information into the Roosevelt City Police Department’s Records Management System (RMS). During the entire duration of Officer Butcher’s investigation, all information including suspect, witness and complainant data was invisible to the rest of the agency.

Officer Butcher’s arbitrary decision to classify the investigation as “closed” before consulting the departments SRO, Detective, or Chief of Police was operationally inappropriate.

The lack of case management and clearance policies and procedures within the Roosevelt Police Department was further evident by the failure of the agency to formally assign the investigation to any specific member. After following up on a request by Duchesne County Attorney Grant Charles to retrieve cellular devices. No additional investigative efforts were undertaken, nor was any member of the Roosevelt City Police Department interviewed able to identify who within the agency would have been responsible for such follow up.

Recommendations:

The Roosevelt City Police Department should promulgate policies to ensure members of every rank are aware of the need to notify, through their chain of command the Chief of Police immediately of major incidents or occurrences. Command notifications should include but are not limited to the following incidents:

- Any incident involving an assault in which a student of any school is transported to a hospital.
- Any aggravated Assault occurring on or about a school
- Any verbal or written threat directed to an educational institution
- All Sexual offense cases emanating from a school
- Any report of transmission of harmful material involving juveniles, or in which a juvenile is communicating with an adult.

The Roosevelt City Police Department should implement routing policies and procedures outlining the agencies approach to all investigative case management. These policies should specifically identify which types of offenses will be initially managed by patrol officers and maintained by that officer for investigative purposes. It should clearly designate which offenses a

patrol officer may be initially dispatched too which require immediate notification to a supervisor, an investigator and or the Chief of Police. The policy should also clearly identify which cases must transferred to an investigator prior to the involvement of patrol resources.

Such offenses may include but not be limited to:

Any incident involving a minor where an in-depth interview, or one which requires a forensic interview of children certification is required, e.g. criminal abuse or neglect, juvenile sexual offenses referred to the agency by another entity e.g. Division of Child and family Services, School Counselor etc., or any circumstance in which the severity of the incident will require substantial investigative follow up.

The Roosevelt City Police Department should update Lexipol® to include specific case closure criteria which may include but not be limited to the following language:

Suspension of Investigative Efforts

All cases assigned to Roosevelt City Police Officers that are subsequently suspended or inactivated must reflect the reason for suspension. Criteria for the suspension of investigative efforts include:

- All current leads have been exhausted
- Unavailability of investigative resources on low priority case
- The degree of seriousness on low priority case
- Other circumstances subject to approval by Roosevelt City Police Investigative

Supervisors

All incident reports completed by Roosevelt City Police Officers are reviewed by Roosevelt City Investigative supervisors to determine the potential for clearing the incident through assignment for follow-up investigation. Information included in the initial incident report that supports assignment for follow-up investigation includes:

- Seriousness of the incident
- Suspect is known and/or can be named

- Stolen property is traceable
- Sufficient physical evidence is recovered
- Reliable witnesses are available
- Extent of injury or property loss
- Recognition of crime trends, series, or geographic similarities

Other factors that may indicate a case should be assigned for follow-up investigation include:

- Documented experiences of the Roosevelt City Police Department with similar cases
- Documented experiences of other law enforcement agencies with similar cases
- The development of research and intelligence indicating further investigation is warranted
- Sensitivity or high profile nature of a case

All cases shall be assigned an appropriate administrative status designation.

Administrative designations for case status include:

- “Further Investigation” - Indicates further investigation is warranted. The case is assigned for further investigation and investigative efforts are active.
- “Inactive” - Indicates investigative efforts are inactive. Current leads have been exhausted, but the investigation has not been brought to a satisfactory conclusion and investigative efforts may be resumed.
- “Closed/Cleared” - Indicates the investigation has been concluded satisfactorily. One of the following UCR case dispositions must be indicated:

- “Unfounded” – Indicates that it has been determined that no crime has been committed.
- “Cleared by Arrest” – Indicates that one or more offenders have been arrested and charged by Roosevelt City Police Department personnel.
- “Arrest by Other Agency” – Indicates that another agency has arrested and charged one or more offenders in a Roosevelt City Police Department case.
- “Death of Offender” – Indicates that it has been determined who the offender is in a case, but the offender is deceased.
- “Juvenile/No Custody” – Indicates that it has been determined that one or more juvenile offenders have committed an offense, and if the offenders were adults would be taken into custody. (NOTE- This disposition includes juveniles who have been released to adults or referred to other authorities.)
- “Refused to Cooperate” – Indicates that the offender has been identified, but prosecution is unlikely because the victim is uncooperative or unwilling to prosecute.
- “Prosecution Declined” – Indicates that the offender has been identified, but that prosecution has been declined by someone in the criminal justice process (i.e., Justice Court , District Attorney, etc.)
- “Extradition Declined” – Indicates that an out of state agency has arrested an offender, but extradition of the offender has been declined.

The Roosevelt City Police Department should maintain an investigative case status control system using the department’s electronic records management system. The following information should be documented and monitored through the system:

- Detective/officer assigned
- Case number
- Victim’s name

- Date reported, date assigned, and date follow-up is due
- Case status

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Works Cited

United States, Law Enforcement. "Greenville Police Department Policy and Procedure Chapter 42." *Greenville Police Department Policy and Procedure Chapter 42*, vol. 1, Greenville Police Department, 2015, pp. 1–18.

Modifications made within the citation to reflect possible inclusion in the Roosevelt City Utah Police Department.

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Lack of Emergency or General Orders

Concerns:

The development and maintenance of responsive and relevant policies and procedures is critical to any law enforcement organization. Frequently agency process is altered after the discovery of an operational deficiency. The Chief of Police achieves this process through the dissemination of an emergency or “general order.”

Police departments commonly use general orders in circumstances where there is a need to alert agency personnel to an immediate and significant procedural change. For example, an agency, which has historically authorized a permissive pursuit driving policy, may experience a tragic or fatal high-speed pursuit. In response, the department head may issue a general order instructing all personnel to disregard the current permissive policy and instead restrict pursuits to circumstances in which deadly force may be justified. This emergency policy alteration may be in response to legal advice, or to address the public concern or only because the agency head has experienced a philosophical change due to the tragic outcome of the previous policy direction. Regardless of the impetus for the procedural change, agencies recognize the process to alter an agencies policy permanently can and should be done thoughtfully, incorporating the input of a variety of constituencies. Because the modification of policy may take weeks, perhaps even months, agencies routinely enact and disseminate emergency orders which serve to temporarily modify the department's procedures until a formal policy can be, drafted, reviewed communicated, and adopted.

The Roosevelt City Police Departments response to the “sexting” allegations made April 18, 2018, have by any measure created significant and perhaps lasting effects on the community and the agency. Despite these impacts, the agency has not altered any policy, procedure or process within the organization.

It is imperative that agencies, when faced with an actual or perceptual operational failure, respond and react to the concerns of its employees and community it serves in an open, transparent and most important timely manner. Such response is most obviously demonstrated by the modification, if even temporary, of the internal process of the law enforcement agency until the incident, investigation or agency approach can be comprehensibly reviewed and communicated.

Recommendations:

The Roosevelt City Police Department should adopt a mechanism within the current Lexipol® policy to issue “emergency” or “general orders” utilizing language that may include but not be limited to:

General Orders establish an interdepartmental communication that may be used by the Chief of Police to make immediate changes to policies. General Orders, will immediately modify or change and supersede sections of this manual to which they pertain.

All employees are required to read and obtain any necessary clarification of all General Orders.

General Orders are written orders issued by the Chief of Police which establish, amend, or rescind policies or procedures of the Department. These Orders remain in effect until rescinded or amended by subsequent General Orders, or revisions of the Policy Manual.

When a General Order conflicts with any provision of the Manual, the General Order will supersede that provision of the Manual.

In addition to modifications of the Roosevelt City Police Department Policy listed above the agency should establish a mechanism for distributing “general orders” which includes the following:

- Creation of a formal internal consecutive numbering system to track general orders by year
- Mechanism to ensure all employees have received and acknowledged receipt of the respective general order
- Electronic dissemination process of all general orders as well as posting the order in a prominent location within the police department.

Training

Concerns:

The Roosevelt City Police Department has School Resource Officer (S.R.O), responsibilities within Union High School. This responsibility includes, ensuring the member assigned to this function has received appropriate basic and in-service training.

On April 18, 2018, when the “sexting” case was reported, Lt. Alan Tucker was assigned as the Roosevelt City SRO. Before Lt. Tucker’s assignment, Officer Pete Butcher had been assigned these responsibilities. Neither Lt. Tucker nor Officer Butcher has received SRO specific training.

It is unknown if SRO specific training would have affected the outcome of this incident. However, the decision by the Roosevelt City Police Department to allow successive employees to operate in an educational environment without the benefit of specialized training is problematic.

Recommendations:

The Roosevelt City Police Department should initiate a contract between the agency and those school districts they provide SRO services too in compliance with U.C.A. 53A-11-1604

The Roosevelt City Police Department should promulgate a detailed multi-year annual training plan which identifies the agencies specific training certification, recertification and specialized training needs. These needs should include but not be limited to:

- National Association of School Resource Officer Basic (SRO) certification
- Utah Peace Officer Standards and Training Supervisory and Leadership Course
- Mid Management Certificate Program
- Utah Peace Officer Standards and Training Employee Discipline and Administrative Procedure Course

Works Cited

Home, le.utah.gov/xcode/Title53A/Chapter11/53A-11-S1604.html.

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Public Information Management

Concerns:

On November 20, 2018, KSL news broadcasted a story headlined “Was sexting ring at Union High School properly investigated, by Mike Headrick and Tania Dean. The story, detailed from the reporter’s perspective, events and issues which had been reported to the Roosevelt Police Department seven months prior. The story, which included on-camera comments from students of Union High their parents, School Administrators, representatives of the Duchesne County Attorneys Office and a “Roosevelt police officer.” Portrayed the investigation, the involved agencies and even the Roosevelt community in what can only be described as an unfavorable light.

The Roosevelt Police Department had, at the time KSL delivered its report ineffectively investigated and managed the response to allegations reported on April 19, 2018. The agencies decisions, conscious or not, to limit communications not only internally but externally placed many of the agencies which support and rely upon the police department in the unfortunate and challenging position of defending actions which those agencies have little or no control over.

Based on a limited review of the events of the past nearly eleven months, many of the issues raised in the KSL story could have been substantially mitigated perhaps even eliminated by a more open and effective public information strategy within the Roosevelt City Police Department.

The press, at times, can be viewed by law enforcement administrators and employees as unfair or even hostile. This perception is unhealthy and unrealistic. The media, especially in Utah have generally been balanced and responsive when reporting on the activities of the majority of law enforcement agencies and administrators. It is inevitable, given the frailties of the human condition that at times some individual reporters and agency employees can become engaged in petty, even angry exchanges. These are however the exception.

The decision by Roosevelt City Police Chief Rick Harrison to ignore the multiple requests of a legitimate news agency is and will continue to be untenable. Chief Harrison like all public employees is required to provide reasonable and transparent responses to the public, which includes legitimate inquiries by the media.

By refusing to provide comments or updates to the press, and physically avoiding reporters, Chief Harrison in essence relegated reporters to seek comment from others who, like he had no other choice than to comment.

The investigation at Union High was, and continues to be, the responsibility of the Roosevelt City Police Department as is the responsibility to inform the community about the status and direction of the investigation.

Recommendations:

The Roosevelt City Police Department should adopt a formal public information/media relations strategy to include the formal assignment of one or more Public Information Officers within the agency. After identifying this position the agency should provide specific basic and in service training opportunities to ensure this individual(s) filling this role are adequately prepared for their responsibilities.

The agency should consider amending the existing Lexipol® Policy 323 media relations policy to include some or all of the following language:

This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

Consistent with the legal and privacy rights of involved individuals and other confidentiality requirements, the Department will disseminate factual accounts of incidents of public interest. Additionally, the Department will strive to gain acceptance of our objectives and policies, by educating the public through the media, and obtaining feedback when possible.

Article I, Section 15, of the Utah State Constitution and the First Amendment to the United States Constitution guarantee freedom of the press.

The Sixth Amendment, however, declares, "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury "

Because of these sometimes competing interests, the policy of the Department is intended to strike a balance that best serves the interests of the Department, the accused, and the media.

The Roosevelt City Police Department will seek to establish a cooperative climate in which the media can obtain information about matters of public interest in a manner which does not hamper Department operations. However, certain information must be

withheld from the media to protect the constitutional rights of the accused, to avoid interfering with an ongoing investigation, or because it is legally restricted. Outside of these basic exceptions, as defined by the Utah Government Records Access and Management Act, the Department will adhere to a policy of maximum disclosure, with minimum delay.

Media representatives will not be treated preferentially relative to one another. However, "exclusive" stories will be honored. When a reporter has information that was not released by the Department, the Roosevelt City Police Department will not provide that information to other media representatives unless specifically queried for that information.

The Roosevelt City Police Department may issue news media credentials to members of the media upon presentation of a letter of request from the media member's employer. Members of the media who are not affiliated or employed on a regular basis will be issued the media credentials upon proof they are accepted members of the media. All requests for news media credentials will be handled by the Public Information Officer (PIO).

Problems arising between media representatives and department members should be reported to the Public Information Officer, who will assist in maintaining a good working relationship with the news media.

It is the policy of the Roosevelt City Police Department to cooperate with the media at an incident scene consistent with professional operational and investigative practices and make releases through the media to inform the public.

In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Department.

Under no circumstances may any member of the Roosevelt City Police Department release any information to the media without the prior approvals of the Chief of Police or Public Information Officer.

The following information about on-scene activities will be released by Dispatch when the media inquires, and will also be released by the on-scene incident commander, if a supervisor is not present.

- The type and location of call.
- General medical condition.
- Number and types of units responding.
- Name of on-scene incident commander or assigned Public Information Officer, with an offer to have that member contact the media member by phone.

All other information concerning operations and administrative matters shall be made by the appropriate Watch Commander, Public Information Officer, or a agency supervisor, unless delegated to another member.

All non-supervisory members will obtain permission of their supervisor before making any releases, except as authorized previously and information that relates to traffic accident investigations and routine or minor incidents.

Members will only release factual information directly relating to an incident immediately within their area of responsibility. Other queries will be referred to a Public Information Officer.

If the Chief of Police chooses to speak on a subject or case, all information about that subject or case will then come through the Chief of Police until or unless delegated to another level.

Information concerning the Department will flow to the media in an accurate, timely, and efficient manner. Sensitive information which might compromise an investigation, as determined by the case manager, will be withheld.

All information released in an official capacity will reflect the position of the Chief of Police and will be factual and not conjectural or speculative. If the answer to a question is not known, or if information is too sketchy to give a response, the member should respond by releasing only information known to be factual.

Members will not release any information with the intent of influencing the outcome of a suspect's trial, nor shall any information be released regarding the suspect's background or circumstances of an arrest if it would be prejudicial and where the release would not serve a legitimate law enforcement purpose. Such information includes:

- Observations about a suspect's character.
- Details of statements, admissions, confessions, or alibis attributable to a suspect.
- References to investigative procedures and/or results i.e. fingerprints, polygraph examinations, ballistic, or laboratory tests.

- Statements concerning the identity, credibility, or testimony of prospective witnesses.
- Statements concerning evidence or argument in the case, whether or not it is anticipated that such evidence or argument will be used at trial.
- Names or addresses of sexual offense victims, child abuse victims, juvenile defendants, witnesses, complainants, and informants.

After an arrest, authorized members may release the following information:

- An arrestee's name, date of birth, sex, and home address.
- The substance or text of the charge(s).
- The identity of the responding peace officer(s), except for those working an undercover assignment.
- The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and when appropriate, a description of items seized at the time of the arrest. Amounts of money and other items taken in robberies will not be released if it would interfere with an investigation.
- Names of victims, except as further limited by law. In those cases, the age and sex of a victim and general jurisdictional area where the crime occurred may be released.

These rules do not restrict the release of appropriate information when attempting to apprehend a fugitive from justice.

Members will not prevent the media or private persons from taking photographs or video taping incidents if they have a lawful right to be in their location, but media and the public may be restricted from any area which has been secured to preserve evidence or where their presence jeopardizes or interferes with a Department operation.

Officers shall not permit members of the media to accompany them onto private property nor shall they assist them in securing permission for access from property owners.

The photographing or video taping of persons in Department custody is neither encouraged nor discouraged.

Photographs of suspects booked in the Jail will be released when they are available, unless and while the case manager has specifically determined that release of the photo will jeopardize or interfere with a line-up.

When a major incident occurs, the Chief of Police may elect to coordinate the release of information through the agency PIO.

The Public Information Officer (PIO) or representative will then be responsible for gathering and disseminating all available facts meant for release. The PIO should, at such times, be cognizant of media deadlines.

Information about the victim's identity will not be released to the media until after notification of a member of the immediate family. This restriction may be waived if such notification cannot occur in a reasonable time frame. 24 hours is normally considered reasonable.

In addition to the above recommendations, the Roosevelt City Police Department may wish to seek direct communication with local media regarding the events and actions which occurred from April 18, 2018 to the present. The purpose for his communication would be to clarify the internal decision making process relative to the investigation of the “sexting” allegations and respond to any questions, concerns or criticisms regarding the agencies actions.

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Works Cited

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Communication with Roosevelt City Officials

Concerns:

During the review of the Roosevelt City Police Department, it has become evident the agency has taken few opportunities to communicate with the Roosevelt City Manager, Council or Mayor regarding the progress or issues associated with the Union High investigation or the general direction of the organization.

The Roosevelt City Police Department like all law enforcement agencies is one of the most visible and essential symbols of local government. When a communities' police department is viewed favorably, it has a positive effect on the communities' perspective of the entire municipal leadership team. However, when a police department is viewed unfavorably or as ineffective then confidence in a community can be significantly degraded.

It is impossible to gauge the current public perception of the Roosevelt City Police Department, as there will always be those in the community who feel strongly on either side. What is clear, is the department should always strive to improve the image of the agency, its employees and the broader community.

Recommendations:

The Roosevelt City Police Department should engage in an outreach effort to include regular communication with the Roosevelt City Manger regarding ongoing major initiatives and activities. The police department is prohibited from providing detailed investigative data, however the agency can ensure the city leadership is aware of the broader issues and concerns on specific incidents. This can often be managed through a formal departmental report included at each Roosevelt City Council meeting. The ability of the city administration to understand and respond to community concerns with accurate timely and comprehensive information will maintain or improve the publics perception of their law enforcement organization.

The agency may also choose to engage in a more robust social media presence to highlight the efforts of the department and encourage community feedback. This social media presence should include appropriately vetted investigative updates.