

Ordinance No. 834

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING THE SECTION 4-01-040 "DEPARTMENTAL RULES AND REGULATIONS" IN ARTICLE 4-01 "POLICE DEPARTMENT" IN CHAPTER 4 "POLICE DEPARTMENT" OF THE TOWN CODE TO DESIGNATE THE "HIGH RISK" POLICIES (TO CONFORM TO A NEW PRESCOTT VALLEY POLICE DEPARTMENT POLICY MANUAL) TO BE ADOPTED AND AMENDED BY COUNCIL ACTION, PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES, AND SECTIONS OF THE TOWN CODE, NOT HEREIN AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT, PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW

WHEREAS, by Ordinance No 8 (dated June 28, 1979) and Ordinance No 178 (dated May 26, 1988), the Town Council adopted the Town Code, which Code vested authority in the Council to adopt departmental rules and regulations on behalf of the Police Department, and

WHEREAS, on or about January 1992, the Police Department replaced its earlier Department Manual with a series of General Orders which were thereafter modified by Council action, and

WHEREAS, by Ordinance No 530 (dated September 12, 2002), Council vested authority in the Chief of Police and the Town Manager to adopt and amend certain departmental rules and regulations without council action while retaining exclusive authority to adopt and amend other rules and regulations deemed to be "high risk;" and

WHEREAS, Ordinance No. 530 also amended Section 4-01-040 "Departmental Rules and Regulations" of the Town Code to designate, by title, the policies that were "high risk" and subject to the Council's exclusive authority.

WHEREAS, the Police Department is in the process of replacing its General Orders with a new Prescott Valley Police Department Policy Manual ("Policy Manual"), which includes a mix of routine and high risk policies, and

WHEREAS, the new format of the Policy Manual divides some of the current "high risk" policies into separate policies and renames others, and

WHEREAS, Council desires to amend the Town Code to designate, by title, all "high risk" policies to be included in the Policy Manual,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA

SECTION ONE That Section 4-01-040 "Departmental Rules and Regulations" in Article 4-01 "POLICE DEPARTMENT" in Chapter 4 "POLICE DEPARTMENT" of the Town Code of the Town of Prescott Valley, Arizona, be hereby amended to read as follows

4-01-040 Departmental Rules and Regulations.

The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may be adopted from time to time by the Chief of Police and the Town Manager, except that the following policies shall be adopted by the Council

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| Unlawful Flight Pursuit | Hate Crimes Investigation |
| Use of Force | Domestic Violence Investigations |
| Detention and Arrest | Immigration Law Enforcement |
| Searches | Use of Firearms |
| Off Duty Incidents | |
| <u>300 Use of Force</u> | <u>312 Search and Seizure</u> |
| <u>301 Use of Force Review Boards</u> | <u>313 Temporary Custody of Juveniles</u> |
| <u>302 Handcuffing and Restraints</u> | <u>320 Hate or Prejudice Crimes</u> |
| <u>303 Control Devices and Techniques</u> | <u>345 Off-Duty Law Enforcement Actions</u> |
| <u>304 Conducted Energy Device</u> | <u>401 Bias-Based Policing</u> |
| <u>305 Officer-Involved Shootings and Deaths</u> | <u>407 Hostage and Barricade Incidents</u> |
| <u>306 Firearms</u> | <u>415 Immigration Violations</u> |
| <u>307 Vehicle Pursuits</u> | <u>900 Temporary Custody of Adults</u> |
| <u>310 Canines</u> | <u>901 Custodial Searches</u> |
| <u>311 Domestic Violence</u> | |

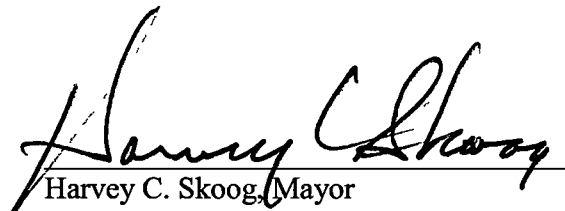
(Ord No 8, Enacted, 06/28/79, Ord No 178, Rep&ReEn, 05/26/88, Ord No 530, Amended, 09/12/02, Ord. No. 834, Amended, 10/12/17)

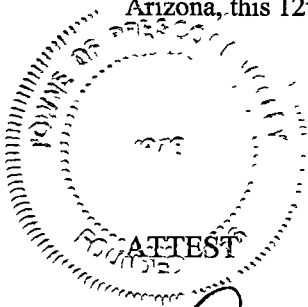
SECTION TWO. That all other Chapters, Articles, and Sections of the Town Code of the Town of Prescott Valley, Arizona, not herein amended, shall remain in full force and effect

SECTION THREE That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 12th day of October, 2017


Harvey C. Skoog, Mayor




Diane Russell, Town Clerk

APPROVED AS TO FORM.


Ivan Legler, Town Attorney