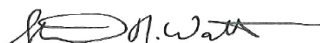


# OGDEN CITY POLICE

## Office of the Chief

**Policy No: 55**

Subject	Effective Date
Ogden City Airport – Officer Response	March, 2018
Department	Replaces Policy Dated
Police	February, 2013
Division	Review Date
All Police Personnel	March, 2022
Authorized Signature	
	

**NOTE: This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.**

**I. PURPOSE**

The purpose of this policy is to provide guidelines for officers of the Ogden City Police Department in providing law enforcement support in fulfilling the TSA security requirements of the Ogden City Airport specific to keeping unauthorized firearms and other dangerous weapons out of the sterile/secure areas of the airport and out of passenger compartments of commercial aircraft.

**II. INDIVIDUAL RESPONSE POLICIES**

Appendix A – Secure Area Weapons Response

Appendix B – Officer Response to Explosive Trace Detection Calls at Screening

Appendix C – Officer Response to Screening Refusals

## **Appendix A**

### **Secure Area Weapons Response**

#### I. PURPOSE

The purpose of this policy is to provide guidelines for officers of the Ogden City Police Department in providing law enforcement support in fulfilling the TSA security requirements of the Ogden City Airport specific to keeping unauthorized firearms and other dangerous weapons out of the sterile/secure areas of the airport and out of passenger compartments of commercial aircraft.

#### II. APPLICABLE ORDINANCE AND/OR STATUTE

Utah Criminal Code 76-10-529 is the applicable statute for firearms and all other weapons violations in airport secure areas to include the screening checkpoints.

*76-10-529 – Possession of dangerous weapons, firearms or explosives within airport secure areas are prohibited.*

- (2) (a) *Within a secure area of an airport, a person, including a person licensed to carry a concealed firearm is guilty of:*
- (i) *A class A misdemeanor if the person knowingly or intentionally possesses any dangerous weapon or firearm;*
  - (ii) *An infraction if the person recklessly or with criminal negligence possesses any dangerous weapon or firearm.*
- (b) *Subsection (2)(a) does not apply to:*
- (i) *persons exempted under 76-10-523; and*
  - (ii) *members of the state or federal military forces while engaged in the performance of their official duties.*

#### III. DEFINITIONS

- A. Within a secure area of an airport means any secure area located beyond the main area where the public generally buys tickets, checks bags and retrieves luggage. Secure areas include the screening checkpoints, the concourse sterile areas, and the Secure Identification Display Area.
- B. A passenger is within the secure area of the checkpoint once they have had their boarding pass and ID verified. Once the passenger has proceeded past this point, they are considered to have submitted to the screening process and are therefore within the secure area.

C. UCA 76-10-501:

(3)(a) "Concealed Dangerous Weapon" means a dangerous weapon that is:

(i) covered, hidden, or secreted in a manner that the public would not be aware of its presence; and

(ii) readily accessible for immediate use.

(b) A dangerous weapon is not a concealed dangerous weapon if it is a firearm which is unloaded and is securely encased.

(6)(a) "Dangerous weapon" means an item that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(b) The following factors will be used in determining whether a knife, or another item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon:

(i) the character of the instrument, object or thing;

(ii) the character of the wound produced, if any;

(iii) the manner in which the instrument, object, or thing was used; and

(iv) the other lawful purposes for which the instrument, object, or thing may be used.

(16) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on the person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the person.

(19) "Securely encased" means not readily accessible for immediate use, such as held in a gun rack, or in a closed case or container, whether or not locked, or in a trunk or other storage area of a motor vehicle, not including a glove box or console box.

IV. PROCEDURE

- A. All weapon violation responses, involving an actual weapon within a secure area, will be documented in a written case report. Proper notifications will be made regardless of law enforcement action being taken.
- B. Officers should look to cite and/or file charges in all applicable weapons cases. If in doubt as to whether or not the elements of the crime are present, consult your supervisor prior to disposition.
- C. In all cases involving firearms, officers should attempt to verify whether or not the individual is allowed by law to be in possession of the firearm as

per UCA 76-10-503, in addition to checking the weapon through NCIC for stolen.

- D. In all cases involving weapons at the screening checkpoints, officers should take a photograph of the weapon in the bag or luggage prior to removal. If the item has been moved by TSA personnel, prior to officer arrival, please articulate such in the case report.
  
- E. Stun guns and OC/Mace will not generally be prosecuted; however, if the item has been intentionally concealed in an attempt to bypass the screening checkpoint, the officer may later screen the case with the County Attorney's office in pursuit of charges under UCA 76-10-529 pending the circumstances of the incident as articulated in the case report.

## **Appendix B**

### **Explosive Trace Detection Calls at Screening**

#### **I. PURPOSE**

The purpose of this policy is to provide guidelines for officers of the Ogden City Police Department in providing law enforcement support in fulfilling the TSA security requirements of the Ogden City Airport specific to responding to calls of Explosive Trace Detection (ETD) calls during TSA screening at the Ogden City Airport.

#### **II. APPLICABLE ORDINANCE AND/OR STATUTE**

Utah Criminal Code 76-10-529 is the applicable statute for firearms and all other weapons violations in airport secure areas to include the screening checkpoints.

*76-10-529 – Possession of dangerous weapons, firearms or explosives within airport secure areas are prohibited.*

- (2) (a) *Within a secure area of an airport, a person, including a person licensed to carry a concealed firearm is guilty of:*
  - (iii) *a violation of Section 76-10-306 if the person transports, possesses, distributes, or sells any explosive, chemical, or incendiary device.*
- (3) *An airport authority, county, or municipality regulating the airport may:*
  - (a) *establish any secure area located beyond the main area where the public generally buys tickets, checks bags and retrieves luggage; and*
  - (b) *use reasonable means, including mechanical, electronic, x-ray, or any other device, to detect dangerous weapons, firearms, or explosives concealed in baggage or upon the person of any individual attempting to enter the secure area.*
- (4) *At least one notice shall be prominently displayed at each entrance to a secure area in which a dangerous weapon, firearm, or explosive is restricted.*
- (5) *Upon the discovery of any dangerous weapon, firearm, or explosive, the airport authority, county, or municipality, the employees, or other personnel administering the secure area may:*
  - (a) *require the individual to deliver the item to the air freight office or airline ticket counter;*
  - (b) *require the individual to exit the secure area; or*
  - (c) *obtain possession or retain custody of the item until it is transferred to law enforcement officers.*

### III. DEFINITIONS

- A. Within a secure area of an airport means any secure area located beyond the main area where the public generally buys tickets, checks bags and retrieves luggage. Secure areas include the screening checkpoints, the concourse sterile areas and any fenced secure area known as SIDA (Secure Identification Display Area).
- B. A passenger is within the secure area of the checkpoint once they have had their boarding pass and ID verified. Once the passenger has proceeded past this point, they are considered to have submitted to the screening process and are therefore within the secure area.
- C. "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-10-306

### IV. PROCEDURE

- A. TSA conducts random Explosive Trace Detection (ETD) checks on passengers' hands and carry-on baggage for explosive residue in the checkpoint line areas, at security checkpoints, and boarding gates. Signs are placed at the beginning of the lines notifying passengers they are subject to such screening.
- B. Explosive Screening Alarm – If a passenger alarms, the TSA's Screening Manager, Bomb Appraisal Officer and/or Behavior Detection Officer will attempt to resolve the alarm. If they cannot, they will call police who will respond and stand by to escort the passenger out of the airport if TSA denies boarding. The police officer will not be involved in resolving the alarm.
- C. Refusals – Once the passenger is approached by the Explosive Trace Detection team and instructed to present their hands and belongings for the swab process, they may no longer walk away and their attempt to do so or refusal to submit will result in a law enforcement response. The responding officer should treat each case as a refusal to submit to screening and ensure the person does not leave until the proper completion of the explosive trace detection test.

Detention for the purpose of completing security screening will be found to be reasonable as long as it is "not prolonged beyond the time reasonably required to rule out the presence of weapons or explosives." Officers should ensure they obtain identification and conduct an interview as well as checking for outstanding wants or warrants. Each case should

be judged on its merit to decide the proper course of action. Options for handling refusals can include:

1. Escorting passengers out of the sterile area if the refusal results from a secondary screening challenge in the gate area.
  2. Escorting passengers away from checkpoints and instructing them to depart the airport based on Title 16.
  3. Transporting the passenger to the police station for further investigation, if sufficient probable cause and/or reasonable suspicion is developed.
- D. In those instances where the FSD is notified by the US Attorney that an arrestable offense has occurred, the responding officer will detain the non-compliant passenger for the FBI.
- E. Whenever a federal law enforcement agency is contacted officers will ask if they are going to respond to the Ogden Airport, determine an arrival time and verify that the responding federal law enforcement agency orders the subject(s) to be detained.
- F. In cases where there is a violation of existing local ordinances or state statutes, subjects may be detained or arrested as consistent with existing policies and state law.
- G. Officers should contact their supervisor for assistance if there are questions about police authority to act or doubt as to whether or not the elements of the crime or probable cause exist.

## **Appendix C Screening Refusals**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for officers of the Ogden City Police Department in providing law enforcement support in fulfilling the TSA security requirements of the Ogden City Airport specific to responding to calls of Screening Refusals, not resulting from Explosive Trace Detection (ETD), during TSA screening at the Ogden City Airport.

### **II. DEFINITIONS**

- A. Within a secure area of an airport means any secure area located beyond the main area where the public generally buys tickets, checks bags and retrieves luggage. Secure areas include the screening checkpoints, the concourse sterile areas and any fenced secure area known as SIDA (Secure Identification Display Area).
- B. A passenger is within the secure area of the checkpoint once they have had their boarding pass and ID verified. Once the passenger has proceeded past this point, they are considered to have submitted to the screening process and are therefore within the secure area.

### **III. PROCEDURE**

- A. Upon notification by TSA Checkpoint Screening personnel regarding passenger screening concerns, the responding officer will act in support of TSA as follows:
  - 1. If the TSA request is related to a passenger who has begun the required screening process (non-ETD) and the passenger attempts to withdraw from screening, the responding officer will advise the passenger that in accordance with Transportation Security regulations that they cannot leave and are required to complete screening prior to boarding the aircraft or leaving the screening checkpoint.
  - 2. If after being advised of requirements to complete the screening process, the passenger agrees, the officer is to stand by near the screening checkpoint while the passenger continues the screening process and the process is complete.



3. If after advisement from the responding law enforcement officer the passenger continues to decline to participate in further screening, the officer will again advise the passenger they are not free to leave in accordance with TSA regulations pending completion of the screening process.
  - a. The officer is to accompany TSA as they escort the detained passenger to the private screening area.
  - b. The responding officer will notify their immediate supervisor that the passenger has been detained for refusal to complete the screening process. The appropriate Federal law enforcement representative (FBI, TSA) will be notified, advised of the circumstances surrounding the refusal and asked whether they will respond and if they want the passenger detained.
  - c. At no time will the officer be involved in the screening process. If contraband or other evidence is found during the screening process which establishes reasonable suspicion or probable cause that the passenger has violated the law, the matter is now a law enforcement issue and should be investigated as such.
  - d. If the Federal law enforcement representative chooses not to respond; or the US Attorney declines charges, the officer will obtain information required for a report and escort the passenger from the screening area.
  - e. If the officer has observed a violation of existing local ordinances or state statutes, and a Federal declination has been received, the officer may contact his supervisor for review and approval to charge the passenger.