**INTRODUCTION**

This policy manual is the most current revision of the Fort Collins Police Services Policy Manual and takes effect April 7, 2016. Some existing policies were amended and additional policies added not only to reflect ever-changing laws and best practices, but also to reflect the professional standards required for our Agency to become accredited by the Colorado Association of Chiefs of Police (CACP).

Our Policy Manual guides all members of our organization in the course of our work and conduct as we serve our community. It is impossible to include every situation or scenario that a policy manual can address. All members of our Agency are responsible to exercise common sense and good judgment in our daily work that is based on thorough, rigorous, and continued training.

As we endeavor to fulfill our law enforcement mission to our community, it is my expectation that each of us is familiar with the content of this manual and follows these policies set forth therein.

John Hutto, Chief of Police

April 7, 2016



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**LAW ENFORCEMENT CODE OF ETHICS**

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

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law 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, prejudices, political beliefs, aspirations, 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 abuse 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.



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# MISSION STATEMENT

## Vision, Mission and Values

**Vision -**

To make Fort Collins the safest community in the nation.

**Mission -**

To provide professional and compassionate police services.

**Values -**

Respect: For self, each other and our community.

Integrity: The foundation of police work.

Service: Our most important product.

Engaged: Within our organization and the community.



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# Chapter 1 - Law Enforcement Role and Authority



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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

Law enforcement officers are granted the authority to perform their function based on established legal authority. This Agency does not tolerate abuse of law enforcement authority. Persons to whom authority is delegated shall be held accountable for the use of that authority.

## 100.2 PEACE OFFICER AUTHORITY

Certified employees shall be considered peace officers pursuant to CRS § 16-2.5-101 through CRS § 16-2.5-148 and CRS § 24-7.5-103.

### 100.2.1 AUTHORITY WITHIN THE JURISDICTION OF FORT COLLINS POLICE SERVICES

The arrest authority within the jurisdiction of the Fort Collins Police Services includes (CRS § 16-3-102):

(a) In compliance with an arrest warrant.

(b) When any crime is being, or has been, committed in a peace officer’s presence.

(c) When there is probable cause to believe that an offense was committed by the person to be arrested.

### 100.2.2 AUTHORITY OUTSIDE THE JURISDICTION OF FORT COLLINS POLICE SERVICES

The arrest authority of officers outside the jurisdiction of the Fort Collins Police Services includes:

a) When a felony or misdemeanor is committed in the officer's presence in another jurisdiction in the state of Colorado, the local law enforcement agency is notified of the arrest and the arrestee is transferred to that agency (CRS § 16-3-110).

b) When there is probable cause to arrest and the officer has been in continuous fresh pursuit from within the jurisdiction of the Fort Collins Police Services (CRS § 16-3-106).

c) When the officer has knowledge that an arrest warrant has been issued and the officer has been in continuous fresh pursuit from within the jurisdiction of the Fort Collins Police Services (CRS § 16-3-106).

d) An officer may pursue a person outside the jurisdiction of the Fort Collins Police Services and issue a citation when the person committed an offense in the officer's presence within the jurisdiction of the Fort Collins Police Services (CRS § 16-3-106).

e) When officers are accompanied by law enforcement officers who have the authority to make an arrest in that jurisdiction, are present at the scene of the arrest and participate in the arrest process (CRS § 16-3-106).

f) When another agency has requested temporary assistance during a state of emergency (CRS § 29-5-104).



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### 100.3 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended within other states pursuant to CRS § 29-1-206(1) as applicable under interstate compacts and memorandums of understanding in compliance with the laws of each state.

Peace officer powers may also be extended when having the legal authority to do so an officer enters another state in fresh pursuit of a felony subject or a fugitive from justice (CRS § 24-60-101, Arizona Revised Statutes § 13-3831, et seq., Kansas Statutes Annotated § 22-2404, Nebraska Revised Statutes § 29-416, New Mexico Code § 31-2-1, et seq., Oklahoma Statutes Annotated § 221, Utah Code § 77-9-1, et seq., and Wyoming Statutes Annotated § 7-2-106).

Any peace officer of another state who enters this state in fresh pursuit and continues within this state in fresh pursuit has the same authority to arrest and hold such person in custody as a peace officer of this state (CRS § 16-3-104(2)).

### 100.4 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Colorado Constitutions.



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# Chief of Police

## 102.1 PURPOSE AND SCOPE

The Colorado Peace Officer Standards and Training Board (POST) has mandated that all certified peace officers employed within the State of Colorado shall be certified by POST (CRS § 16-2.5-102).

### 102.1.1 CHIEF OF POLICE REQUIREMENTS

The Chief of Police of this Agency shall be certified by POST (CRS § 16-2.5-102). An out-of-state candidate for Chief of Police may be appointed provided the candidate qualifies for and is granted a provisional certificate prior to appointment (CRS § 24-31-308).

### 102.1.2 CHIEF OF POLICE DUTIES

The Agency shall be under the immediate supervision and control of the Chief of Police, who shall be directly responsible to the City Manager for the functions and duties necessary to preserve the public peace, prevent crime, apprehend criminals and protect the rights of persons and property through the enforcement of the penal laws of the State, all ordinances and regulations of the City, and the provisions of the Charter. The Chief of Police shall also perform such other duties as the City Manager may prescribe for the public peace and safety and the protection of property, including the property of the City within and without the corporate limits, and shall cooperate with local, state and federal law enforcement officials.



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# Oath of Office

## 104.1 PURPOSE AND SCOPE

Peace officers are sworn to uphold the U.S. and Colorado Constitutions and to enforce federal, state and local laws.

### 104.1.1 OATH OF OFFICE FOR THE CHIEF OF POLICE

(a) Prior to assuming the duties of a peace officer, the Chief of Police shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Article XII Section 8 of the Colorado Constitution and Article IV Section 4 of the Charter.) The oath shall be as follows:

1. "I, (state your name), do solemnly swear or affirm that I will support the Constitution and the laws of the United States and State of Colorado and the Charter, Ordinances, and Regulations of the City of Fort Collins; and that I will faithfully perform the duties of my office or employment."

### 104.1.2 OATH OF OFFICE FOR PEACE OFFICERS

(a) Prior to assuming the duties of a peace officer, all certified employees shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Article XII Section 8 of the Colorado Constitution.) The oath shall be as follows:

1. "I, (state your name), do solemnly swear or affirm that I will support the Constitution and the laws of the United States, and of the State of Colorado, and the Charter, Ordinances and Regulations of the City of Fort Collins, and that I will faithfully perform the duties of my office or employment."



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# Policy Manual

## 106.1 PURPOSE AND SCOPE

The manual of Fort Collins Police Services is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## 106.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this Agency under the circumstances reasonably available at the time of any incident.

### 106.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of Fort Collins Police Services and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or employees. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. Fort Collins Police Services reserves the right to revise any policy content, in whole, or in part.

### 106.2.2 COLLECTIVE BARGAINING AGREEMENT

In the event of an inconsistency or conflict between the provisions of any Policy Departmental Directive or Special Order and the provisions of the current and binding Collective Bargaining Agreement, the provisions of the Collective Bargaining Agreement shall take precedence as it relates to the members in the bargaining unit only.

## 106.3 AUTHORITY

The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual.



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106.3.1 AUTHORITY
The Chief of Police shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state and local laws. The Chief of Police or the authorized designee is authorized to issue Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives shall remain in effect until such time as they may be permanently incorporated into the manual or are rescinded. The Chief of Police is also responsible for issuing other Agency Directives, including but not limited to Personnel Directives, for purposes of communications with the Agency.

106.3.2 EXECUTIVE STAFF
The Executive Staff shall review recommendations regarding proposed changes to the Manual.

106.3.3 OTHER PERSONNEL
All employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions through their chain of command to their Deputy Chief, who will consider the recommendation and forward it to Executive Staff.

106.3.4 ROLE OF CITY ATTORNEY
The City Attorney, or his designee, shall review and advise the Chief of Police before any change is made to the Manual.

106.3.5 ROLE OF CITY MANAGER AND DIRECTOR OF HUMAN RESOURCES
The City authorizes the adoption of Police Services Policies that are in conflict or inconsistent with the City's Personnel Policies and Procedures only after the City Attorney's Office has reviewed and provided advice and after the Director of Human Resources and the City Manager have approved them.

## 106.4 DEFINITIONS
The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

**CCR** - Code of Colorado Regulations.

**CFR** - Code of Federal Regulations.

**City** - The City of Fort Collins.

**Civilian** - Employees and volunteers who are not certified law enforcement officers.

**Agency/FCPS** - The Fort Collins Police Services.

**DMV** - The Colorado Department of Revenue Division of Motor Vehicles.

**Employee/personnel** - Any person employed by the Agency.

**Juvenile** - Any person under the age of 18 years.



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**Manual** - The Fort Collins Police Services Policy Manual.

**May** - Indicates a permissive, discretionary or conditional action.

**Member** - Any person employed or appointed by the Fort Collins Police Services, including full-time licensed, certified officers, reserve officers, civilian employees and volunteers.

**Officer** - Those employees, regardless of rank, who are POST-certified employees of the Fort Collins Police Services.

**On-duty** - A member's status during the period when he/she is actually engaged in the performance of his/her assigned duties.

**Order** - A written or verbal instruction issued by a superior.

**Peace officer** - An employee who is required to be certified by POST pursuant to CRS § 16-2.5-101 et seq. The term includes certified full-time and reserve peace officers who perform the duties of a peace officer.

**Rank** - The title of the classification held by an officer.

**Shall or will** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Supervisor** - A person in a position of authority regarding hiring, transfer, suspension, promotion, discharge, assignment, reward or discipline of other department members, directing the work of other members or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member's off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

106.4.1 DEFINITIONS
See Policy 107 - Definitions

## 106.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all members on the department network for viewing and printing. No changes shall be made to the manual without authorization from the Chief of Police or the authorized designee.



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## 106.6 PERIODIC REVIEW OF THE POLICY MANUAL

The Chief of Police will ensure that the Policy Manual is periodically reviewed and updated as necessary to ensure the Policy Manual conforms to the actual operation of the Agency and complies with Colorado law.

## 106.7 REVISIONS TO POLICIES

Agency employees are responsible for keeping abreast of all Policy Manual revisions. All revisions to the Policy Manual will be provided to each member on or before the date the policy becomes effective. Each member will be required to acknowledge that he/she has reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Each supervisor will ensure that employees under his/her command are aware of any Policy Manual revisions.

### 106.7.1 MANUAL ACCEPTANCE

As a condition of employment, all employees are required to acknowledge that they have received a copy or have been provided access to the Policy Manual and understand they are responsible to read and become familiar with its contents.



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# Definitions

### 107.1 DEFINTIONS OF TERMS USED IN THIS MANUAL

**Abandoned motor vehicle** - A motor vehicle is abandoned if:

(a) It is on public property and (CRS 42-4-1802(1)):

1. Left unattended on a highway right-of-way outside the limits of a town or city for a period of 48 hours or longer.
2. Left unattended on a highway right-of-way within the limits of a town or city longer than allowed by any local ordinance.
3. Stored in an impound lot at the request of a law enforcement department and not removed within 72 hours after notification to the owner that the vehicle is available for release.
4. Fitted with an immobilization device and deemed to be abandoned.
5. Left unattended at a regional transportation district parking facility.

(b) It is on private property and (CRS § 42-4-2102(1)):

1. Left unattended without consent for at least 24 hours or as established by a local ordinance.
2. Not removed from an impound lot according to an agreement with the owner.
3. Towed at the request of a property owner and not removed from the impound lot by the vehicle owner within 48 hours.
4. Fitted with an immobilization device and deemed to be abandoned.

(c) Pursuant to Section 20-91 of the Municipal Code an Inoperable motor vehicle shall mean any motor vehicle that does not have a current license plate and validation sticker lawfully affixed thereto or that is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

**Abducted child** - A child (CRS § 24-33.5-415.7(2)):

(a) Whose whereabouts are unknown.

(b) Domiciled in Colorado or credible information exists that the child is traveling in or to Colorado.

(c) Whose disappearance poses a credible threat to the safety or health of the child.

**Abuse** - Any act or omission in which a child (CRS § 19-1-103(1)(a)):

(a) Exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and any or the following exist:



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1. The physical evidence is not justifiably explained.
2. The history given concerning the condition is not consistent with the degree or type of condition or death.
3. The circumstances indicate the condition may not be accidental.

(b) Is subjected to unlawful sexual behavior.

(c) Is in need of services because the child's parents, legal guardian or custodian failed to provide adequate food, clothing, shelter, medical care or supervision.

(d) Is subjected to emotional abuse including impairment or risk of impairment of the child's intellectual or psychological functioning or development.

(e) Is neglected because of abandonment, mistreatment, lack of proper parental care or the environment is injurious to his/her welfare.

(f) Is in the presence or on the premises where a controlled substance is manufactured or attempted to be manufactured.

(g) Tests positive at birth for a controlled substance as a result of the mother's unlawful intake of such a substance.

**Administrative Investigations file** - Any file which contains complaints of employee misconduct, and all materials relating to the investigation into such allegations, regardless of disposition.

**Adult** - Any person 18 years of age or older, except for any person 18 years of age or older who is under the continuing jurisdiction of the juvenile court or who is before the court an alleged delinquent act committed prior to the person's eighteenth birthday. (CRS §19-1-103(8)(a)).

**Agency** - Fort Collins Police Services.

**Agency file** - Any file which is maintained in the office of the Chief of Police or the authorized designee or by Human Resources as a permanent record of an employee's employment with this Agency.

**Agency-approved training** - Training provided to officers by an instructor from within the Agency, if the Fort Collins Police Training Unit has approved the instructor's curriculum. The term shall also apply to training provided by an instructor from outside the Agency if the outside instructor's curriculum has been approved by the Agency.

**Agency-issued firearm** - A firearm that is owned by the Agency and issued to an individual officer for use in an official capacity as a police officer.

**Agency-issued rifle** - A semi-automatic, box magazine fed, carbine rifle that is issued by the Agency and that meets the requirements set forth in this Policy.

**Allowed amount of medical marijuana -** No more marijuana than is medically necessary to address a debilitating medical condition. The following amounts qualify as an allowed amount for an individual (Colorado Const. Art. 18, § 14(4)(a)):



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(a) Two ounces or less of a usable form of marijuana; and

(b) Six marijuana plants or less, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

IMPORTANT NOTES: There are exceptions where a physician may expressly approve greater amounts (Colorado Const. Art. 18, § 14 (4)(b), C.R.S. 12-43.3-901(4)(e)), and the Colorado Department of Public Health and Environment (CDPHE) may allow for a waiver of the five patient limit.

**Allowed amount of retail marijuana -** The following amounts qualify as a legal amount for an individual 21 years of age or older (Colorado Const. Art. 18, § 16(3)):

(a) One ounce or less of a usable form of marijuana; and

(b) Six marijuana plants or less, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

**Asset Forfeiture Specialist** - The Northern Colorado Drug Task Force is responsible for the initiation, filing and tracking of all civil forfeiture actions undertaken by Fort Collins Police Services. The NCDTF Commander shall designate an Asset Forfeiture Specialist who shall be responsible for the forfeiture program.

**At-risk adult/elder** - An individual 70 years of age or older and any person 18 years of age or older who is susceptible to mistreatment, self-neglect or exploitation because the individual is unable to perform or obtain services necessary for the individual's health, safety or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs.

**At risk -** Includes persons who either have a developmental disability or who are 60 years of age or older and have a verified impaired mental condition, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person (CRS § 24-33.5-415.8). This term also includes persons who:

(a) Are 13 years of age or younger.

(b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:

1. Out of the zone of safety for his/her chronological age and developmental stage.
2. Mentally or behaviorally disabled.
3. Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Absent from home for more than 24 hours before being reported to law enforcement as missing.
5. In a life-threatening situation.



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6. In the company of others who could endanger his/her welfare.
7. Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
8. Involved in a situation that would cause a reasonable person to conclude the person should be considered at risk.

**Authorized emergency vehicle** - A police motor vehicle which is publicly owned and operated by or for a governmental department to protect and preserve life and property in accordance with State laws regulating emergency vehicles. [C.R.S. 42-1-102(6)].

**Authorized firearm** - A firearm that has been approved by the Agency to be carried and used in an official capacity as a police officer.

**Authorized interpreter** - A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

**Authorized volunteer** - A person who performs an act for the benefit of the Agency at the request of and subject to the control of the Agency without an expectation of compensation.

**Auxiliary aids and services -** These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, qualified interpreters on-site or through video remote interpreting (VRI) services; note-takers; computer-aided real-time transcription services (CART); written materials; the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system, telephone handset amplifier, telephones compatible with hearing aids, or other device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); open and closed captioning including real-time captioning; videotext displays; accessible electronic and information technology; or other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

**Back-up handgun** - A handgun either personally owned or issued by the Agency that meets the requirements set forth in this Policy Manual to be carried concealed in an official capacity as a police officer and the purpose of which is to provide the officer with a weapon which can be used in life-threatening situations when the officer's Uniform or Plain-Clothes Handgun is inoperable or unavailable.

**Barricade situation -** An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Bias-motivated crime** - A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, he/she (CRS § 18-9-121(2)):



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(a) Knowingly causes bodily injury to another person.

(b) By words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property, and such words or conduct are likely to produce bodily injury to that person or damage to that person's property.

(c) Knowingly causes damage to or destruction of the property of another person.

**Bilingual** - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology.

(a) Bilingual includes a variety of skill levels.

(b) Some bilingual individuals may be fluent enough to engage in direct communication in a non-English language, but insufficiently fluent to interpret or translate from one language into another.

(c) A bilingual individual, depending on skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the necessary specialized skills.

**Biohazard or blood-borne pathogen** - Pathogenic microorganisms that are present in human blood and can cause disease in humans (29 CFR 1910.1030(b)). These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

**Bodily injury** - Physical pain, illness or any impairment of physical or mental condition (CRS § 18-1-901(3)(c)).

**Body cavity search** - An inspection of any body cavity, including the stomach, anal or vaginal cavity, of a person that is conducted visually, manually or in any other manner. For purposes of this Policy, a body cavity search does not include a search of a person's mouth (CRS § 16-3-405(5)).

**Booking search** - A search of an arrested person and the arrested person's personal property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Brady material** - Information known or possessed by the Fort Collins Police Services that is both favorable and material to the current prosecution or defense of a criminal defendant.

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than $250.

**Certified Officer** - Those employees, regardless of rank, who are POST-certified employees of the Fort Collins Police Services.

**Chemical munitions** - Control devices, other than OC spray, which expel chemical agents used to minimize the potential for injury to officers, offender and other persons.



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**Chief** - The person duly appointed as Chief of Police of Fort Collins Police Services or the employee duly authorized and designated by the Chief of Police to act on the Chief of Police's behalf in connection with the duties and responsibilities of the Chief of Police under this Policy.

**Child** - A person who is under 18 years of age (CRS § 19-1-103(18)).

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service department or law enforcement (CRS § 19-3-304; CRS § 19-1-103).

**Child Restraint System** - A specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system that meets Federal Motor Vehicle Safety Standards and Regulations set forth in 49 CFR 571 (CRS §42-4-236).

**City** - The Municipal Government of the City of Fort Collins, Colorado.

**Civil Disturbance** - Any large scale disturbance or public gathering that has the potential for unrest that could have an impact on public safety and a secure environment for the community. Civil disturbances include, but are not limited to incidents such as riots, large scale acts of violence or major property damage, labor disputes, unlawful assemblages, and other public disorders.

**Civilian** - Employees and volunteers who are not certified law enforcement officers.

**CoG (Colorado Gang database)** - A database developed and maintained by the Colorado Bureau of Investigations for the purpose of organizing gang intelligence information submitted by law enforcement agencies to enhance law enforcement access to useful and current gang information.

**Command Post (CP)** - A field location from which the organizational command of the emergency operation is conducted.

**Communicable disease** - An illness caused by an agent or its toxic products that arises through the transmission of that agent or its products to a susceptible host, either directly or indirectly.

**Community Service Officer** - A non-sworn civilian position with a limited commission designed to deliver efficient service to the community.

**Complaint** - An allegation of misconduct, a concern, or a question about a service provided by the Agency.

**Computer system** - Includes all computers (on-site and portable), tablets and iPads, hardware, software and resources owned, leased, rented or licensed by the Fort Collins Police Services that are provided for use by Agency employees.

**Confidential Informant (CI)** - A person who has entered into a written agreement with a law enforcement department regarding the disposition of criminal charges; or is compensated for providing information, whether it is a one-time occurrence or as part of an on-going relationship.



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**Conflict of Interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Consensual Encounter** - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Consensual Search** - A search performed by an officer following the voluntary consent of the person being searched, or the person having control of the place or item being searched.

**Consent to Release Seized Property** - A signed waiver of civil liability from the pawnbroker or secondhand dealer allowing FCPS to take, use and dispose of the seized property as it deems appropriate including the immediate return of the property to the lawful owner as determined by Fort Collins Police Services or by a court.

**Contraband article** - Includes any controlled substance, any imitation controlled substance, any drug paraphernalia or the possession of any drug prohibited by the laws of Colorado.

**Controlling officer** - The officer assigned to the direct oversight of a confidential informant.

**Contribution (political)** - Any gift, subscription, loan, advance, deposit of money, allotment of money, or anything of value given or transferred by one person to another, including cash, check, draft, payroll deduction or allotment plan, pledge, or promise, whether or not enforceable or otherwise.

**Control device** - A Police baton, OC Spray, handcuff, nylon restraint, spit hood, Chemical munitions or Less-lethal weapons system. (The Patrol Deputy Chief may approve additional control devices at the request of the SWAT Commander.)

**Corrective Action** - Remedial measures that may be required of an Agency employee. In order to rehabilitate or retrain an employee, involved in improper conduct, and in addition to the imposition of any discipline if applicable, the following actions may be required:

(a) psychological counseling

(b) psychiatric treatment

(c) additional training

(d) written apologies, medical, psychiatric, or psychological evaluations

(e) compliance with an individualized work-plan

**Court Standby** - When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

**Crime** - Includes acts and violations as defined by the statutes of the state of Colorado, whether committed by an adult or a juvenile as listed in CRS § 24-4.1-302.



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**Criminal History Records Information (CHRI)** - Information collected by Colorado criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments or other formal criminal charges, and any disposition, including acquittal, sentencing, correctional supervision or release.

**Criminal Intelligence Information** - Data which has been evaluated to determine that it is relevant to the identification of, and the criminal activity engaged in by an individual who or organization, which is reasonably suspected of involvement in criminal activity or enterprise, and meets federal and state's submission criteria.

**Criminal Justice Record** - Are all books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice department in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical biological substance testing to determine genetic markers conducted pursuant to sections 16-11-102.4 and 16-23-104, C.R.S.

**Criminal street gang** -

(a) Which has as one of its primary objectives or activities the commission of one or more predicate criminal acts, and

(b) Whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity (CRS § 18-23-101(1)).

**Critical Incident** - A situation in which a police department employee is involved as an actor, victim, or custodial officer and where Fatal Injury or Serious Bodily Injury occurs.

**Custodian** - A person who has been providing shelter, food, clothing and other care for a child in the same fashion as a parent would, whether or not by the order of a court (CRS §19-1-103(35)).

**Deadly Force** - Force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death. (CRS § 18-1-901(3)(d)).

**Deaf or hard of hearing -** A person who has a functional hearing loss of sufficient severity to prevent aural comprehension, even with the assistance of hearing aids (CRS § 13-90-202(6)), or a person who has a substantial limitation in the major life activity of hearing with or without the use of hearing aids, cochlear implant technology, or other forms of mitigation; who has a record of having such a limitation; or who is regarded as having such an impairment.

**Degaussing** - Electronic cleansing by overwriting, erasing and/or destruction of and digital recording media. This returns the media to its original state so it is ready for the imprinting of new images.

**Delinquent Act** - Violation of any statute, ordinance or court order facilitated by a juvenile (CRS § 19-1-103(36)).

**Department/Agency/FCPS** - The Fort Collins Police Services.



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**Detention** -

(a) Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement, or

(b) The temporary care of a child (person) who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment. (CRS §19-1-103(40)).

**Discrimination** - Discrimination is any unlawful act or omission of an act which would create a hostile work environment or exclude any person from employment or promotional opportunities because of gender, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, age, marital status, genetic information, retaliation or pregnancy disability leave or any other characteristic protected by law. Discrimination may include, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters and actions that result in an employee being offended or insulted because of a protected classification status enumerated above.

(a) Discrimination and harassment does not include actions that are in accordance with established rules, principles or standards, including:

1. Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission.

2. Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Agency rules or regulations, or any other appropriate work-related communication between supervisor and employee.

**Disposed of** - Destroyed, thrown away or returned to an owner or his/her designee.

**Division file** - Any file that is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

**Division(s)** - Any, or all, of the four operational sections of FCPS: Administration, Information Services, Criminal Investigations, and Patrol.

**DNA evidence** - Means all evidence collected in a criminal investigation, which evidence may be reasonably believed to contain DNA that is relevant to a disputed issue in the investigation and prosecution of the case.

**DNA profile** - Means an identifier obtained as a result of a specific DNA analysis.

**Domestic Violence** - An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic violence includes any other crime against a person or against property, including an animal, or any municipal ordinance violation against a person or against property, including an animal, when used as a method of coercion,



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control, punishment, intimidation or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

**Duty ammunition** - Ammunition issued or prescribed by the Agency for use by all sworn officers in Agency authorized firearms and which conforms to specifications set forth by the Firearms Training Unit and approved by the Chief of Police.

**Early Intervention System (EIS)** - The electronic tracking program used to initiate, investigate, track and store information pertaining to complaints received by supervisors not assigned to Internal Affairs.

**EIS Alert** - Notification that a threshold has been met.

**EIS Coordinator** - Person who oversees operation and maintenance of the EIS, and who coordinates activities for the EIS.

**EIS Intervention** - A course of action designed to improve employee performance.

**EIS Performance Indicator** - An identifiable event where there is an increased risk to the employee, department and/or public.

**EIS Post-Intervention Assessment** - A process to determine if an intervention strategy corrected the concern that prompted an initial intervention.

**EIS Supervisor Assessment** - The immediate supervisor's review of events associated with an alert, to develop a clear and balanced understanding of employee performance.

**Election** - Any primary, special or general election.

**Employee** - Any person employed by the Agency.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Exploitation -** An act or omission that:

- Uses deception, harassment, intimidation or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit or possession of his/her money, assets or property.
- Employs the services of a third party without authority and for the profit or advantage of the person or another person to the detriment of the at-risk adult.
- Forces, compels, coerces or entices an at-risk adult to perform services for the profit or advantage of the person or another person against the will of the at-risk adult.
- Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult's ability to receive health care or health care benefits or to pay bills for basic needs or obligations

**Exposure incident** - A specific eye, mouth, other mucous membrane, non-intact skin, or potential contact with blood or other potentially infectious materials that result from the performance of an employee's duties (29 CFR § 1910.1030(b)).



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**Extended Duty Assignment** - An assignment for up to seven-years' duration.

(a) There are a limited number of job assignments within the Department which are so technical and/or job knowledge specific that it would not be practical to rotate personnel after seven years. For these positions, the assignment will be for up to fifteen years duration. While these assignments may change due to Department need and/or advances in technology, the two current positions are the Intelligence Officer and the Computer Forensic Detectives.

(b) Examples of Extended Duty assignments are:

1. Drug Task Force
2. All Investigations Units
3. School Resource Officers
4. Traffic Unit (DUI position excluded)
5. District One Officers
6. Training Unit
7. Neighborhood Enforcement Team

**Eyewitness identification process** - Any field identification, live lineup or photographic identification.

**Family Support Advisor** - The Police Psychologist or a member of the Peer Support Team assigned to support and guide the family from notification through funeral follow up.

**Field Commander** - A supervisor, preferably a Mobile Field Force trained sergeant or Lieutenant, deployed in the field with the Mobile Field Force, responsible for decisions related to tactics. The Field Commander reports to the Incident Commander. When practical, the Mobile Field Force Commander serves as the Field Commander.

**Field identification** - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect

**Field Interview (FI)** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, detention or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Financial exploitation** - The illegal or improper use of an at-risk adult's financial resources for another person's profit or advantage.



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**Findings** - At the conclusion of a level one or level two investigation, one of the following classifications shall be used:

(a) "Not involved": The employee was not involved in the incident.

(b) "Unfounded": The allegation was false or not factual.

(c) "Exonerated": The incident occurred, but the employee's behavior did not violate any City or Agency rule, regulation, Policy, procedure or Training Directive.

(d) "Not sustained": There is insufficient evidence to prove or disprove the allegation.

(e) "Sustained": The allegation is supported by sufficient evidence establishing that the employee violated one or more City or Agency rule, regulation, Policy, procedure or Training Directive.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

**Force Review Board** - An investigatory board appointed by the Chief for the purpose of review and evaluation of a specific incident involving the use of force by one or more Agency employees.

**Foreign national** - Anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

**Found property** - Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

**Funeral Liaison** - Acts as a facilitator between the decedent officer's/employee's family and FCPS during the visitation and funeral. This is not a decision-making position but works at the direction of the Survivor Assistance Officer. The Funeral Liaison need not be a command officer but the assignment is of critical importance. This person should be close enough to the deceased officer/employee to be aware of the family dynamics (if possible) but not so emotionally involved as to be ineffective

**Gang** - A group of three or more individuals with a common interest bond and whose activity is characterized by criminal or delinquent conduct.

**Gang Motivated Crime** - An act which would be criminal or delinquent under federal, state or local law and which is committed for the benefit of, at the direction of, or in association with any gang to promote, further, or assist the gang or gang member.

**Gang Related Criminal Information** -Reported criminal activity engaged in by an individual or organization which is reasonably suspected in gang activity and meets the criteria established to determine a group or individual's gang affiliation.

**Guardian** - A person, association or corporation that is granted authority by the state to exercise parental rights over a child (CRS § 19-1-103(60)).



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**Computer Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Holding facility** - An Agency detention facility used for the confinement of persons for less than 48 hours pending release, transfer to another facility or appearance in court (6 CCR 1010-13:2.8). A holding facility includes any area designated for the temporary detention of persons in civil protective custody.

**Hospital Liaison** - An employee who is designated to immediately oversee and coordinate liaison between FCPS and its personnel, the receiving hospital and the family if an injured FCPS employee is transported to a hospital.

**Hostage situation -** An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

**Imminent Threat** - When used in this Manual, the term "imminent threat" shall mean that the suspect's actions are so dangerous that they present a clear and immediate threat of serious bodily injury or death to persons other than themselves. Such circumstances shall not include the mere act of fleeing. Factors to consider in assessing the immediate threat to others include, but are not limited to, specific threats made while committing a violent felony or violent actions against a victim that the officer can infer the suspect will repeat, such as armed carjacking, robbery with a deadly weapon or shooting at arriving police officers or citizens while the suspect is fleeing. The mere existence of an arrest warrant for a violent felony does not automatically infer an immediate threat to others and one or more of the factors outlined above must also be present in order to establish that an immediate threat exists.

**Immunity** - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

(a) Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

**In-car camera system and Mobile Video Recorder (MAV)** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.



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**Incident Commander (IC)** - A supervisor, generally a lieutenant or higher ranking officer, or his/her designee, who has overall responsibility for the management of a critical incident.

**Internal Affairs Case Management System (IACMS)** - An electronic tracking program used to initiate, investigate, track and store all records pertaining to complaints of employee misconduct.

**Interpret or interpretation -** A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

**Intersex -** A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Intimate Relationship** - A relationship between spouses, former spouses, past or present unmarried couples, past or present civil union partners, or persons who are both the parents of the same child, regardless of whether the persons have been married or have lived together at any time.

**Investigator** - Any supervisor, police officer in the Professional Standards Unit, or any other person authorized by the Chief to conduct an administrative or criminal investigation.

**Involved officer** - A police employee, whether on or off duty, who is involved in a critical incident as an actor, victim or custodial officer. When circumstances warrant, a witness officer may be deemed an involved officer for purposes of this Policy (e.g. shooting where one officer fires and the other does not).

**Juvenile** - Any person under the age of 18 years.

**Juvenile delinquent** - A juvenile who has been found guilty of a delinquent act (CRS §19-1-103(71)).

**Juvenile offender** - A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (CRS § 19-1-103(18); CRS § 19-1-103(68)). Juvenile offenders include juveniles taken into custody for possession of a handgun under CRS § 18-12-108.5 (28 CFR 31.303).

**Juvenile non-offender** - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. Juvenile non-offenders include a juvenile taken into protective custody for being intoxicated or incapacitated by alcohol and clearly dangerous to the health and safety of him/herself under CRS § 27-81-111, and any runaway taken into temporary custody under CRS § 19-3-401. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

**Kinetic Energy Delivery System** - A delivery system intended to launch less-lethal projectile munitions.



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**Legal amount of marijuana -** Anything at or below the following amount qualifies as a legal amount for an individual 21 years of age or older (Colorado Const. Art. 18, § 16(3)):

(a) No more than one ounce of a usable form of marijuana

(b) No more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

**Legal custody**- The right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a child and, in an emergency, to authorize surgery or other extraordinary care (CRS § 19-1-103(73)(a)).

**Less-lethal Weapon Systems/Munitions** - Any type of weapon or ammunition designed and intended primarily for use to temporarily incapacitate a person without causing death or serious injury to such a person.

**Limited English Proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Line-of-Duty Death** - Any action, felonious or accidental, which claims the life of a Fort Collins Police employee who is performing work related functions while either on or off-duty.

**Line-of-duty Injury or Illness** - A line-of-duty injury or illness shall be an injury or systemic illness, sustained while an Agency employee is performing work related functions while on- or off-duty, serious enough that hospitalization or time away from the department is ordered by a physician.

**Manual or Policy Manual** - The Fort Collins Police Services Policy Manual.

**Mandatory appearance** - Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

**Marked Police Vehicle** - When used in this Policy, the term "marked police vehicle" means an authorized emergency vehicle with standard patrol vehicle markings including but not limited to: police emblems and decals including the agency's name and emergency telephone number, reflective materials on the side and rear, an overhead light bar mounted on top of the vehicle with red and/or blue and/or white lights, a siren, and a mobile radio transceiver. A marked police vehicle should also be equipped with a public address speaker, exterior spotlights, and alley lights. Police motorcycles and vehicles with "undercover lights", modified or no police markings and / or any combination thereof will not be considered marked patrol vehicles for purposes of this Policy.

**May** - Indicates a permissive, discretionary or conditional action.



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**Media** - As used in this Policy, the term "media" or "news media" means television, radio, magazines and newspapers, collectively, that are published or broadcasted to the general public as part of its regular course and conduct of business, together with the people involved in their production and dissemination. "Media" or "news media" does not include internet-based blogs, listservs, or newsgroups.

**Medical file** - That file which is maintained separately and that exclusively contains material relating to an employee's medical history.

**Medical Marijuana Patient** - A person who has a debilitating medical condition (Colorado Const. Art. 18, § 14).

**Medical use -** The acquisition, possession, production, use or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating medical condition, which may be authorized only after a diagnosis of the patient's debilitating medical condition by a physician (Colorado Const. Art. 18, § 14).

**Member** - Any person employed or appointed by Fort Collins Police Services, including certified officers, reserve officers, civilian employees and volunteers.

**MFF Commander** - A Lieutenant whose responsibility is to coordinate the overall function of the unit including department training, budget and equipment.

**MFF Training Staff** - Supervisors and officers who have received instructor level MFF training. They will be responsible for yearly, and recruit training.

**Missing person -** Any person who is reported missing to law enforcement when that person's location is unknown. This includes persons whose safety or welfare is the subject of concern (CRS § 16-2.7-101(2)).

**Missing person networks** - Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Colorado Crime Information Center (CCIC) and the Colorado Bureau of Investigation.

**Missing person with developmental disabilities** - A person with a verified developmental disability domiciled in Colorado, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person.

**Missing senior citizen** - An individual 60 years or older with a verified mental impairment resulting in a credible threat to their health and safety whose whereabouts are unknown.

**Mistreatment** - An act or omission that threatens the health, safety or welfare of an at-risk adult or exposes the adult to an imminent risk of death, serious bodily injury or bodily injury to the adult. Mistreatment includes, but is not limited to:

(a) Abuse which occurs where there is infliction of physical pain or injury, unreasonable confinement or restraint or subjection to criminal non-consensual sexual conduct.



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(b) Caretaker neglect, such as inadequate food, clothing, shelter, psychological care, physical care, medical care or supervision for the at-risk adult.

**Mobile Field Force (MFF)** - A group of sworn Agency personnel deployed to address civil disturbances, critical incidents, or other events where MFF organization or tactics would assist in the resolution of the event. On rare occasions, the MFF might include sworn members from other agencies who are assisting our Agency.

**Mobile Field Force Commander** - A lieutenant, appointed by the Patrol Deputy Chief, typically the S.W.A.T. Commander, whose responsibility is to coordinate and manage the overall administrative functions of the unit to include training, budget, and equipment. When practical, the Mobile Field Force Commander may assume the role of the Field Commander during deployments of the MFF.

**MFF Team Leader** - A sergeant or senior officer responsible for a team of MFF officers. Works under the direct supervision of the Field Commander

**MFF Training Staff** - Sworn employees, who have received instructor level MFF training, responsible for providing recruit and yearly refresher training.

**Modified Duty** - A temporary limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified-duty also may be termed as light-duty assignments.

**Need to Know Information** - The necessity to obtain or receive criminal intelligence information in the performance of the official duties as a law enforcement or criminal justice authority.

**Neglect** - A child is neglected if the child (CRS § 19-3-102(1)):

(a) Has been abandoned or been subjected to mistreatment or abuse.

(b) Lacks proper parental care.

(c) Is in an environment that is injurious to his/her welfare.

(d) Is homeless, without proper care, or not domiciled with a parent, guardian or legal custodian.

(e) Has run away from home or is otherwise beyond the control of a parent, guardian or legal custodian.

(f) Tests positive at birth for a controlled substance as a result of the mother's unlawful intake of such a substance.

(g) Resides in an environment in which another child has been adjudicated neglected or dependent after having been subjected to an identifiable pattern of habitual abuse that poses a current threat to the child (CRS § 19-3-102(2)).

**Negligent Discharge** - Handling a firearm in a manner which causes an unintentional or accidental firing of the weapon.



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**Non-Criminal Identifying Information** - The names of individuals, locations, organizations, groups, or businesses that are not suspected of criminal involvement, but provide relevant, descriptive, identifying information regarding a gang member.

**OC spray (or individual Protection Device)** - An Agency-issued canister containing non-flammable, aerosol-propelled Oleoresin Capsicum (OC).

**Occupational disease** - Any disease resulting directly from employment or work conditions which is a natural incident of the work and a result of the exposure occasioned, and which can be fairly traced to the employment as a proximate cause and not from a hazard to which the worker would have been equally exposed outside of his/her employment.

**Officer involved incident** - (also referred to herein as Critical Incident) An incident occurring in Larimer County involving two or more people, in which a police department employee is involved as an actor, victim, or custodial officer and where Fatal Injury (see definition) or Serious Bodily Injury (see definition) occurs.

**On-call** - When an employee has appeared in court or is on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by Personal Communication Device.

**On-duty** - An employee, intern or volunteer working in an official capacity during the period when he/she is actually engaged in the performance of his/her assigned duties, including regularly scheduled hours, overtime hours and Outside Police Work.

**Order** - A written or verbal instruction issued by a superior.

**Outside Non-Police Employment** - Any duties or services not involving police authority which is performed for a third party outside organization, affiliate organization, company or individual during non-working hours, including but not limited to a second job, engaging in outside consulting work, and become self-employed in an outside business activity. Serving as a volunteer for a non-profit entity is not considered Outside Non-Police Employment. Outside Non-Police Employment is not considered time worked under the FLSA or City Policy.

**Outside Police Employment** - Any duties, services or volunteer work involving the use of police authority which is performed for a third party outside organization, affiliate organization, company or individual. Outside Police Employment, when performed for a third party is not considered time worked under the FLSA or City Policy.

*Outside Non-Police Employment and Outside Police Employment are different types of employment and one type excludes the other.

**Patient -** A person who has a debilitating medical condition (Colorado Const. Art. 18, § 14).

**Patrol use vehicle** - Includes, but is not limited to, any marked or unmarked squad car, transport, truck, plow, ATV, snowmobile, boat, hovercraft, rescue craft, jet-ski, dive vehicle, SERT vehicle, mobile crime lab, undercover or unmarked vehicle or deployment trailers provided by the Agency



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for the purpose of performing job duties as required by public safety or emergency response duties or essential job functions.

**Pattern of criminal activity** - The commission, attempt, conspiracy or solicitation of two or more predicate criminal acts which are committed on separate occasions or by two or more persons (CRS § 18-23-101(2)).

**Pawnbroker** - Shall have the same definition as set forth in City Code Section 15-261 and include all owners, managers, or employees of a Pawnbroker.

**Peace officer** - An employee who is required to be certified by POST pursuant to CRS § 16-2.5-101 et. seq. The term includes certified full-time and reserve peace officers who perform the duties of a peace officer.

**Person disabled in communication** - A person who cannot fully understand legal proceedings or charges involving him/her because of difficulty in speaking or comprehending the English language.

**Personal Communication Devices or (PCD) -** Includes all cellular telephones, mobile telephones, tablets, iPads, and other such wireless two-way communications and/or portable Internet access devices.

**Personal injury accident** - Any unforeseen event occurring without the will or design of the person whose mere act causes it. An accident or injury includes disability or death resulting from accident or occupational disease.

**Personal property** - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in Policy 1046 - Police Uniform Regulations.

**Personal relationship** - Includes marriage, civil union, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Personnel file** - Any file, including an Agency, Division, supervisor, training, administrative investigations or medical file, of an employee containing information about the employee maintained because of the employer-employee relationship (CRS § 24-72-202(4.5)).

**Personnel Management Plan** - A written personnel allocation plan for individual units within the Agency. Personnel management plans shall include:

(a) Historical and planned rotation rates.

(b) Assessment of Agency demand for certain job assignment through the examination of department survey information, conducted in January of every year.

(c) Review and assessment of a unit's personnel succession plans.

(d) Review and assessment on the level of specialized skills, continuity and knowledge required.

(e) Training needs for personnel within specialized units.



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**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Physical force** - Force, the intended, natural, and probable consequence of which is not to produce death or serious bodily injury and the use of which does not typically result in death or serious bodily injury.

**Plain-Clothes Handgun** - A handgun either personally owned or issued by the Agency that meets the requirements set forth in this Policy Manual to be carried in an official capacity as a police officer while on-duty in plain clothes or off-duty.

**Police baton (or Expandable baton)** - An Agency-issued or Agency-approved cylindrical staff of less than 30-inches made of metal, wood and/or plastic which may collapse and expand.

**Police employee** - A person compensated by a particular law enforcement department or authorized volunteer of that law enforcement department who performs an act for the benefit of and subject to the control of that department. However, an officer acting pursuant to authority under a special commission is not considered an employee of the department granting the special commission.

**Policy Manual or Manual** - The Fort Collins Police Services Policy Manual.

**Political activity** - Any act or statement supporting or opposing any candidate, legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government department, or official or the circulation of any such petition. A political activity does not include:

(a) Registering to vote or voting in any election.

(b) Any act or statement supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government department or official, when such act is done or statement is made by a management employee authorized by the City Manager to express the City's official position.

(c) Any statement which recommends supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government department or official, when such statement is made by an employee in the course of the employee's employment to aid City management in formulating an official City position.

**Primary caregiver -** A person, other than the patient and the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition (Colorado Const. Art. 18, § 14).

**Proceeds traceable (or traceable proceeds)** - Includes all real and personal property, which is proceeds attributable to, derived from or realized through any unlawful act involving a contraband article.



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**Property Hold Order** - A written order issued to a pawnbroker or secondhand dealer to hold any tangible personal property deposited with or in custody of any pawnbroker or secondhand dealer for the purpose of further investigation and/or as evidence of any crime when an officer has reasonable suspicion that the property may be stolen, otherwise illegally obtained or otherwise subject to seizure.

**Property Seizure Agreement** - An agreement signed by a pawnbroker or secondhand dealer allowing Fort Collins Police Services to seize property subject to seizure from a Pawnbroker or Secondhand Dealer without a search warrant.

**Property Subject to Seizure** - Personal property held by a pawnbroker or secondhand dealer that a police officer has probable cause to believe is illegally obtained, stolen or otherwise subject to seizure.

**Prosecution** - Includes the prosecutor and all investigative agencies involved in the criminal prosecution of a defendant, including this Agency.

**Pursuit/Vehicular Pursuit** - When used in this Policy, "pursuit" and "vehicular pursuit" mean an active attempt by a police officer, in an authorized emergency vehicle, to apprehend an actual or suspected violator of the law who is attempting to avoid apprehension through evasive tactics or by ignoring the officer's attempt to stop him/her. However, "pursuit" and "vehicular pursuit" shall not mean following a suspected violator for a few blocks to obtain verification of or evidence of the guilt of a suspected violator of State or Municipal traffic laws.

**Qualified bilingual member -** A member of the Fort Collins Police Services, designated by the Agency, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another**.**

**Qualified interpreter** - A person who, via a VRI service or an on-site appearance, is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. In some circumstances, Colorado requires interpreters to have a valid certification of competency accepted by the Commission for the Deaf and Hard of Hearing, so it is the policy of this Agency to only obtain certified interpreters. (CRS § 13-90-202(8)). Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a "qualified sign language interpreter." Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken words is not a qualified sign language interpreter. 28 C.F.R. § 35.104. A qualified interpreter for a person who is deaf-blind would need to be able to use tactile sign language.

**Racial- or bias-based profiling -** An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability



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or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service**.**

**Rank** - The title of the classification held by an officer.

**Reasonable** - An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident.

(a) Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions with limited information in circumstances that are tense, uncertain and rapidly evolving.

**Reasonable suspicion** - The presence of information which establishes facts to give trained law enforcement or criminal investigative agencies basis to believe there is a reasonable possibility an individual or organization is involved in a definable criminal activity or enterprise.

**Reasonable/Reasonably** - When used in this Manual, the terms "reasonable" and "reasonably" refer to an objective standard of what a prudent police officer exercising sound judgment would do in like circumstances.

**Recorded media** - Audio-video signals recorded on any of several storage devices, including, but not limited to, analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, flash card).

**Records Custodian or Custodian** - Is the official custodian or any authorized person having personal custody and control of the criminal justice records in question (CRS § 24-72-302(5)).

**Register/registration** - Includes initial registration, registration, confirmation of registration and re-registration as required by law.

**Registrant** - Means a person who is required to register in accordance with Colorado law.

**Registry Identification Card (RIC) -** That document, issued by the Colorado Department of Public Health and Environment, which identifies a patient authorized to engage in the medical use of marijuana and such patient's primary caregiver, if one has been designated (Colorado Const. Art. 18, § 14).

**Relative** - For purposes of this Policy, the terms "relative" and "family member" mean spouse, civil union partner, parent, child, sibling, sibling's children, aunt/uncle, cousin, grandparent and grandchild, including in-law, step and foster relationships. The terms also include any person claimed by the employee as a dependent for income tax purposes or any person residing in and sharing with the employee the expenses of the household.

**Release of Property Hold Order** - Written order releasing a "Hold Order."

**Reportable Use of Force** - A use of force in which:

(a) The application caused a visible injury, or



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(b) The application would lead a reasonable officer to conclude the individual may have experienced more than momentary discomfort, or

(c) The individual subjected to the force expressed a complaint of pain or injury.

(d) An officer applied a control device, or

(e) An officer applied handcuffs or leg restraints, or

(f) The individual subjected to the force was rendered unconscious, or

(g) An individual was struck or kicked in any manner, or

(h) An individual alleges any of the above has occurred.

**Representative** - An attorney or any other individual chosen by an employee or a complainant to be present with the employee or the complainant during any administrative interview of the employee or the complainant under this Policy.

**Residence** - Means a place or dwelling that is used, intended to be used, or usually used for habitation by a person who is required to register. "Residence" may include, but is not limited to, a temporary shelter or institution, if the owner of the shelter or institution consents to the person utilizing the shelter or institution as his/her registered address. a) A person may establish multiple residences by residing in more than one place or dwelling.

**Right to Know** - The legal authority to obtain or receive criminal intelligence information pursuant to court order, statue, or decision of law.

**Rotation** - A transfer in assignment based upon time in a given assignment.

**Safekeeping** - Includes the following types of property:

(a) Property obtained by the Agency for safekeeping, such as a firearm.

(b) Personal property of an arrestee not taken as evidence.

(c) Property taken for safekeeping under authority of a law.

**Safety Belt System** - A system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, and that conforms to Federal Motor Vehicle Safety Standards and Regulations (CRS §42-4-237(1)(b)).

**Search Incident to Arrest** - A thorough visual and manual examination of an arrested person and the area immediately around that person for weapons, contraband or evidence that might be destroyed. A search does not require the removal or arrangement of some or all of a person's undergarments or clothing directly covering the person's genitalia, buttocks, anus or female breasts.

**Secondhand Dealer** - Shall have the same definition as set forth in City Code Section 15-316 and include all owners, managers, or employees of a secondhand dealership.



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**Seizure** - The physical taking of tangible personal property from the premises of the pawnbroker or secondhand dealer that a police officer has probable cause to believe is stolen, otherwise illegally obtained or is evidence of a crime.

**Self-neglect** - An act or failure to act, whereby an at-risk adult substantially endangers his/her health, safety, welfare or life by not seeking or obtaining services necessary to meet his/her essential human needs.

**Serious Bodily Injury (Non-traffic)-** Bodily injury which either at the time of the actual injury or at a later time, involves a substantial risk of death, serious permanent disfigurement, protracted loss or impairment of any part or organ of the body, or breaks, fractures, or burns of the 2nd or 3rd degree.(CRS § 18-1-901(3)(p)).

**Serious Bodily Injury (Traffic)** - Injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body (CRS § 42-4-1601).

**Sex offender registry** - Means the Colorado sex offender registry created and maintained by the Colorado Bureau of Investigation.

**Sexual Harassment** - Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;

(b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

(c) Conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

**Shall (or will)** - Indicates a mandatory action.

**Should** - Indicates a generally required or expected action, absent a rational basis for failing to conform.

**Sight and sound separation -** Located or arranged to prevent physical, visual or auditory contact.

**Software** - Includes, but is not limited to, all computer programs and applications, including shareware (software available for trial use). This does not include files created by the individual user.

**Source of information (SOI)** - A person or organization, not under the direction of a specific law enforcement officer, who provides information without becoming a party to the investigation itself (e.g., a business firm furnishing information from its records; an employee of an organization who provides information of value, or a concerned citizen who witnesses an event or has information of value to law enforcement).



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**Special Duty Assignment** - A collateral assignment that an officer assumes in addition to his/her full-time primary assignment, and may be for a specific or indefinite period of time. Additions and deletions to the following list are possible as the organization grows and changes. The following are Special Duty Assignments:

(a) Field Training Officer Team

(b) SWAT Team

(c) K-9 Team

(d) Bicycle Patrol Unit

(e) CRASH Team

(f) Peer Support Team

(g) Drug Recognition Expert

(h) Northern Colorado Bomb Squad

(i) Crime Scene Investigators

(j) Firearms Training Unit

(k) Recruiting Team

(l) PRIDE Team

(m) Physical Fitness Team

**Status offender -** A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

**Strip search** - A search that requires a person to remove or arrange some or all of his/her clothing to permit a visual inspection of the genitals, buttocks, anus or female breasts of such person (CRS § 16-3-405(2)).

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Substantial Risk** - Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when a law enforcement officer disregards a foreseeable likelihood that innocent persons will be endangered.

**Supervisor** - Any employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

**Supervisor log entries** - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this Agency.



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**Survivor Assistance Officer** - That Officer/Manager designated by the Officer in Charge to oversee implementation and execution of any or all of the provisions of the Line-of-Duty Death SOP and serves as a facilitator between the family and FCPS.

**Technical Accident Investigation** - The application of advanced investigative techniques for the determination of speed, cause analysis, vehicular dynamics, criminal elements, occupant injury, occupant identification, vehicular defects, contributory factors, etc., as they relate to traffic accidents.

**Temporary Duty Assignment (TDA)** - A full-time duty assignment for up to a three year time period.

**Temporary file, permanent file or file** - Includes any electronic document, information or data residing or located, in whole or in part, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

**Traffic Accident** - An incident in which the movement of a vehicle or its load results in injury or damage to any person or property, including the vehicle itself, regardless of the amount of monetary damage.

**Training file** - A file maintained by the Professional Standards Unit which documents the training records of an employee.

**Translate or translation -** The replacement of written text from one language (source language) into an equivalent written text (target language).

**Transgender -** A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

**Usable form of marijuana -** The seeds, leaves, buds and flowers of the plant (genus) cannabis, and the resin, compound, and any mixture or preparation thereof.

**Validated** -Information on a subject which is collected and determined to meet the criteria set forth for entry into the CoG database.

**Vehicle** - Any device which is capable of moving itself or of being moved from place to place upon wheels or endless tracks. This does not include any farm tractor or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air. [C.R.S. 42-1-102(112)].

**Victim** - Includes any person identified as a victim of crime as detailed and applicable in CRS§ 24-4.1-302(5), and any persons identified as suffering losses due to crime, as identified and as applicable in CRS § 24-4.1-102.

**Victim's immediate family** - The spouse, civil union partner, any child by birth or adoption, any stepchild, parent, stepparent, sibling, legal guardian, significant other or a lawful representative of the victim (CRS § 24-4.1-302(6)).



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**Violent Felony** - When used in this Manual, the term "violent felony" shall mean a crime in which a perpetrator used aggressive physical force, which may cause serious bodily injury or death. Some examples include, without limitation: homicide, kidnapping, assault in the first or second degree, aggravated robbery, felony sexual assault, arson in the first degree, and hit and run accident involving death or serious bodily injury.

**Volunteer** - An individual who performs a service for the Agency without promise, expectation or receipt of compensation for services rendered, including chaplains, Victim Service's Team members, unpaid officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post.



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# Chapter 2 - Organization and Administration



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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

The organizational structure of the Agency is designed to create an efficient means to accomplish the mission and goals and to provide for the best possible service to the public.

### 200.1.1 COMMAND

(a) The Chief of Police is the chief executive and administrative officer of Fort Collins Police Services. Under the Service Area structure of the City, the Chief of Police is the Director of Police Services, a service area.

(b) The Chief has the power and authority to promulgate orders to the employees of the Agency as is deemed necessary and proper. It is the duty of employees to render obedience to these orders, but such orders shall be in conformity to the law, the rules and regulations of the Agency, and to the City of Fort Collins Personnel and Administrative Policies.

(c) In the event of an inconsistency or conflict between any provision of this Policy Manual and the provisions of the current and binding Collective Bargaining Agreement, the provision of the Collective Bargaining Agreement shall take precedence as it relates to members of the bargaining unit only.

(d) The Chief has the authority and discretion to create, change, grant exceptions to, and interpret this Policy Manual. Each employee is responsible for being aware of, understanding, and complying with the Policy Manual.

### 200.1.2 ASSISTANT CHIEF AND DEPUTY CHIEF

(a) For organizational efficiency and to assist in the delivery of police services to the community, the Department is divided into four operational divisions, under the command of one Assistant Chief and three Deputy Chiefs. The Chief of Police will assign the Assistant Chief assigned to the Administrative Division with the responsiblities of being "Chief of Staff", the other Deputy Chiefs will report to the Chief of Police and command the other operational divisions within the Department.

(b) The positions of Assistant Chief and Deputy Chiefs are integral members of the Chief's executive command staff and, as such, is appointed by the Chief and serves at his/her pleasure.

(c) Under the Service Area structure of the City of Fort Collins, Assistant Chief and the Deputy Chiefs are considered department heads within Police Services. As such, the Charter of the City of Fort Collins (Art. IV, Sec. 3) allows the Assistant Chief and the Deputy Chiefs to reside outside of the Urban Growth Area during their tenure in office, but only if their place of residence is within five miles of the Fort Collins city limits, as measured by a straight line connecting the parcel of property upon which the residence is situated to the nearest boundary line of the city.

(d) The specific duties and responsibilities of the Assistant Chief and the Deputy Chiefs are assigned directly by the Chief of Police who is the immediate supervisor of the position.



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General duties are described on a job description and may be amended at the discretion of the Chief of Police.

(e) The Assistant Chief and the Deputy Chiefs' responsibilities and duties shall include, but not be limited to:

1. Management of a department, including the planning, organizing and directing of activities within that assigned division.
2. The Assistant Chief will serve as Acting Chief of Police in the Chief's absence.
3. Both the Assistant Chief and the Deputy Chief's will represent the Chief of Police and Police Services at a variety of community meetings and Fort Collins City Council meetings.
4. Interact with other City departments to further citywide goal accomplishment.
5. Responsible for the preparation, management and control of the division budget.
6. Have final recommendation authority to the Chief in matters involving hiring of divisional personnel.
7. Have final authority in the disposition of personnel matters, including the administration of discipline or corrective action, for all non-sworn and introductory personnel, except as limited by City administrative policy or ordinances.
    (a) Potentially serious cases involving sworn personnel that may result in significant disciplinary action will be handled through the chain of command to the Chief of Police

200.1.3 APPOINTMENT OF ASSISTANT CHIEF AND DEPUTY CHIEFS

(a) To allow the Chief the greatest ability to develop an executive staff with the personal characteristics and abilities the Chief feels will enable him/her to administer the Agency in the most effective and efficient manner, the Chief has the authority to select the Assistant Chief and Deputy Chiefs from any sworn position in the Agency, and may, at his/her discretion, select a non-sworn employee of the Agency.

1. In the event that a civilian is appointed to the level of Deputy Chief, the position will have the title "Director" and shall have the same authority as a Deputy Chief and the title shall be interchangeable with the Deputy Chief throughout this Manual.

(b) The Assistant Chief and the Deputy Chiefs serve in the appointed position entirely at the pleasure of the Chief and may be removed from the position at any time, with or without cause, notice or recourse.

(c) The Assistant Chief and Deputy Chiefs retain classified employee status in accordance with the City of Fort Collins Personnel Policies and Procedures for all other purposes. In the event the Assistant Chief or a Deputy Chief is removed from the appointed position, he/she will retain the Agency rank previously held at the time of the appointment (or promoted to after the appointment) with no loss of seniority status.



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(d) Generally, for a Deputy Chief position, letters of interest will be solicited from personnel at the rank of lieutenant and sergeant, but may be expanded to include the patrol officer rank at the discretion of the Chief. When filling this appointed position, the Chief may utilize any selection process desired. Current sworn employees will normally be considered for the position of Deputy Chief; however, the Chief may reserve the right to initiate a selection process which would include external candidates and to select an external candidate for the position of Deputy Chief.

(e) A Deputy Chief who held a rank below the rank of lieutenant may, at his or her option, attempt to progress through the established rank structure of the Agency by participating in appropriate scheduled Agency promotional processes. When a promotional opportunity exists, the Chief may consider the Deputy Chief candidate for promotion to the higher rank. Time in grade as a Deputy Chief shall apply for meeting job requirements for rank advancement.

200.1.4 EXECUTIVE STAFF

(a) The Executive Staff shall consist of the following:

1. The Chief of Police
2. The Assistant Chief in command of Administration Division and Deputy Chiefs from each of the other Divisions
3. The Chief of Police may appoint any person to the Executive Staff at his/her discretion

## 200.2 DIVISIONS

The Chief of Police is responsible for administering and managing the Fort Collins Police Services. There are four divisions in the Police Agency:

- Administration Division
- Patrol Division
- Criminal Investigations Division
- Information Services Division

200.2.1 ADMINISTRATION DIVISION

The Administration Division is commanded by the assigned Assistant Chief, whose primary responsibility is to be "Chief of Staff" plus provide general management, direction and control for the Administration Division. The Administration Division consists of:

- Budget and Finance
- Professional Standards
- Training Unit



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- The Project Manager/Public Information Officer

Annually, the Administration Division Deputy Chief shall develop and submit to the Chief of Police a budget and an inventory of capital property, equipment and assets. Property, equipment and assets with a beginning value of more than $5,000, and other items specifically identified for inclusion regardless of value, are capital property, equipment and assets.

### 200.2.2 PATROL DIVISION

The Patrol Division is commanded by the assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Patrol Division. The Division is comprised of:

- Uniformed Patrol
- District One
- Neighborhood Enforcement Team
- Traffic Unit
- School Resource Officer Unit
- Patrol-based specialized units

### 200.2.3 CRIMINAL INVESTIGATIONS DIVISION

The Criminal Investigations Division is commanded by the assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Investigations Division. The Division is comprised of:

- Northern Colorado Drug Task Force
- Crimes Against Persons Unit
- Property Crimes Unit
- Financial Crimes Unit
- Criminal Impact Unit
- Victim Services Unit
- Forensic Services Unit

The Criminal Investigations Division Deputy Chief is a member of the Executive Officer Board of the Northern Colorado Drug Task Force.

### 200.2.4 INFORMATION SERVICES DIVISION

The Information Services Division is commanded by the assigned Deputy Chief, whose primary responsibility is to provide general management, direction and control for the Information Services Division. The Division is comprised of:

- Records



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- Property and Evidence
- Fort Collins 911
- Technical Services
- Crime Analysis

The Information Services Division Deputy Chief is also a member of the Executive Board of the Northern Colorado Regional Laboratory Group.

**200.3 COMMAND**

The Chief of Police exercises command over all personnel in the Agency. During planned absences the Chief of Police will designate the Assistant Chief or a Deputy Chief to act in the place of the Chief of Police.

200.3.1 SUCCESSION OF COMMAND

Except when designated as above, the order of command authority in the absence or unavailability of the Chief of Police is as follows:

(a) Administration Assistant Chief

(b) Patrol Deputy Chief

(c) Investigations Deputy Chief

(d) Information Services Deputy Chief

200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Agency. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e.g., canine, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.3.3 ORDERS

Employees shall respond to and make a good faith and reasonable effort to comply with lawful orders of superior officers and other proper authority.

200.3.4 UNLAWFUL AND CONFLICTING ORDERS

(a) No employee is required to obey any order that outwardly appears to be in direct conflict with any federal law, state law or local ordinance. If the legality of an order is in doubt, the employees shall ask the issuing supervisor to clarify the order or confer with a higher authority. Responsibility for refusal to obey rests with the employee, who shall subsequently be required to justify the refusal.

(b) Unless it would jeopardize the safety of any individual, employees who are presented with an order that is in conflict with a previous order, Agency Policy or other Directive,



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shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the order is intended to countermand the previous order or Directive, in which case the employee is obliged to comply. Employees who are compelled to follow a conflicting order after having given the issuing supervisor the opportunity to correct the conflict are not held accountable for disobedience of the order or Directive that was initially issued.

(c) The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.



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# Police Officer Classification and Salary

## 201.1 PURPOSE AND SCOPE

It is the Policy of Fort Collins Police Services to utilize a classification and salary system that ensures all police officers possess necessary skills and knowledge and receive salary commensurate with their work assignment.

This classification system is in addition to the City of Fort Collins Introductory Period for police officers that starts on the date of hire and continues for twelve months following the date of successful completion of the Field Training Officer Program unless extended by the Chief of Police.

## 201.2 LEVELS

(a) Level 1 - Recruit Officer I

1. Officers at this level are trainees.
    (a) While at this level, an officer may be assigned to recruit training or a Police Training Academy.
    (b) While at this level, an officer must successfully complete a State of Colorado certified Basic Peace Officer Training Academy (POST).
2. Failure to achieve Colorado Peace Officer (POST) Certification within 12 months from date of hire may result in termination.

(b) Level 2 - Recruit Officer II (Field Training Program)

1. Officers at this level continue to be trainees.
2. An officer who is certifiable, or who is currently certified as a Peace Officer in Colorado or another state, may be permitted to bypass Level 1 and be placed in this level upon commencing employment with Fort Collins Police Services.
3. Failure to achieve Colorado Peace Officer (POST) Certification within 12 months from date of hire may result in termination.
4. While at this level, an officer must successfully complete the Agency Field Training Officer (FTO) Program.
5. In order to advance from Level 2 to Level 3, an officer must receive a written performance evaluation from the FTO Program Coordinator indicating consistent satisfactory performance.
    (a) Failure to advance to Level 3 within 18 months from date of hire may result in termination.

(c) Level 3 - Recruit Officer III



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1. An officer at this introductory level is an independent police officer who can handle all duties associated with solo patrol and who is an asset to the Agency and the community.
2. Officers in this level are assigned to a work unit, usually within the Patrol Division, where they learn to perform those duties associated with solo patrol, and enhancing their law enforcement skills through practical experience and additional training.
3. An officer must remain in Level 3 for a minimum of twelve months, and a mximum of eighteen months. Failure to advance from this level may result in termination, unless extended by the Chief of Police.
4. In order to advance to Level 4, an officer must receive a written performance evaluation from his/her supervisor indicating consistent satisfactory performance.
5. Level 3- Lateral Transfer Recruit Officer III

    (a) A person is considered a Lateral Transfer Recruit Officer III if they meet the following criteria:

        1. They are a fully certified police officer in the state of Colorado or are able to meet the Colorado POST requirements for certified officer; and
        2. They have served as a full-time police officer for a minimum of three years; and
        3. They are currently employed as a full-time police officer.

    (b) A person who is considered a Lateral Transfer Recruit Officer III may be permitted to bypass Level 1 and LEvel 2 and be placed at Level 3 for the purposes of salary only.

    (c) A Lateral Recruit Transfer Officer III will attend all training and obtain all certifications and meet all expectations of a Level 1 and Level 2 officer.

    (d) After the Lateral Recruitment Transfer Officer III has received the required training, and the Lateral Recruitment Transfer Officer III has received a written performance evaluation from the FTO Program Coordinator indicating consistent, satisfactory performance, the Lateral Recruit Transfer Officer III will be considered a Level 3- Recruit Officer III. At that time, all conditions for a Recruit Officer III shall apply.

(d) Level 4 - Police Officer

1. An officer at this level is an independent police officer who can handle all duties associated with solo patrol and who is an asset to the Agency and the community.
2. Officers at this level have successfully completed their City Introductory Period and are increasing their skill levels and developing individual techniques and styles.



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3. An officer must remain in Level 4 for a minimum of eighteen months, and a maximum of twenty-four months. Failure to advance from this level may result in termination, unless extended by the Chief of Police.
4. In order to advance to Level 5, an officer must receive a written performance evaluation from his/her supervisor indicating consistent satisfactory performance.

(e) Level 5 - Police Officer

1. An officer at this level is an independent police officer who can handle all duties associated with solo patrol and who is an asset to the Agency and the community.
2. This is the career level for officers in this Agency, and all officers shall attain and maintain this level.
3. Officers at this level must receive annual written performance evaluations indicating satisfactory performance in order to remain at this level.

## 201.3 LEVEL CHANGES

(a) In the case of advancement to a higher level, the process is initiated by the officer who submits a request for level change and supporting documentation to his/her immediate supervisor when the officer feels that he/she has met the criteria for advancement.

1. Within ten working days, the supervisor shall forward the request and documentation, along with his/her written recommendation, through the chain of command to the appropriate Division Deputy Chief.
2. Each individual within the chain of command shall have a maximum of ten working days from date of receipt of the request to make his/her written recommendation and forward the request and documentation.
3. The Division Deputy Chief shall make final approval/denial within ten working days of receipt of the request.

(b) In the case of a level reduction, the process is initiated by the officer's supervisor.

1. The process for a level reduction of an officer to a lower level shall be in accordance with current City policy.
2. When an officer is reduced in level, he/she and his/her supervisor shall develop an action plan, conditions of work performance, and timetables which will aid the officer in regaining the level from which he/she was demoted.
    (a) If the level to which the officer is reduced has a minimum time requirement, that requirement does not apply to that officer.



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(b) If the action plan, conditions of work performance, and timetables are not achieved, additional corrective action may be taken, including a further reduction in level or termination of employment.



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# Community Service Officers

## 203.1 PURPOSE AND SCOPE

It is the Policy of the Agency to utilize paraprofessionals in the delivery of police service to the community when such services do not require the attention of a sworn police officer.

The community service officer (CSO) position is a limited commission, non-sworn civilian position designed to deliver efficient service to the community. A large percentage of police calls are service-oriented rather than enforcement-related. Many of these calls do not require the expertise of a sworn officer and can be competently handled by CSOs.

## 203.2 LEVELS

(a) Level 1- Recruit CSO I

1. Officers at this level are trainees.
2. While at this level, an officer may be assigned to a basic training academy and field training program.
3. While at this level, an officer must successfully complete the basic training academy and the field trainig program for CSO's.
4. Generally, duty time at this level shall not exceed six (6) months. Failure to advance to Level 2 will be grounds for termination.

(b) Level 2- Recruit CSO II

1. Officers at this level are considered to be generally trained.
2. Recruit designation still applies in that on-duty performance at times will still be opportunities for training.
3. Officers must remain at this level for six (6) months.
4. Before moving to Level 3, an officer must receive a written performance evaluation indicating satisfactory performance. Failure to advance to Level 3 within eighteen (18) months from date of hire may be cause for termination.

(c) Level 3- Recruit CSO III

1. Officers at this level have successfully completed their City Introductory Period and are increasing their skill levels; developing individual techniques and styles.
2. An officer must remain at this level a minimum of twelve (12) months prior to next level advancement but not to exceed eighteen (18) months.
3. In order to advance to Level 4, an officer must receive a written performance evaluation indicating satisfactory performance. Failure to receive a satisfactory performance evaluation may be cause for discipline up to and including termination.



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(d) Level 4- CSO I

1. Officers at this level are considered to be fully trained, enhancing their skills through practical experience and additional training.
2. An officer must remain at this level a minimum of twelve (12) months prior to next level advancement.
3. In order to advance to Level 5, an officer must receive a written performance evaluation from his/her supervisor indicating consistent satisfactory performance.

(e) Level 5- CSO II

1. An officer at this level is an independent officer who can handle all associated job duties assigned to them. They are considered an asset to the agency and the community.
2. This is the career level for CSOs in this agency and they shall attain and maintain this level.
3. Officers at this level must receive written performance evaluations indicating satisfactory performance in order to remain at this level.

## 203.3 ASSIGNMENT

CSOs may be assigned to any Division of the Agency, as needed. Individual assignments within or between these Divisions will rotate at the Agency's discretion, depending on Agency needs, job enrichment opportunities, and the needs of the individual.

The Patrol Deputy Chief will determine the days and times to be worked and the number of CSO's assigned to a particular Division or shift. The CSO's immediate supervisor will determine the day-to-day activity and assignment.

### 203.3.1 COMMISSION

The CSO position is one of a limited police commission. A CSO is commissioned to issue citations into Municipal Court for violations of the Fort Collins City Code and Charter. In addition, a CSO does not have the authority to make arrests for violations of any law. To the extent permitted by law, and for the sole purpose of issuing County Court citations as authorized by this Policy, the CSO shall be deemed to be a peace officer, Level III, as defined by C.R.S. §18-1-901(3)(1)(IV).

### 203.3.2 CAREER

(a) The position of CSO is one of career status. There are no provisions for promotion or automatic movement into the position of police officer.

(b) The Agency encourages all CSOs to continue their education, whether they plan to become police officers or have other career plans. Within budgetary constraints, the Agency will assist with tuition expenses through the Tuition Reimbursement Program.



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## 203.4 DUTIES AND LIMITATIONS

(a) CSOs are typically assigned to the Patrol Division or the Criminal Investigations Division.

(b) The types of crime calls a CSO may handle are often referred to as "cold reports". A cold report is typically one which involves an incident which occurred more than 15 minutes prior to the call, or one where rapid response by an officer would not aid in the apprehension of a suspect or in securing evidence at the scene.

1. It is not a crime in progress;
2. There is not significant physical evidence at the scene;
3. The incident reported is not a major felony; and
4. The case does not require extensive or immediate follow-up.

(c) If a CSO responds to a call and finds that it is not one that he/she can handle, he/she shall call for a police officer to respond to the scene.

(d) Continuous evaluation of assigned calls must be made by both CSOs and supervisors to assure that only appropriate calls are being handled by personnel in this position. CSOs are not sworn personnel and are, therefore, to be limited in the scope of assigned tasks and responsibilities.

### 203.4.1 ROLE IN INVESTIGATING TRAFFIC ACCIDENTS

(a) Community service officers (CSO) are authorized to investigate traffic accidents, with the following conditions:

1. CSO's shall respond to accidents on a non-emergency basis only.
2. A CSO may investigate an accident involving a driver under the influence of alcohol or drugs, however, the CSO shall limit his/her investigation to the accident, and the impaired/intoxicated driver shall be processed by a police officer.
3. In the event that an accident necessitates a physical arrest, the CSO shall request assistance from a police officer, and shall not attempt the arrest on his/her own.
4. A CSO shall not be the primary investigator of a fatal traffic accident, unless the CSO is recognized as a Technical Accident Investigator who is a member of the C.R.A.S.H. team.

### 203.4.2 LIMITATIONS

Community service officers are specifically prohibited from:

(a) Emergency response to MVAs and other calls for service;

(b) Making motor vehicle stops;

(c) Transporting prisoners;



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(d) Carrying firearms; and

(e) Making arrests, except that a community service officer, like any private citizen, is authorized by C.R.S. §16-3-202 to assist a sworn police officer who is in the act of making an arrest when the police officer commands the community service officer to assist in the arrest.

### 203.5 RESPONSE TO RESISTANCE

A CSO is not authorized to use force in the performance of his or her duties under this Policy except, like any private citizen, a CSO is authorized pursuant to C.R.S. §18-1-704 in using physical force upon another person in order to defend him or herself or to defend a third person from what the CSO reasonably believes to be the use or imminent use of unlawful physical force by that other person and, in doing so, the CSO may use the degree of force he or she reasonably believes is necessary in such defense. However, deadly physical force may only be used by a CSO when:

(a) The CSO has reasonable grounds to believe, and does believe, that the CSO or another person is in imminent danger of being killed or of receiving great bodily injury.



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# Agency-wide Communications - Policy and Special Directives

## 204.1 PURPOSE AND SCOPE

Departmental Directives and Special Orders establish interdepartmental communication that may be used by the Chief of Police to make immediate changes to policy and procedure, in accordance with the current collective bargaining agreement. Departmental Directives will immediately modify or change and supersede sections of this manual to which they pertain.

### 204.1.1 DEPARTMENTAL DIRECTIVES

(a) Departmental Directives will be incorporated into the Policy Manual, as required upon approval of the staff.

(b) Departmental Directives will modify existing Policies, or create a new Policy as appropriate, and will be rescinded upon incorporation into the Policy Manual.

(c) All existing Departmental Directives, where applicable, are incorporated in the updated Policy Manual as of the revision date listed below.

(d) Any Departmental Directives issued after publication of the Policy Manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01." For example, 11-01 signifies the first Departmental Directive for the year 2011.

### 204.1.2 SPECIAL ORDERS PROTOCOL

Special Orders establish a temporary policy or procedure on a given subject for a specific length of time. Special Orders are issued to the organization as a whole, to a division, to a unit or to an individual. Special Orders become inoperative with the passing of the incident or situation that caused the order to be issued.

### 204.1.3 PERSONNEL DIRECTIVES

Personnel Directives may be issued periodically by the Chief of Police or the authorized designee to announce and document promotions, transfers, extended and temporary duty assignments and sergeant/lieutenant assignments.

### 204.1.4 PROCEDURES MANUALS

The Chief of Police, Assistant Chief and the Division Deputy Chiefs may establish Manuals which define specific operational or business practices with the Agency or specific to the various Units. These may include:

(a) Standard Operating Procedures.

(b) Training Bulletins.

(c) Intergovernmental Agreements.

(d) Descriptions of federal or state contracts or grant programs and their requirements.



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## 204.2 RESPONSIBILITIES

### 204.2.1 EXECUTIVE STAFF

The Executive Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

### 204.2.2 CHIEF OF POLICE

The Chief of Police or an authorized designee shall issue all Departmental Directives, Special Orders and Personnel Directives.

### 204.2.3 ASSISTANT CHIEF AND DIVISION DEPUTY CHIEFS

The Assistant Chief and Division Deputy Chiefs or an authorized designee shall issue all Procedure Manuals.

### 204.2.4 EXECUTIVE ADMINISTRATIVE ASSISTANT

The Executive Administrative Assistant shall keep and make available electronically all Departmental Directives, Special Orders, Personnel Directives and current Procedures Manuals.

## 204.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVE

All employees are required to read and obtain any necessary clarification of all Departmental Directive. Employees may be required to acknowledge in writing the receipt and review of any new Departmental Directives. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement may be maintained by the Training Sergeant.



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# Emergency Operations Plan

## 206.1 PURPOSE AND SCOPE

The City has prepared and adopted an Emergency Operations Plan (Article IX, Chapter 2 of the City Code and CRS § 24-33.5707). This Plan provides guidance and is to be used by all work groups and employees in the event of a major disaster, civil disturbance, mass arrest, or other emergency event. The Plan provides for a strategic response by all employees and assigns specific responsibilities in the event the plan is activated.

The Agency utilizes the Incident Command System (ICS) and the National Incident Management System (NIMS) for all special operations and special events.

## 206.2 ACTIVATING THE EMERGENCY OPERATIONS PLAN

The Emergency Operations Plan can be activated in a number of ways. The Chief of Police, the Assistant Chief, a Deputy Chief, or his/her designee may activate the Emergency Operations Plan in response to a major emergency. Other City officials may also be authorized as set forth in the Plan and the City Code.

### 206.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Agency are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

## 206.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the plan are available in the Professional Standards Lieutenant office, the Patrol Administrative Lieutenant's office and in Fort Collins 911. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles personnel will play when the Plan is implemented.

The State of Colorado Emergency Operations Plan and additional regional information can be found on the Colorado Department of Local Affairs, Division of Emergency Management website at http://dola.colorado.gov/dem/index.html.

## 206.4 UPDATING THE PLAN

The Chief of Police or the authorized designee shall review and update, if necessary, the Emergency Operations Plan at least once every two years to ensure it conforms to any revisions made by the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS), and that any needed revisions are appropriately addressed. This review and update will occur with input and guidance from the City Manager.



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### 206.5 PLAN REVIEW

At least once every two years, the Agency should conduct a review of the Emergency Operations Plan and responses, incorporating a full or partial exercise, tabletop or command staff discussion.

### 206.6 PLAN TRAINING

The Agency shall provide training in the Emergency Operations Plan for all supervisors and other appropriate personnel. All supervisors should familiarize themselves with the Emergency Operations Plan and the roles police personnel will play when the plan is activated.

### 206.7 NIMS (NATIONAL INCIDENT MANAGEMENT SYSTEM) TRAINING

All sworn officers will complete ICS-100 and NIMS training.

### 206.8 HOMELAND SECURITY EMERGENCIES

Emergency Management and Homeland Security responsibilities are coordinated by the City of Fort Collins through the Office of Emergency Management, Police Services, Poudre Fire Authority, and other City services. Police Services shall have a designated lieutenant who shall serve as the Agency's Emergency Preparedness Coordinator. This lieutenant is responsible to work with the Office of Emergency Management to ensure that community threat assessments are completed and response plans are developed to address Homeland Security threats.



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# Training Policy

## 208.1 PURPOSE AND SCOPE

It is the Policy of this Agency to administer a training program that will meet the standards of federal, state, local and POST (Peace Officer Standards and Training) training requirements. It is a priority of this Agency to provide continuing education and training for the professional growth and progressive development of its personnel. By doing so, the Agency will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

### 208.1.1 PRE-APPOINTMENT TRAINING

This department requires all candidates for employment as officers to complete an approved Colorado basic academy pursuant to CRS § 24-31-305 before performing duties of a certified peace officer, as defined by CRS § 16-2.5-102. Officers may alternatively obtain a provisional certificate prior to appointment or otherwise meet the training and certification standards within the parameters, extensions and exceptions set by POST (CRS § 24-31-308 and CRS § 30-10-501.6 (1)).

## 208.2 PHILOSOPHY

The Agency seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels and legal mandates. Whenever reasonably possible, the Agency will use courses certified by the Colorado POST Board or other regulatory or nationally recognized entities.

## 208.3 OBJECTIVES

The objectives of the training program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of Agency personnel.

(c) Provide for continued professional development of Agency personnel.

(d) Assist in compliance with statutory requirements.

## 208.4 TRAINING PLAN

It is the responsibility of the Training Sergeant to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Agency-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Sergeant shall review the entire training plan on an annual basis.



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The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required Colorado POST, minimum-mandated training of certified officers or hiring of civilian employees. Training listed may be provided in basic training programs.

Trainings listed in this Policy may be provided in basic training programs.

208.4.1 MANDATED TRAINING

(a) Federally mandated training:

1. National Incident Management System (NIMS) training (once depending upon position and rank)

(b) State-mandated training:

1. DNA evidence collection (CRS § 24-31-311) (once)
2. Racial profiling (CRS § 24-31-309) (once)
3. Basic CPR/First aid (once - to obtain POST certification)
4. Standardized Field Sobriety Testing (every other year).
5. Any other Colorado POST mandated training to maintain compliance.

(c) Agency-mandated training:

1. Emergency Operations Plan (supervisors every two years)
2. Police driving (sworn personnel and community service officers every other year).
3. Firearms training (as determined by the Firearms Coordinator).
4. Defensive tactics (as determined by the Defensive Tactics Coordinator).
5. Mobile Field Force (yearly)
6. Infection control training (yearly)
7. Use and care of respiratory equipment (yearly)

## 208.5 TRAINING NEEDS ASSESSMENT

The Training Unit will conduct an annual training needs assessment and complete a report regarding the results of that assessment. The training needs assessment report will be provided to the Chief of Police. Upon review and approval by the Chief of Police, the needs assessment will form the basis for the training plan for the following fiscal year.

## 208.6 TRAINING PROCEDURES

(a) All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:



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1. Court appearances
2. Sick leave
3. Vacation
4. Physical limitations preventing the employee's participation
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

## 208.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Agency Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Sergeant.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Sergeant. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Agency.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or on a regular schedule as directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment, unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this Policy.

## 208.8 TRAINING RECORDS

The Training Sergeant is responsible for the creation, filing and storage of all training records. Training records shall be retained in compliance with the current records retention schedule. Employees are required to sign in-service attendance sheets and forward any training certificates or appropriate documentation to the Training office for recording keeping.



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### 208.9 FIELD TRAINING PROGRAM

The Field Training Coordinator shall establish a field training program for recruit police officers that is of sufficient duration to provide for the adequate orientation and training of the new peace officer in the lawful operations of the Agency. The program shall establish procedures for the selection, appointment and training of Field Training Officers (FTO) and supervisors, the daily evaluation of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.



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# Electronic Mail

## 212.1 PURPOSE AND SCOPE

This Policy establishes guidelines for the proper use and application of the electronic mail (email) system provided by the Agency. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law. Except as provided below, messages transmitted over the email system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Agency.

## 212.2 EMAIL RIGHT OF PRIVACY

(a) All email messages, including attachments, transmitted over Agency computer networks or through remote access to Agency or City technology are considered Agency records and therefore are the property of the Agency. The Agency reserves the right to access, audit and disclose for any lawful reason, all messages, including attachments, transmitted or received through its email system or placed into its storage.

(b) Except as provided by law, email transmitted over Agency computer networks or through remote access to Agency or City technology is considered a public record. Therefore, the email system is not a confidential system and is not always appropriate for confidential communications, unless noted specifically in the text of the email. If a communication must be confidential, an alternate method to communicate the message should be considered. Employees using the Agency email system shall have no expectation of privacy concerning communications transmitted over the system.

(c) Employees should not use personal accounts to exchange email or other information that is related to the official business of the Agency.

## 212.3 PROHIBITED USE OF EMAIL

(a) Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing or any other inappropriate messages or images on the email system is prohibited and may result in discipline.

(b) Email messages addressed to the entire Agency are only to be used for official business-related items that are of particular interest to all users. All email is subject to review and scrutiny with regard to appropriate content or violation of any prohibitions. In the event that a user has questions about sending a particular email communication, the user should seek prior approval from their supervisor. Personal advertisements or announcements are not permitted except through the use of special email lists designed specifically for those purposes and provided by the City or the Agency (City Personnel Policies and Procedures 8.9.3).



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(c) It is a violation of this Policy to transmit a message under another user's name or email address or to use the password of another to log into the system. Users are required to log off the network or secure the workstation when the computer is unattended.

## 212.4 MANAGEMENT OF EMAIL

Because the email system is not designed for, nor does it support, long-term retention and archiving of messages, email that an employee desires to save or that requires retention because it has significant administrative, fiscal, legal or historical value should be printed and/or stored in another database designed for long-term storage and retrieval. Users of email are solely responsible for the management of their mailboxes. Messages should be reviewed and at least once per shift or work-day. All messages stored in excess of three month may be deleted or archived at regular intervals from the Agency.

### 212.4.1 ADVERTISEMENTS AND SOLICITATIONS USING EMAIL

(a) The City's email system and the distribution list capability of the system are intended for the transaction of City business. Personal use of the City's e-mail system is limited to those situations described in this Policy.

1. An employee may make personal use of the City's e-mail system for advertisements and solicitations only through the use of a Service Area or Service Unit Director-approved email distribution list established for that purpose or by posting on the City-designated electronic bulletin board known as the Bargain Box.

    (a) Any Service Area or Service Unit Director approving such a distribution list shall determine whether the list will be limited to employees in that Director's service area or, with the approval of any other applicable Service Area or Service Unit Director, will be open to City employees from other service areas or service units.

    (b) Employees may not forward distribution list emails to employees who have not agreed to be on the distribution list.

    (c) Employee participation in an approved distribution list is voluntary, and employees may choose to opt in or out of any such list. Employees who choose to participate will be subject to the receipt of any kind of commercial or non-commercial advertisements or solicitations that conform to the requirements set forth below. Employees may use the City's regular email system to respond to advertisements and solicitations from the approved email distribution list or from the Bargain Box.

### 212.4.2 PERSONAL USE OTHER THAN FOR ADVERTISING AND SOLICITATION

An employee may make occasional personal use of the City's email system providing the use does not involve any kind of advertisement or solicitation, except as provided above.



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(a) Because an employee's personal use of the City's email system can have a direct and material effect upon the effective and efficient operation of City business, the following requirements shall be applicable to all communications permitted under this Policy:

1. The communication shall not promote illegal activities or transactions.
2. The communication shall not be misleading, deceptive, or constitute a public nuisance.
3. The communication shall not encourage or constitute prohibited discriminatory or harassing conduct.
4. The communication shall not constitute prohibited political activities as described in City of Fort Collins Personnel Policies and Procedures (Section 8.13).
5. The communication shall not be disrespectful, insubordinate, or demeaning to City employees, City officials, or members of the public.
6. The communication shall not be excessive, disruptive, or otherwise in violation of the public trust.
7. The communication shall not promote or encourage sexual or violent activities or practices; and shall not contain pornographic, obscene, or sexually explicit materials.

Employees should not have an expectation of personal privacy in the materials sent or received on City computers, including personal email. All information sent or received on City computers, including personal email, is deemed to be City property and subject to inspection and copying by supervisors and other City officials with or without notice or consent. The electronic mail of an employee may be a public record under the public records law and may be subject to public inspection.

Supervisors may restrict or prohibit an employee's personal use of the City's email if, in the supervisor's judgment, an employee's use is contrary to the provisions of this Policy.

### 212.5 EMAIL RECORD MANAGEMENT

(a) Email may, depending upon the individual content, be a record under the Colorado Open Records Act or the Colorado Criminal Justice Records Act and must be managed in accordance with the organization's adopted records retention, archiving and destruction policy in compliance with state law (CRS § 24-72-201 to 24-72-309).

(b) When employees are notified of a Litigation Hold issued by the City's Risk Manager, they will notify their supervisor and follow the instructions given. Employees will refer to City of Fort Collins Administrative Policy 7.10 for information about email retention pursuant to a Litigation Hold.



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# Patrol Staffing Levels

## 215.1 PURPOSE AND SCOPE

The purpose of this policy is to address the allocation of patrol personnel based on workload assessment. The Agency is dedicated to effective and efficient management of patrol staffing levels in order to provide the highest level of professional policing to the Community.

## 215.2 PATROL STAFF ALLOCATION

Patrol staffing allocation should be based on workload assessment. The workload assessment system should include an outline of the calculations required and any source documents, factors, personnel, and/or equipment necessary to accomplish the task of allocating staff to patrol. In doing such, departmental personnel should consider such things as:

(a) The total personnel strength as authorized by the Chief of Police;

(b) The number of vacant positions by rank within the agency;

(c) Number of incidents handled by patrol personnel during the specified period, including calls for service and self-initiated activity;

(d) Average time required handling various call types at the patrol level;

(e) Calculation of the percent of time, on the average, that should be available to the patrol officer for handling incidents during a specified period (such as a shift); and

(f) Time lost through days off, holidays, and other leave, compared to the total time required for each patrol assignment.



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# Patrol Supervision Staffing Levels

## 216.1 PURPOSE AND SCOPE

The purpose of this Policy is to ensure that proper supervision is available for all patrol shifts. The Agency intends to balance the employee's needs against its need and inherent managerial right to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet the operational requirements of the Agency.

## 216.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in scheduling at least one Sergeant on duty whenever possible. Watch Commanders will ensure that at least one Sergeant or an Acting Sergeant is deployed during each patrol watch.

### 216.2.1 SUPERVISION DEPLOYMENTS

(a) In order to accommodate training and other unforeseen circumstances, an officer may be deemed an Acting Sergeant in place of a Sergeant, in accordance with the terms of the applicable collective bargaining agreement.

## 216.3 WATCH COMMANDER

The Patrol Deputy Chief will assign a Watch Commander over one or several patrol shifts.

### 216.3.1 DESIGNATION AS ACTING WATCH COMMANDER

When a Lieutenant is unavailable, the Patrol Deputy Chief or a Patrol Lieutenant may designate a qualified Sergeant as an Acting Watch Commander. This Policy does not preclude designating a patrol officer as an Acting Watch Commander when operational needs require.



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# Retired Officer LEOSA Firearm Qualification

## 220.1 PURPOSE AND SCOPE

The purpose of this Policy is to outline the process and conditions associated with the issuance, denial or revocation of Agency identification for retired officers and firearm qualification in accordance with the Law Enforcement Officer Safety Act (LEOSA) passed by the United States Congress.

## 220.2 QUALIFIED RETIREES

(a) Any qualified retired law enforcement officer of this Agency who was authorized to, and did, carry a firearm during the course and scope of his/her employment may request to be issued a retired officer Agency identification card. The Chief of Police or an authorized designee will consider the following qualifying factors in their decision to issue a retired officer Agency identification card:

1. Qualified retired law enforcement officer means an individual who (18 USC § 926C):

   (a) Separated in good standing from service as a law enforcement officer, other than for reasons of mental instability.

   (b) Was authorized by law to engage in or supervise law enforcement activities for any violation of law and had statutory powers of arrest.

   (c) Was regularly employed as a law enforcement officer for:

      1. For an aggregate of at least 10 years or more before retirement, or

      2. Retired from service with a service-related disability after completion of probation.

   (d) During the most recent 12-month period has met the state standard for training and qualification to carry firearms.

   (e) Is not under the influence of alcohol or other intoxicating or hallucinatory drugs or substances.

   (f) Is not prohibited by any state or federal law from receiving or possessing a firearm or under a current court order prohibiting the same.

(b) The retired officer Agency identification card shall include a recent photo of the retired officer and state that they have retired from the Agency "in good standing" in accordance with 18 USC § 926C. The retired officer Agency identification card shall include an expiration date of not more than three years from the date of issue. However, nothing will preclude the Chief of Police from shortening that expiration term upon initial issuance or if he/she determines that the retired officer no longer meets the standards under which it was issued.



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(c) A former law enforcement officer is not "in good standing" if he/she was discharged for cause or resigned prior to the final disposition of allegations of misconduct. Additionally, any formal disciplinary action or investigation into allegations of misconduct during the 12 months prior to the separation from employment may be considered when deciding whether or not to issue the retiring officer an Agency identification card. A former law enforcement officer is not "in good standing" if he/she has entered into an agreement with the department in which that individual acknowledges that he/she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the required photographic identification.

(d) The above enumerated qualifications are intended to be a minimum standard for consideration as a "qualified retiree" in accordance with Federal law. Nothing in this Policy shall prohibit the Chief of Police from considering the entirety of the officer's service with the Agency and/or nature of the separation in the decision to issue a retired officer Agency identification card.

220.2.1 FIREARMS QUALIFICATIONS

(a) This Agency may offer a qualified retired law enforcement officer of the Agency the opportunity to obtain the firearms qualifications necessary for certification in accordance with LEOSA, on a schedule and using a facility deemed appropriate by the Agency. The Agency reserves the right to impose a nonrefundable fee in the amount necessary to pay the expenses for providing the firearms qualification or as allowed by law.

(b) The firearms qualifications test may include, but is not limited to, the following:

1. The retired officer must present a current retired officer Agency identification card containing a photograph to the Firearms Instructor in charge of the range prior to attempting to qualify with their firearm.

2. The retired officer must demonstrate safety and proficiency in the handling of the firearm. The retired officer must comply with all safety rules and regulations established by the Firearms Training Unit and which have been established for the particular facility where the qualification will take place. The retired officer must demonstrate proficiency in the use of the firearm by meeting the minimum standard established for the qualification course, as outlined in 4 CCR 901-1 Rule 27.

3. A review of safety rules and the facility safety plan will be conducted for all participants prior to conducting any live fire exercises on the range.

4. All qualifications will be conducted in a manner and under the rules consistent with Agency standard set forth in Policy 312 - Firearms.

(c) In the event a retired officer does not qualify after three attempts, the retired officer has failed to qualify and shall not be certified by this Agency for the purposes of carrying a firearm under the LEOSA. No further qualification attempts will be allowed with that firearm. If the Agency offers another qualification session, the retired officer may return and attempt to



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qualify again subject to the payment of a nonrefundable fee in the amount necessary to pay the expenses for providing the additional firearms qualification or as allowed by law.

(d) No remedial training will be conducted.

(e) A record will be kept by the Firearms Instructor in charge of the range of individuals who attempt to qualify, the firearm they attempt to qualify with and whether they passed or failed. That record will be turned into the Agency Training Unit as soon as practical after the qualification session.

220.2.2 ISSUANCE OF CERTIFICATE

Upon successful completion of required qualification standards, the Firearms Instructor in charge of the range may issue the retired officer a firearm certification of proficiency on an Agency approved form. The certificate of proficiency will include an expiration date one year from the date of issue. A retired officer may request an annual evaluation of weapons proficiency and issuance of a certificate of proficiency as needed to comply with the provisions of 18 USC § 926C.

220.2.3 IDENTIFICATION CARD

This Agency issues photographic identification cards upon request of a qualified retired officer who meets the requirements of 18 USC § 926C and state law CRS § 31-30-106.

Prior to issuing the identification card, the Agency shall complete a criminal background check through a search of the National Instant Criminal Background Check System (NICS) and a search of the Colorado Integrated Criminal Justice Information System (CICJIS). If the background check indicates that the officer is prohibited from possessing a firearm by state or federal law, the Agency shall not issue the identification CRS § 31-30-106.

If the Chief does not issue the identification card to a retired officer, the Agency shall provide the retired officer with a written statement showing the reason for the denial CRS § 31-30-106.

220.2.4 ALTERNATIVE PERMIT OPTIONS

Nothing in this Policy will prohibit a retired law enforcement officer from seeking and obtaining a concealed weapon permit pursuant to CRS § 18-12-201, et seq., and 4 CCR 901-1 Rule 27.

## 220.3 CARRYING FIREARMS OUT OF STATE

Subject to 18 USC § 926C and the local laws and regulations of other jurisdictions, qualified retired officers of this Agency may be authorized to carry a concealed firearm in other states. This Agency does not condone the violation of any law, statute, ordinance or regulation of any jurisdiction. It is incumbent upon the retired officer to be aware of the law(s) of any jurisdiction in which they intend to carry a firearm and to be in compliance with those laws.

## 220.4 OTHER QUALIFIED RETIREES

(a) The Chief of Police may, at his/her discretion, allow or direct the Firearms Training Unit to conduct proficiency certification as described in this Policy for qualified retired law



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enforcement officers who have retired from other agencies (Foreign Retired Officer) if the retired law enforcement officer meets the criteria set forth in 18 USC § 926C and state law.

(b) If the Chief of Police directs the Firearms Training Unit to conduct proficiency testing for such Foreign Retired Officers, it shall be done to the same standard and in the same manner as testing completed for retired officers from this Agency. Any certificate of proficiency issued will expire one year from the date of issue.

(c) The minimum requirements for this consideration include that the Foreign Retired Officer must be a qualified retired law enforcement officer, who is entitled to carry a concealed firearm under 18 USC § 926C and state law. The Agency may impose a nonrefundable fee in the amount necessary to pay the expenses in providing the certification.

220.4.1 APPLICATION PROCESS FOR FOREIGN RETIRED OFFICERS

(a) The application process for Foreign Retired Officers consists of the submittal of the required form, in person, and the payment of any fees required or allowed by law. The Foreign Retired Officer shall sign the completed application form in person before the Chief of Police or the authorized designee. The Chief of Police or the authorized designee shall verify the Foreign Retired Officer's form, recent firearms qualifications, retiree law enforcement identification and valid driver's license for completeness, validity and proper identification (4 CCR § 901-1 Rule 27.)

(b) The qualification for proficiency testing shall be validated, including a check for wants or warrants and any active court order, and a determination if the Foreign Retired Officer is prohibited by state or federal law to possess or carry firearms. This validation will include a request through the Colorado Bureau of Investigation to the National Instant Criminal Background Check System and the Colorado Integrated Justice Information System to verify the applicant meets the criteria specified.

## 220.5 MAINTAINING LEOSA STATUS

In order to maintain certification under LEOSA - 18 USC § 926C and state law, a retired officer shall:

(a) Apply for a yearly firearms certification at least 30 days prior to the annual expiration.

(b) Demonstrate annually the proficiency for the category of weapon licensed (e.g. revolver or semi-automatic handgun).

(c) Renew the retired officer Agency identification card three years after the date of issue or as required by the Agency.

(d) Only be authorized to carry the class of firearm (e.g. revolver or semi-automatic handgun) listed on the firearm proficiency certification.

(e) Notify the Agency within three days if the retired officer Agency identification card OR firearm proficiency certification card is lost, stolen or destroyed.



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(f) Notify the Agency, or cause the Agency to be notified, within 30 days if the retired officer changes his/her address.

(g) Notify the Agency as soon as feasible if the applicant is arrested or served with a court order.

### 220.6 DENIAL, REVOCATION OR SUSPENSION OF DOCUMENTS

(a) The retired officer Agency identification card or firearms proficiency certificate issued by this Agency may be temporarily denied, suspended or permanently revoked by the Chief of Police or his/her designee for cause and written notice will be sent to the address the retired officer has on file with the Agency. In the event the Agency is notified that the retired officer fails to meet any of the certification requirements or no longer meets the requirements of this Policy, local, state, or federal law, the Agency identification and firearms proficiency certificate shall be immediately revoked and written notice of the revocation sent to the address the applicant has on file with the Agency (4 CCR 901-1:27(I)(i)). The written notice of any suspension or revocation shall include the cause for such suspension or revocation.

(b) Any denial or revocation under this section shall also be considered disqualification under 18 USC § 926C(d). The retired officer Agency identification card or firearm proficiency certificate may be immediately and temporarily revoked by any command officer of the rank of lieutenant or above or any sergeant who is designated an acting lieutenant when the conduct of a retired officer compromises public safety. Upon revocation, either verbally or in writing, by a command officer of the Agency, the retired officer Agency identification card and/or firearm proficiency certificate shall be immediately surrendered by the retired officer.

(c) If the Agency denies, suspends or revokes either the retired officer Agency identification or the firearms proficiency certificate, the retired officer may request a review in the following manner:

1. In the event that the issuance of a retired officer Agency identification card is initially denied, the retired officer shall have 15 days from the date of denial to request a review hearing.

    (a) The request must be submitted in writing to the Administrative Deputy Chief or his/her designee.

    (b) The failure to submit a written request for a review hearing in a timely manner shall be deemed a waiver.

    (c) The review hearing, absent written agreement between the parties, shall be held no later than 90 days after the request is received.

2. Prior to revocation or suspension of the retired officer Agency identification card or the proficiency certificate, the Agency shall provide the affected retiree with written notice of a review hearing by either personal service or first class mail, postage prepaid, return receipt requested, to the retiree's last known address. If immediate



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revocation is necessary, then direct contact may be made and the revoking command officer will follow-up with written notice within 3 days of the revocation.

(a) The retired officer shall have 15 days from the date of notification to file a written request for a review hearing. The request must be submitted in writing to the Administration Deputy Chief or his/her designee.

(b) The failure to submit a written request for a review hearing in a timely manner shall be deemed a waiver.

(c) The review hearing, absent written agreement between the parties, shall be held no later than 90 days after the request is received.

3. The review hearing for the denial, suspension or revocation of the retired officer Agency identification card or firearm proficiency certificate will be conducted before a panel of three employees consisting of two command level officers of the rank of lieutenant or above and one sergeant. Additionally, the Firearms Training Unit coordinator or his/her designee will be available for consultation on firearms training or Subject Matter Expert information. The members of this panel will be appointed by the Chief of Police but should not include any employee directly involved in any incident leading to the denial, suspension or revocation.

(a) The findings and recommendation of the panel will be submitted to the Chief of Police for final determination of the continued denial, suspension, or revocation within 10 days of the completion of the review hearing.

(b) The Chief of Police will have 10 days to review the findings and recommendations of the panel and shall present the retired officer with a disposition of the denial, suspension, or revocation in writing at the end of that 10 day period.

(c) Any retiree who waives the right to a hearing or if the panel at the review hearing determines that the retired officer Agency identification card or firearm proficiency certificate should be suspended or revoked, shall immediately surrender his/her identification card and/or firearm proficiency certificate if it has not previously been surrendered.

### 220.6.1 PROFESSIONAL STANDARDS UNIT RESPONSIBILITY

Employees who have reason to suspect a retired officer's conduct has compromised public safety should notify the Administration Deputy Chief as soon as practicable. The Deputy Chief should take the following steps in these instances:

(a) Take appropriate steps to promptly look into the matter.

(b) If warranted, contact the retired officer in person and advise him/her in writing of the following:



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1. The retiree's identification card and/or proficiency certificate is immediately suspended or revoked.
2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
3. The retiree will forfeit his/her opportunity to a review hearing and the endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

(c) In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Administration Division Deputy Chief should attempt to make the above notice of temporary suspension or revocation through another law enforcement officer. For example, if a retired officer was arrested or detained by a distant department, the Administration Division Deputy Chief may request that a law enforcement officer of that department act as the Agency's agent to deliver the written notification.

(d) Notification of the temporary suspension or revocation should also be promptly mailed to the last known address of the retired officer via first class mail, postage prepaid, return receipt requested.

(e) The Administration Division Deputy Chief should document in a memo the investigation, the actions taken and, if applicable, any notification made to the retired officer. The memo should be forwarded to the Chief of Police.

(f) If the Administration Division Deputy Chief is unavailable to perform these duties, s/he may designate another command officer to perform them in his/her place.

### 220.7 EXPIRED IDENTIFICATION CARD

Any retired officer Agency identification card that has been allowed to expire by the holder and has lapsed for 60 days or more beyond the expiration date without the retired officer contacting the Agency is not subject to renewal and will require a new application process, including a written request from the retired officer and the payment of any fees as required with an initial request.

### 220.8 RETENTION OF RECORDS

Records pertaining to the issuance of concealed weapon permits shall be maintained pursuant to the requirements of any other personnel record or state law.



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# Chapter 3 - General Operations



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# Response to Resistance

## 300.1 PURPOSE AND SCOPE

This Policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every employee of this Agency is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

### 300.1.1 DEFINITIONS

Definitions related to this Policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

### 300.1.2 RESPONSE TO RESISTANCE RELATED POLICIES

(a) Policy 300 - Response to Resistance

(b) Policy 301 - Response to Resistance Reporting and Review

(c) Policy 302 - Force Review Board

(d) Policy 306 - Restraint Devices

(e) Policy 308 - Control Devices and Techniques

(f) Policy 312 - Firearms

## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Agency recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

### 300.2.1 DUTY TO INTERCEDE

Any officer who witnesses another peace officer, in the pursuance of their law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, in the process of crowd or riot control, or in any other situation



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uses physical force which exceeds the degree of physical force permitted pursuant state law and this Policy shall report such use of force to such witnessing peace officer's immediate supervisor (based in part on C.R.S. §18-8-802 and C.R.S. §18-1-707).

(a) Should an officer have a question about what was observed, he or she is encouraged to discuss the matter with his or her immediate supervisor.

300.2.2 REPORTING

An officer who witnesses another peace officer using force in excess of that permitted pursuant to CRS § 18-8-802 must report such use of force to a supervisor. Subsequent written notification shall be within 10 days of the occurrence and include the date, time and place of the occurrence, the identity, if known, and description of the participants, and a description of the events and the force used (CRS § 18-8-802(1)(b)).

Although State statute requires that this report be made in writing within 10 days of the occurrence, officers of this Agency shall make such report within 24 hours of the occurrence.

(a) This report shall be submitted in written memorandum format to the witnessing officer's immediate supervisor, and shall include the date, time, and place of occurrence, the identity (if known) and description of the participants, and a description of the events and the force used.

(b) Once the witness officer makes the report to their supervisor, it shall then be the responsibility of that supervisor to make a report to the supervisor of the involved officer(s).

**300.3 USE OF FORCE**

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Agency. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.



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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this Policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

### 300.3.1 USE OF FORCE TO EFFECT AN ARREST OR PREVENT SUICIDE

Any officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he/she reasonably believes it necessary (CRS § 18-1-707(1)):

(a) To effect an arrest or to prevent the escape from custody of an arrested person, unless he/she knows that the arrest is unauthorized.

(b) To defend him/herself or a third person from what the officer reasonably believes to be the use, or imminent use, of physical force while effecting or attempting to effect the arrest of a suspect or while preventing or attempting to prevent the escape of a suspect.

A peace officer is justified in using reasonable and appropriate force upon another person when and to the extent he/she reasonably believes it necessary to thwart a person's attempt to commit suicide or inflict Serious Bodily Injury upon him/herself (C.R.S. § 18-1-703).

### 300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

(a) Immediacy and severity of the threat to officers or others.

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.



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(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling an actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed Agency-approved training. Officers utilizing any pain compliance technique should consider:

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be descalated or discontinued once the officer determines that compliance has been achieved.

**300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

(b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible. Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.

2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.



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### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle. Shots fired at or from a moving vehicle are rarely effective. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes deadly force is directed at the officer or others; and there is no reasonable alternative to stop the threat.

## 300.5 REPORTING THE USE OF FORCE

Any reportable use of force by an employee shall be documented promptly, completely, and accurately in a written report. In addition, notification to supervisors will be made as soon as practicable after the use of reportable force.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Agency may require the completion of additional report forms as specified in Agency Policy (including Policy 1021 - Early Intervention System) and applicable law.

Reportable force applications include the following:

(a) The application would lead a reasonable officer to conclude the individual may have experienced more than momentary discomfort.

(b) The individual subjected to the force expressed a complaint of pain or injury.

(c) Any application of a control device as described in Policy 308 - Control Devices and Techniques.

(d) The individual subjected to the force was rendered unconscious.

(e) An individual was struck or kicked in any manner.

(f) The application caused a visible injury, serious bodily injury or death.

(g) An individual alleges any of the above has occurred.

### 300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of a reportable use of force as defined above.

### 300.5.2 USE OF FORCE RESULTING IN DEATH OR SERIOUS BODILY INJURY

An employee who either causes, or is involved in, the use of force that causes the death or serious bodily injury to another person shall refer to the Officer Involved Incident Protocol, and to the extent reasonable under the circumstances:

(a) Render first aid.

(b) Immediately notify dispatch and a supervisor of the incident and location and request appropriate assistance.



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(c) Protect the integrity of the scene, all evidence, and instruments of force until asked to relinquish it by an authorized employee.

(d) Provide officers responding to the scene with a preliminary statement as to where the incident occurred, the location of all possible evidence, and the identity and whereabouts of any possible witnesses or suspects.

### 300.6 MEDICAL CONSIDERATION

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor, or if not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

### 300.7 SUPERVISOR RESPONSIBILITY

A supervisor will respond to an incident in which there has been a reportable use of force. The supervisor is expected to accomplish (a.) through (h.) below:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) Ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.



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(d) Identify any witnesses not already included in related reports.

(e) Review and approve all related reports.

(f) Complete a police report detailing the actions taken by the supervisor.

(g) In the event that the supervisor believes the incident may give rise to potential civil litigation, a confidential TDR should be completed and routed to appropriate personnel.

(h) The supervisor shall initiate a separate administrative investigation if it is reasonable to believe that an application of force by an officer was not reasonable or within Policy.

When a supervisor does not respond to the scene of an incident involving a reportable use of force, the supervisor is still expected to ensure completion of as many of the above items as circumstances permit.

300.7.1 WATCH COMMANDER RESPONSIBILITY

If any person receives serious bodily injury or death as a result police action, a Watch Commander will:

(a) Provide assistance to the involved employee(s) by:

1. Ensuring the involved employee is escorted to an appropriate location;
2. Ensuring the involved employee is placed in an area of limited access so that no unauthorized individuals can have access to the involved employee; and
3. Advising the involved employee to not discuss the case with unauthorized persons. Authorized persons include investigators working the criminal or administrative investigations, the employee's attorney or family/personal representative, or members of the Peer Support Team.

(b) Notify the on-call detective.

(c) Notify the involved employee's Deputy Chief .

(d) In the event that a supervisor cannot respond due to extraordinary circumstances, an experienced police officer may be substituted, but a supervisor is still expected to complete as many of the above items as is practicable.

## 300.8 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.



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# Response to Resistance Reporting and Review

## 301.1 PURPOSE AND SCOPE

This Policy sets forth procedures for reporting and review of the use of force by Agency employees. The intent of this Policy is to ensure that such incidents are investigated in a fair and impartial manner.

The reporting and review requirements of these incidents are determined by the level of force used, as defined in this Policy.

Nothing in this Policy is intended to increase, modify or in any way affect the current legal standards nor shall any deviation from these guidelines be considered a breach of any legal standard except where the deviation may effect an employee's employment.

## 301.2 TYPES OF FORCE IN RESPONSE TO RESISTANCE

The type of force used by an employee will determine the appropriate level of review. If there is uncertainty about which level of review is appropriate for a given incident, then the higher level should be assumed.

### 301.2.1 DEPLOYMENT VS. APPLICATION OF FORCE

For the purposes of the reporting requirements of this Policy that involve uses of force, the following terms apply:

(a) "Application" means that a control device or firearm was used or discharged upon a person to attempt to gain compliance.

(b) "Deployment" means that a Kinetic Energy Delivery System such as the Sage and Pepperball was brought to bear on a suspect and the operator acquired "sights on target" but no rounds were delivered.

### 301.2.2 TYPE 1 USE OF FORCE

The following incidents are Type 1 uses of force and will be reviewed by a supervisor:

(a) The application of OC Spray through the use of an Individual Protection Device.

(b) A take-down of a person.

(c) The application of a Police Baton.

(d) The application of personal weapons such as strikes and kicks.

(e) The application of any device or technique which causes bodily injury, other than temporary discomfort or pain, to any person and the force complies with Agency Policy, procedures, Directives and training.

(f) The deployment of a Kinetic Energy Delivery System or Conducted Energy Device if brought to bear on a suspect and the operator acquired "sights on target" but no rounds were delivered, or in the case of EMDT, an arc was displayed.



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By definition, a Type 1 Use of Force is force that does not cause serious bodily injury (CRS § 18-1-901(3)(p)) to any person.

301.2.3 TYPE 2 USE OF FORCE

The following incidents are Type 2 uses of force which will be reviewed by the Force Review Board:

(a) The application of a Kinetic Energy Delivery System (such as Sage or Pepperball.)

(b) The application of a Chemical Agent Delivery System other than through the use of an Individual Protection Device.

(c) The application of an Electro-Muscular Disruption Device (such as a TASER.)

(d) The application of a Police K-9 other than a narcotics detection dog.

(e) A vehicle pursuit.

(f) The application of any device or technique which causes serious bodily injury to any person and the force complies with Agency Policy, procedures, Directives and training, as determined below:

1. If a control device or technique, as defined in Policy 308 - Control Devices and Techniques, other than a firearm, results in serious bodily injury to any person, the Watch Commander shall immediately evaluate the incident and consult with the Division or authorized designee and consider, based upon the facts evident at the time, if the application of force complied with Agency Policy, procedures, Directives and training. If it is determined the use of force may not have complied with Agency Policy, then it shall be considered a Type 3 Use of Force for the purpose of further reporting and review.

301.2.4 TYPE 3 USE OF FORCE

The following incidents are Type 3 uses of force and automatically invoke the Officer Involved Incident Protocol (OIIP):

(a) A use of force results in the death of a person.

(b) A use of force results in the serious bodily injury of a person except as described in this Policy.

(c) A use of force causes injuries likely to result in death as determined by a physician.

(d) A firearm is intentionally discharged at a person, vehicle or structure regardless of whether an injury to a person occurs.

301.2.5 ELEVATION OF USE OF FORCE REVIEW

If an inquiry regarding an employee's use of force indicates the incident requires a different level of inquiry, the appropriate level of inquiry will be used.

(a) Supervisors may request that the Force Review Board review any Type 1 Use of Force with the approval of the Division Deputy Chief.



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(b) A Division Deputy Chief or authorized designee may invoke the OIIP on any incident with the approval of the Chief of Police.

### 301.3 REPORTING

(a) Employees must document any reportable use of force as defined in Policy 300 - Response to Resistance in a police report. Where applicable, the report will include a description of any threat made by a suspect or perceived by the employee, a description of the force used and the result of the use of force.

1. Employees involved in a Type 1 or Type 2 Use of Force will complete, prior to the end of their shift, an Early Intervention System (EIS) incident report to collect data for purposes of training, resource allocation, analysis and related purposes as described in Policy 1021- Early Intervention System.

(b) Reporting the use of a Type 3 Use of Force will comply with Policy 1020 - Administrative Investigations, and may be accomplished through an interview with investigative personnel assigned to this investigation. In such cases, a supervisor will complete the EIS incident report.

### 301.4 ADMINISTRATIVE LEAVE

An employee who is involved in a Type 3 Use of Force will be placed by the employee's Deputy Chief or authorized designee on administrative leave as defined in Policy 1020 - Administrative Investigations and the applicable collective bargaining agreement.

(a) In the case of a duty-related incident involving serious bodily injury to another person, not involving firearms, but involving other control devices or techniques as defined in Policy 308 - Control Devices and Techniques, the involved employee may or may not be placed on administrative leave at the discretion of the employee's Deputy Chief or the Chief.

#### 301.4.1 POST-INCIDENT URINE AND BREATH TESTING

An officer who is involved in a duty-related use of force that results in the death of a person will be requested to undergo urine and/or breath testing for the presence of alcohol or controlled substances in the officer's body as part of the administrative investigation into the incident, such testing is described in Policy 1012 - Alcohol and Drug Use.

(a) Testing will not be required absent a supervisor's determination that there is reasonable suspicion that the employee is physically impaired by alcohol or other intoxicants.

(b) An officer's refusal to take the tests or to cooperate in the provision of the samples may subject the officer to disciplinary action up to and including termination of employment. The officer will be tested as soon as possible following the incident, but not to exceed eight hours for alcohol testing and thirty-two hours for drug testing. The testing procedure shall be as set forth in the Procedures for Transportation Workplace Drug Testing Programs as described at 49 CFR Part 40, using the split sample method. The results of the tests conducted pursuant to this provision cannot be used against the officer in any subsequent criminal proceedings.



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An officer who is involved in a duty-related use of force that results in serious bodily injury to a person will only be required to provide urine and breath samples for testing pursuant to an administrative investigation or a supervisor's determination that there is reasonable suspicion that the employee is physically impaired by alcohol or other intoxicants.

### 301.5 REVIEW OF TYPE 1 USES OF FORCE

A supervisor shall provide review of a Type 1 Use of Force. If an incident involves multiple employees with different supervisors, a Lieutenant will designate which supervisor will conduct the review. A supervisor who used force during an incident shall not conduct the review.

The responsible supervisor will conduct a thorough review of all police reports related to the incident.

(a) Incomplete or inadequate reports shall be returned for additional details or clarification.

(b) The supervisor will review and approve the completeness and accuracy of the EIS incident report.

(c) The supervisor will make a determination as to whether the use of force was reasonable.

1. If the supervisor determines the use of force did not comply with Agency Policy, training or procedures, the supervisor will initiate a performance complaint or an administrative investigation, as appropriate.

2. If the supervisor determines the use of force did not comply with any law, the supervisor will immediately notify the employee's Lieutenant and the Division Deputy Chief and a criminal and administrative investigation will commence.

When a supervisor reviews and approves all police reports and EIS incident reports without taking further action, the use of force is deemed to have been reasonable.

### 301.6 REVIEW OF TYPE 2 USES OF FORCE

The Force Review Board will provide review of Type 2 Uses of Force. For consistency, After Actions Reports should be prepared for the Force Review Board by an employee's Lieutenant, the Watch Commander or the SWAT Commander, as appropriate. The After Action Report will follow the form described in this Policy.

(a) The After Action Report will be forwarded to the Force Review Board for review.

1. The Force Review Board will determine whether or not an employee's use of Type 2 force was reasonable.

(a) If the Board determines the use of force did not comply with Agency Policy, training or procedures the chairperson of the Force Review Board will initiate the appropriate level of administrative investigation, as appropriate.

(b) If the Board determines the use of force did not comply with any law, the chairperson of the Force Review Board will immediately notify the employee's



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supervisor, Lieutenant and the Division Deputy Chief and a criminal and administrative investigation will commence.

2. If the Force Review Board reviews the After Action Report and EIS incident reports without taking further action, the use of force is deemed to have been reasonable.

301.6.1 AFTER ACTION REPORTS - FORM

- Section 1: Synopsis providing general information about the incident, including:
  - Names of employee(s) using force.
  - Names of witness employees.
  - Description of force used.
  - Description of injuries to any person.
  - Description of any damaged property.
  - The tactics used throughout the incident.
  - The quality of supervision during and after the incident
  - The performance of the control devices, vehicles or Police K9's
- Section 2: EIS incident report.
- Section 3: Incident reports, statements, evidence sheets, recordings and photographs.
- Section 4: Incident specific reports or templates:
  - Templates for K-9 applications shall be maintained by the Canine Lieutenant.

## 301.7 REVIEW OF TYPE 3 USES OF FORCE

During the investigation of a Type 3 Use of Force, both a criminal investigation and an administrative investigation shall commence immediately after the incident occurs and the OIIP will be invoked.

(a) Except as otherwise provided in Agency Policy, any administrative or criminal investigation required under this Policy shall be conducted in accordance with all applicable provisions of Policy 1020 - Administrative Investigations and the applicable collective bargaining agreement.

(b) The unit(s) responsible for investigating a particular incident shall prepare and submit appropriate reports or briefings to the Chief of Police on the next working day following the incident or as soon thereafter as practical.

301.7.1 TYPE 3 USE OF FORCE, CRIMINAL INVESTIGATION

(a) Unless the Chief has designated an outside law enforcement department to conduct the criminal investigation, the Agency's Criminal Investigations Division is responsible for conducting criminal investigations of duty-related use of force incidents. The investigation



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shall be under the control of a Detective Lieutenant or an authorized designee who may request assistance from whatever sources he or she deems appropriate in completing the investigation.

(b) Proper advisement of the employee during the criminal investigation phase will be utilized in a manner to protect the integrity of the investigation and preservation of the employee's constitutional rights.

(c) The officer(s) conducting the criminal investigation shall not be the same officer(s) conducting the administrative investigation.

1. The criminal investigation shall provide factual information to the administrative investigation for the Agency's internal use.

(d) The criminal investigation shall concentrate on gathering facts and evidence and not evaluate the incident. The facts and evidence will be presented to the District Attorney, for a determination if anyone committed a crime.

(e) The Criminal Investigations Division Deputy Chief or an authorized designee shall submit a detailed report of the results of the criminal investigation to the Chief of Police.

301.7.2 TYPE 3 USE OF FORCE, ADMINISTRATIVE INVESTIGATION

The Professional Standards Unit is responsible for conducting administrative investigations on certain use of force incidents, including all Type 3 Use of Force incidents. The Professional Standards Unit Lieutenant or an authorized designee may request assistance from whatever sources he or she deems appropriate in completing the investigation. The investigative personnel involved in the administrative investigation shall not be involved in the criminal investigation.

(a) The investigation shall be conducted to determine if the involved employee's conduct was consistent with Agency Policies, procedures, Directives, and training.

1. At a minimum, the investigation should provide enough information to permit assessment of the following:

(a) If the actions of the involved employee violated any Agency Policies or Directives, and whether they were intentional or accidental.

(b) If the actions of the involved employee were consistent with Agency-approved training.

(c) The discharge of a firearm, if one was involved.

(d) The tactics used prior to the incident.

(e) The quality of supervision prior to, during, and after the incident.

(b) The Professional Standards Unit Lieutenant or his/her designee shall submit a detailed report of the results of the administrative investigation to the Force Review Board and the employee's Deputy Chief for review and recommendations. Subsequently it may also be



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sent to the Citizen Review Board as provided for in the City's Code and Policy 1060 - Citizen Review Board.



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# Force Review Board

## 302.1 PURPOSE AND SCOPE

The Force Review Board shall convene regularly (as determined by the chairperson) or upon order of the Chief of Police to review the circumstances attendant to any incident covered under this Policy. The members of the Force Review Board will maintain the confidentiality of the administrative investigation files to the extent required by law and this Manual.

## 302.2 POLICY

(a) The Agency is charged with the responsibility of objectively evaluating use of force by its employees. It is the Policy of this Agency to convene a Force Review Board to review use of force incidents, including:

1. A Type 1 Uses of Force when authorized by the a Division Deputy Chief
2. All Type 2 and Type 3 Uses of Force as defined by Policy 301 - Response to Resistance Reporting and Review.

(b) The Chief of Police may convene a Force Review Board to investigate any use of force incident as he/she deems appropriate.

### 302.2.1 COMPOSITION OF THE BOARD

A Force Review Board can have two different compositions, depending on the incident being reviewed.

- A Standing Force Review Board will meet regularly to review a Type 2 Uses of Force.
- A Special Force Review Board will convene to review a Type 3 Uses of Force.

The Standing Force Review Board shall consist of:

(a) The Patrol Administrative Lieutenant who will serve as the chairperson of the Standing Force Review Board.

(b) The Patrol Lieutenant Staff

1. Any other individual(s) deemed appropriate by the Patrol Administrative Lieutenant.
2. If the involved officer is not assigned to the Patrol division, the officer's lieutenant will present information pertaining to the use of force to the Patrol Lieutenant staff and that lieutenant will be considered a member of the standing review board during consideration of that use of force.
3. Use of force by SWAT is considered a Patrol review, regardless of the division the involved employee works in.

A Special Force Review Board shall consist of the following members:



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(a) The Deputy Chief of the involved employee who will serve as the chairperson of the Special Force Review Board in the place of the Patrol Administrative Lieutenant.

(b) A Lieutenant who is not involved in the incident and is appointed by the chairperson.

(c) An Agency employee selected by the involved employee (the role of this employee will be to ensure that all relevant information regarding the case, from the involved officer's perspective, is presented to the Special Force Review Board).

(d) The Professional Standards Lieutenant, or his or her designee, shall submit the investigative information to the Special Force Review Board and serve as an informational resource. The individual's role is to provide clarification to the Special Force Review Board, but not participate in discussion.

(e) The Training Sergeant.

(f) A supervisory member of the Firearms Training Unit.

(g) A supervisory member of the Defensive Tactics Team.

(h) A supervisory member of the SWAT Team.

(i) A Dispatch supervisor.

(j) Any other individual(s) deemed appropriate by the Chief of Police.

### 302.2.2 RESPONSIBILITIES OF A FORCE REVIEW BOARD

(a) Both compositions of the Force Review Board shall serve the same purpose, which is to evaluate each aspect of the incident. This evaluation shall include, but not be limited to:

1. A thorough review of all reports and material associated with the case.
2. Testimony if necessary from involved or witness officers, other Agency employees and witnesses.
3. At a minimum, a Force Review Board shall consider the following aspects of the case:
    (a) Initial call for police response including dispatch of the incident;
    (b) Overall response of officers;
    (c) Supervision of the incident;
    (d) Subject officer(s) actions;
    (e) Effectiveness of any control devices or techniques used;
    (f) Rendering of first aid;
    (g) Gatekeeper responsibilities (if a Gatekeeper was used);
    (h) Crime scene management;



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(i) Incident command management;

(j) Case investigation;

(k) Internal affairs investigation, if any; and

(l) Any other issues the Force Review Board believes are relevant.

302.2.3 STANDING FORCE REVIEW BOARD

A Standing Force Review Board shall meet at regular intervals to evaluate the reasonableness of Type 2 Uses of Force by reviewing the After Action Report prepared by the respective Watch Commander and any other material deemed necessary by the chairperson. The Standing Board will make a finding that the force was reasonable or unreasonable given the circumstances known to the officer at the time.

(a) If the Board takes no further action after an incident review, the use of force will be deemed reasonable.

(b) If the Board finds the use of force was not reasonable, the chairperson of the Board, may deliver to the involved employee's Deputy Chief detailing its findings.

If the Board determines there is information requiring immediate action, a copy of the report will be provided to the Chief of Police.

If the type of force used requires a review as described in Policy 1060 - Citizen Review Board and the applicable provisions of the Fort Collins Municipal Code 2-136 through 2-142, the chairperson of the Board shall forward a final report of its findings to the Professional Standards Unit.

302.2.4 SPECIAL FORCE REVIEW BOARD

A Special Force Review Board shall make findings as to the reasonableness of the force used and shall submit a report of its findings and recommendations to the Chief of Police in the following areas:

(a) The chairperson shall have ten days after the completion of the Special Force Review Board's review to submit this report to the Chief of Police.

The Chief of Police shall review the report and within thirty days return his findings to the chairperson of the Special Force Review Board. The Chief may delegate appropriate follow up to the Board.

If the type of force used requires a review as described in Policy 1060 - Citizen Review Board, the chairperson of the Board shall forward its findings to the Professional Standards Unit. The chairperson shall have ten days after the completion of the Special Force Review Board 's review to submit this report unless an extension of time is granted by the Chief.

If the Board determines there is information requiring immediate action, a copy of the report will be provided to the Chief of Police.



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### 302.3 CONFIDENTIALITY OF INFORMATION

Documentation provided to a Force Review Board shall have the same legal character as documentation in possession of Internal Affairs. No member of a Force Review Board may release information regarding its review to anyone without the authorization of the Chief of Police.

### 302.4 TRAINING

The Professional Standards Lieutenant shall ensure that members of the Standing Force Review Board complete training in the following subjects:

(a) Agency use of force Policies, use of force application and practices including demonstrations of training techniques.

(b) Agency use of force investigation procedures.

(c) Criminal and administrative investigation techniques, practices and standards.

(d) Legal updates on use of force case law and civil liability considerations.

(e) Officer-involved shootings, the Officer-involved Incident Protocol and vehicle pursuit related matters.



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# Restraint Devices

## 306.1 PURPOSE AND SCOPE

This Policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

## 306.2 POLICY

The Agency authorizes the use of restraint devices in accordance with this Policy, the Response to Resistance Policy and Agency training. Restraint devices shall not be used to punish, to display authority or as a show of force.

## 306.3 USE OF RESTRAINTS

Only officers who have successfully completed Agency-approved training on the use of restraint devices described in this Policy are authorized to use these devices.

When deciding whether to use any restraint, officers should carefully balance officer safety concerns with factors that include, but are not limited to:

- The circumstances or crime leading to the arrest.
- The demeanor and behavior of the arrested person.
- The age and health of the person.
- Whether the person is known to be pregnant.
- Whether the person has any other apparent disability.

### 306.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to assure the safety of officers and others. When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 306.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.



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306.3.3 RESTRAINT OF JUVENILES

A juvenile under 14 years of age should not be restrained unless he/she is suspected of a dangerous felony or when the officer has a reasonable suspicion that the juvenile may resist, attempt escape, injure him/herself, injure the officer or damage property.

306.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during transportation to the jail.

## 306.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person's hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Agency. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

Routinely, handcuffs should be applied with the hands behind the person's back. Handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the individual or may cause unreasonable discomfort due to the person's size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

## 306.5 APPLICATION OF SPIT HOODS

Spit hoods are temporary protective devices designed to prevent the wearer from biting and/or transferring or transmitting fluids (saliva and mucous) to others.

Spit hoods may be placed upon persons in custody when the officer reasonably believes the person will bite or spit, either on a person or in an inappropriate place. They are generally used during application of a physical restraint, while the person is restrained, or during or after transport.

Officers utilizing spit hoods should ensure that the spit hood is fastened properly to allow for adequate ventilation and that the restrained person can breathe normally. Officers should provide assistance during the movement of restrained individuals due to the potential for impaired or distorted vision on the part of the individual. Officers should avoid comingling individuals wearing spit hoods with other detainees.



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Spit hoods should not be used in situations where the restrained person is bleeding profusely from the area around the mouth or nose, or if there are indications that the person has a medical condition, such as difficulty breathing or vomiting. In such cases, prompt medical care should be obtained. If the person vomits while wearing a spit hood, the spit hood should be promptly removed.

Detainees who have been placed in a spit hood should be continually monitored and shall not be left unattended until the spit hood is removed. Spit hoods shall be discarded after each use.

## 306.6 APPLICATION OF LEG RESTRAINT DEVICES

Leg restraints may be used to restrain the legs of a violent or potentially violent person when it is reasonable to do so during the course of detention, arrest or transportation. Only restraint devices approved by the Agency shall be used.

In determining whether to use the leg restraint, officers should consider:

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a suspect.

(b) Whether it is reasonably necessary to protect the suspect from his/her own actions (e.g., hitting his/her head against the interior of the patrol unit, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol unit).

### 306.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

(a) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(b) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(c) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(d) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(e) When transported by ambulance/paramedic unit, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).



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### 306.7 REQUIRED DOCUMENTATION

If an individual is restrained and released without an arrest, the officer shall document the details of the detention and the need for handcuffs or other restraints in a police report.

If an individual is arrested, the use of restraints other than handcuffs shall be documented in the related report.



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# Control Devices and Techniques

## 308.1 PURPOSE AND SCOPE

This Policy provides guidelines for the use and maintenance of Agency-issued control devices.

## 308.2 POLICY

In order to control subjects who are violent or who demonstrate the intent to be violent, the Agency authorizes officers to use control devices in accordance with the guidelines in this Policy and the Response to Resistance Policy.

## 308.3 ISSUING, CARRYING AND USING CONTROL DEVICES

Control devices described in this policy may be carried and used by members of this department only if the device has been issued by the Agency or approved by the Chief of Police or the authorized designee.

Only officers who have successfully completed department-approved training in the use of any control device are authorized to carry and use the device.

Control devices may be used when a decision has been made to control, restrain or arrest a subject who is violent or who demonstrates the intent to be violent, and the use of the device appears reasonable under the circumstances. When reasonable, a verbal warning and opportunity to comply should precede the use of these devices.

When using control devices, officers should carefully consider potential impact areas in order to minimize injuries and unintentional targets.

### 308.3.1 PROHIBITED ITEMS

Only batons issued or approved by the Agency may be used. The following similar items are specifically prohibited for use by officers:

(a) Saps, slaps, Billy clubs, and other similar type items;

(b) Sap gloves and other similar type weighted items; and

(c) Wrist claws, vices, and any other type of twisting or pressure items.

## 308.4 RESPONSIBILITIES

### 308.4.1 TRAINING SERGEANT RESPONSIBILITIES

The SWAT Commander may authorize the use of additional control devices for the SWAT Team who have successfully completed the required training.

### 308.4.2 INVENTORY AND CONTROL

The Training Sergeant shall control the inventory and issuance of control devices and shall ensure that damaged, inoperative, outdated or expended control devices are properly disposed of,



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repaired or replaced. The SWAT Commander has the same responsibility for additional devices issued to SWAT Team members.

Control devices will be periodically inspected by the Training Sergeant or the designated instructor for a particular control device. The inspection shall be documented in Agency training files.

308.4.3 USER RESPONSIBILITIES
All normal maintenance, charging or cleaning shall remain the responsibility of personnel using the various devices.

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Sergeant for disposition.

## 308.5 BATON GUIDELINES

The need to immediately control a suspect must be weighed against the risk of causing serious injury. The head, neck, throat, spine, heart, kidneys and groin should not be intentionally targeted except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers are required to carry an Agency-approved police baton while in uniform. When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

## 308.6 CHEMICAL AGENTS GUIDELINES

Chemical agents may be used for crowd control, crowd dispersal or against barricaded suspects. Supervisors and Swat Team members who have been appropriately trained may authorize the delivery and use of chemical agents only after evaluating all conditions known at the time and determining that such force is reasonable.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of chemical agents to assist if needed.

## 308.7 OLEORESIN CAPSICUM (OC) GUIDELINES

As with other control devices, oleoresin capsicum (OC) spray and pepper projectiles may be considered for use to bring under control an individual or groups of individuals who are engaging in, or are about to engage in violent behavior. Pepper projectiles and OC spray should not, however, be used against individuals or groups who merely fail to disperse or do not reasonably appear to present a risk to the safety of officers or the public.

308.7.1 OC SPRAY
Uniformed personnel will carry OC spray on the equipment belt. Plainclothes and non-field personnel may carry OC spray as authorized, in accordance with the needs of their assignment or at the direction of their supervisor.



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308.7.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel deploying a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

Officers encountering a situation that warrants the use of a pepper projectile system shall notify a supervisor as soon as practicable. A supervisor shall respond to all pepper projectile system incidents where the suspect has been hit or exposed to the chemical agent. The supervisor shall ensure that all notifications and reports are completed as required by the Policy 300 - Response to Resistance.

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect with sights on target, whether or not the launcher was used. Accidental discharges shall be promptly reported to a supervisor and documented on the appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

308.7.3 TREATMENT FOR EXPOSURE

Persons who have been sprayed with or otherwise affected by the use of chemical agents should be promptly provided with clean water to cleanse the affected areas, when practicable. Those persons who complain of further severe effects shall be examined by appropriate medical personnel.

## 308.8 POST-APPLICATION NOTICE

Whenever tear gas or OC has been introduced into a residence, building interior, vehicle or other enclosed area, officers should provide the owners or available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owner’s expense. Information regarding the method of notice and the individuals notified should be included in related reports.

## 308.9 KINETIC ENERGY PROJECTILE GUIDELINES

This department is committed to reducing the potential for violent confrontations. Kinetic energy projectiles, when used properly, are less likely to result in death or serious physical injury and can be used in an attempt to de-escalate a potentially deadly situation.

308.9.1 DEPLOYMENT AND USE

Only department-approved kinetic energy munitions shall be carried and deployed. Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.



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Officers are not required or compelled to use approved munitions in lieu of other reasonable tactics if the involved officer determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

Circumstances appropriate for deployment include, but are not limited to, situations in which:

(a) The suspect is armed with a weapon and the tactical circumstances allow for the safe application of approved munitions.

(b) The suspect has made credible threats to harm him/herself or others.

(c) The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

(d) There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

308.9.2 DEPLOYMENT CONSIDERATIONS

Before discharging projectiles, the officer should consider such factors as:

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

A verbal warning of the intended use of the device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to give the individual a reasonable opportunity to voluntarily comply and to warn other officers and individuals that the device is being deployed.

Officers should keep in mind the manufacturer's recommendations and their training regarding effective distances and target areas. However, officers are not restricted solely to use according to manufacturer recommendations. Each situation must be evaluated on the totality of circumstances at the time of deployment.

The need to immediately incapacitate the subject must be weighed against the risk of causing serious injury or death. The head and neck should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.



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### 308.10 TRAINING FOR CONTROL DEVICES

The Training Sergeant shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or recertified as necessary.

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.



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# Electronic Control Weapons

## 309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance, use and training of Electronic Control Weapons.

## 309.2 POLICY

The ECW is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

## 309.3 ISSUANCE AND CARRYING ECW

Only officers who have successfully completed department-approved training may be issued and carry an ECW. All uniformed personnel who are issued an ECW will carry it when on duty and in uniform, unless required to secure the ECW while in a secure facility or location.

ECWs are issued for use during an officer's current assignment. Those leaving a particular assignment may be required to return the device to the department's inventory.

Officers shall only use the ECW and cartridges that have been issued by the Department. Uniformed officers who have been issued the ECW shall wear the device in an approved holster on their person. Non-uniformed officers may secure the ECW in the driver's compartment of their vehicle when on duty. The ECW will be secured in an approved locked container within the vehicle or removed from the vehicle when the officer is not on duty.

Officers carrying the ECW should perform a spark test on the unit prior to every shift.

When carried, officers shall carry the ECW on the front of the duty belt on the weapon side and deploy it with the reaction side hand.

(a) All ECWs shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Officers will carry two cartridges on their person when carrying the ECW, one in the ECW and in an approved carry method.

(c) Officers shall be responsible for ensuring that their issued ECW is properly maintained and in good working order.

(d) Officers shall not routinely hold both a firearm and the ECW at the same time except briefly during a weapons transition, or the escalation or de-escalation of force.

(e) SWAT or other non-uniformed specialized units, with approval from their Deputy Chief, may be authorized to carry the ECW in an approved holster other than in a weapon side cross-draw holster. However, the ECW will only be carried in a manner to be drawn with the reaction hand after successfully completing alternate carry training.



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## 309.4 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the ECW should precede its application, unless it would otherwise endanger the safety of citizens or officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the ECW may be deployed.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the ECW in the related report.

## 309.5 USE OF THE ECW

The ECW has limitations and restrictions requiring consideration before its use. The ECW should only be used when its operator can safely approach the subject within the operational range of the device. Although the ECW is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared to transition to other reasonable use of force options.

### 309.5.1 APPLICATION OF THE ECW

The ECW may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated by words or action, the intent to use defensive resistance, or higher, against the officer or another.

(c) The subject is about to commit suicide or inflict serious bodily injury upon himself/herself.

Mere flight from a pursuing officer, without other known circumstances or factors, is not sufficient cause for the use of the ECW to apprehend an individual.

### 309.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the ECW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

(b) Individuals with increased physical injury potential due to age; elderly or very young; or physical condition; frail or underweight.

(c) Individuals who are handcuffed or otherwise restrained.



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(d) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any combustible vapor or flammable material known to the officer.

(e) Individuals whose position or activity may result in increased injury (e.g., falls from height, operating vehicles).

Because the application of the ECW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to transition to other use of force options.

The ECW shall not be used for psychological intimidation, to elicit statements or to punish any individual.

### 309.5.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target the front lower center mass or back and avoid the head, neck, chest and groin. If the dynamics of the situation or officer safety do not permit the officer to limit the application of the ECW probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

### 309.5.4 MULTIPLE APPLICATIONS OF THE ECW

Officers should apply the ECW for only one standard cycle and then evaluate the situation before applying any subsequent cycles and anticipate transitioning to other use of force options. Multiple applications of the ECW against a single individual should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the ECW appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the ECW, including:

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one ECW at a time against a single subject.

### 309.5.5 ACTIONS FOLLOWING APPLICATION DEPLOYMENTS

Officers shall notify a supervisor of all ECW discharges. Identification tags (AFIDs) should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The probes shall be encased and secured within the spent cartridge, prior to entry into evidence. The cartridge serial number should be noted and documented on the evidence



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paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.5.6 DANGEROUS ANIMALS
The ECW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective. This policy does not eliminate the use of a firearm against an animal in order to protect a citizen or officer from serious bodily injury or death.

309.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department ECWs while off-duty unless engaged in authorized outside police employment.

Officers shall ensure that ECWs are secured while off-duty, in a manner that will keep the device inaccessible to others.

**309.6 DOCUMENTATION**
Officers shall document all ECW discharges in the related arrest/crime report and as required by "Response to Resistance Reporting and Review: Policy 301" and the "Early Intervention System (EIS): Policy 1021". Notification shall also be made to a supervisor in compliance with the Response to Resistance Policy. Unintentional discharges, pointing the device at a person, laser activation will also be documented in the Early Intervention System.

309.6.1 EIS ENTRY
Items that shall be included in the EIS Entry report form are:

(a) Cartridge type and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display or laser deterred a subject and gained compliance.

(d) The number of ECW activations and the duration of the cycle(s).

(e) The range at which the ECW was used.

(f) The type of mode used (probe or drive-stun).

(g) Location of any probe impact.

(h) Location of contact in drive-stun mode.

(i) Description of where the missed probes went.

(j) Whether medical care was provided to the subject.

(k) Whether the subject sustained any injuries.

(l) Whether any officers sustained any injuries.

The SWAT Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The SWAT Sergeant should also conduct audits of data downloads



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and reconcile ECW report forms with recorded activations. ECW information and statistics, with identifying information removed, should periodically be made available to the public.

309.6.2 APPLICATION REPORTS
The officer should include the following in the arrest/crime report:

(a) Identification of all personnel firing ECWs.

(b) Any verbal warnings given.

(c) Identification of witnesses.

(d) Medical care provided to the subject.

(e) Observations of the subject's physical and physiological actions.

(f) Any known or suspected drug use, intoxication or other medical problems.

## 309.7 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only trained officers shall remove the probes from a suspect. If the probes have imbedded in a sensitive area (head, groin, face, neck or breast area on a female) then removal shall be done by medical professionals. Used ECW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by ECW probes or who have been subjected to the electric discharge of the device shall be medically cleared at the hospital prior to booking. If any individual refuses medical attention at the hospital, such a refusal should be witnessed by another officer and/or medical personnel and shall be documented in related reports. If an audio recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the ECW.

## 309.8 SUPERVISOR RESPONSIBILITIES

When possible, supervisors should respond to calls when they reasonably believe there is a likelihood the ECW may be used. A supervisor should respond to all incidents where the ECW was activated.

A supervisor should review each incident where a person has been exposed to an activation of the ECW. The device's onboard memory should be downloaded through the data port by a supervisor, the SWAT Sergeant, or their designee and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

## 309.9 TRAINING

Personnel who are authorized to carry the ECW shall be permitted to do so only after successfully completing the initial department-approved training. Any personnel who have not carried the ECW



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as a part of their assignment for a period of six months or more shall be recertified by department-approved ECW instructors prior to again carrying or using the device.

Proficiency training for personnel who have been issued ECWs should occur annually. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by any supervisor. All training and proficiency for ECWs will be documented in the officer's training file.

Command staff, supervisors and investigators should receive ECW training as appropriate for the investigations they conduct and review.

Officers who do not carry ECWs shall receive training that is sufficient to familiarize them with the device and with working with officers who use the device.

The SWAT Sergeant is responsible for ensuring that all officers who carry ECWs have received initial and annual proficiency training. Periodic audits should be used for verification.

Application of ECWs on officers during training could result in injury to personnel and are not required for certification. Annual ECW training shall include:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing reaction hand draws or cross-draws to reduce the possibility of accident drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Multi-officer tactics and handcuffing a subject during the application of the ECW.

(f) Proper verbal commands related to escalation and de-escalation techniques.



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# Firearms

## 312.1 PURPOSE AND SCOPE

This Policy establishes procedures for the acquisition, use, and documentation of training concerning duty firearms. The Chief of Police or the authorized designee shall approve all duty firearms before they are acquired and utilized by any employee of this Agency.

### 312.1.1 POLICY

(a) Only certified personnel who have met all state and Colorado Peace Officer Standards and Training (POST) requirements and have been authorized by the Chief of Police shall have the peace officer privilege to carry a firearm both on- and off-duty (CRS § 16-2.5-101).

(b) Officers may carry a handgun in an official police capacity only after completing the following:

1. An Agency-approved qualification course and a minimum of 44 hours of training including but not limited to the below-listed topics:

   (a) Agency Directives, Policies and procedures related to firearms,

   (b) State laws and Agency Directives, Policies or procedures related to the use of deadly force,

   (c) Firearms safety and range safety rules, and

   (d) Training on the current system of operation and tactical deployment of the handgun including handling, maintenance, manipulation, shooting and combat tactics.

2. Registration of all personally owned and Agency-issued weapons which will be carried on-duty, off-duty, or as a back-up weapon.

(c) No firearm, handgun or rifle shall be carried or used by any officer in an official capacity, other than training for that particular firearm, prior to completion of a Request for Authorized Firearm form. The form MUST be signed by the requesting officer, the armorer who has inspected the firearm, and then approved by the Firearms Training Unit (FTU) Coordinator or their designee before the officer carries the firearm in an official capacity.

(d) Additionally, the officer must successfully qualify with the firearm before it is carried in an official capacity.

(e) It shall be the responsibility of the FTU Coordinator to ensure through periodic inspections conducted by Agency armorers that all weapons are in good working order, are within the manufacturer's specifications, and conform to Agency standards, Policies and Directives.

(f) No officer who is prohibited from possessing or carrying a firearm under any State or Federal law shall possess or carry a firearm under this Policy.



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## 312.2 FIREARMS POSSESSION

(a) Officers are required to carry on their person a fully loaded, authorized firearm at all times while on-duty.

1. The requirement to carry a firearm while on-duty may be waived, in writing, by the officer's Deputy Chief when such waiver is appropriate to the officer's assignment.

(b) Sworn personnel, working in plain-clothes assignments and carrying a firearm shall have official Agency photo identification on his/her person. Officers will have their badge or other official Agency ID displayed in such a way so as to be clearly visible if the firearm is visible.

(c) Officers shall have official Agency photo identification on his/her person whenever a firearm is carried off-duty. Officers will have their badge or other official Agency ID displayed in such a way so as to be clearly visible if the firearm is visible.

(d) Officers, while driving an Agency vehicle off-duty, are required to carry on their person an authorized firearm in a holster and a minimum of one additional fully loaded magazine in order to reload their handgun one time.

(e) An officer in an off-duty capacity and not driving an Agency vehicle who elects not to carry a firearm shall not be subject to any disciplinary action if an occasion should arise in which he/she could have taken police action had he/she been armed, but did not take action due to the absence of a firearm.

(f) Any firearm, other than the issued rifle, left unattended in an Agency vehicle must be kept out of sight and the vehicle must remain locked at all times when it is unoccupied.

### 312.2.1 FIREARMS SAFETY

The FTU will provide every officer with training on the Absolute Safety Rules established by the POST as well as any applicable range safety rules or safety procedures specific to a particular training exercise.

The Firearms Instructors are responsible for providing a safe training environment for employees. An FTU instructor is authorized to take any steps necessary up to and including suspension of training and/or removal of an officer from the range to ensure safety.

(a) The Firearms Instructors will have a Safety Plan on hand at every training and/or qualification session and review it with all attending personnel prior to the commencement of any firearms training

(b) The Safety Plan will include the following information:

1. Date, time and location of the training, including the address and GPS coordinates (if applicable).
2. Phone numbers for the training location, if available.
3. Name of the Primary FTU Instructor who is in charge of the training for that day.



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4. First-aid procedures, including designating people for first-aid, transportation and communication with emergency services. The location of the nearest medical facility should also be reviewed.
5. Treatment procedures of both minor and major injuries.

(c) All sworn officers are responsible to conduct themselves in a safe manner and in accordance with Agency approved training while handling firearms.

(d) Failure on the part of an officer to adhere to the Absolute Safety Rules established by POST or any range safety rules or procedures may result in corrective action up to and including dismissal from the range by an FTU Instructor. Gross or repeated violations of safety procedures may also be cause for disciplinary action against the officer.

(e) Repeated failures of an officer to handle or manipulate a firearm correctly may be cause for the Agency to require appropriate remedial training of that officer.

(f) In the event of an unintentional discharge of a firearm by an employee, regardless of the environment in which it occurs, the FTU Coordinator or their designee will review the event to determine the contributing factors to the unintentional discharge and what, if any changes in training, equipment, or procedures may be necessary to prevent future similar incidents. The review will also include any remedial training provided or recommended by Firearms Instructors.

1. This review will be conducted in conjunction with any investigation conducted pursuant to the Discharge of Firearms Policy regarding unintentional discharges. The FTU Coordinator or their designee will avail themselves to any supervisor investigating an unintentional discharge regarding any firearms training, equipment or procedural questions.
2. The results of this review will be submitted to the Professional Standards Lieutenant for review and presentation to the Executive Staff if necessary. A copy of the results will also be submitted to the involved officer's supervisor and the Training Unit.
3. If necessary, the review by the FTU may take place after any criminal or administrative investigation in accordance with applicable Policies.

312.2.2 STORAGE OF FIREARMS AT HOME

(a) Officers are expected to take reasonable measures to maintain control over all of their registered firearms while on and off-duty to prevent them from being accessed by unauthorized persons.

(b) The FTU will provide each new officer recommendations and information on properly securing firearms in their homes and in other places in order to increase safety and to prevent unauthorized persons from accessing an officer's firearms.



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### 312.3 AGENCY-ISSUED FIREARMS

(a) Each police officer will be issued an Agency-issued handgun which shall be carried while the officer is in the official Patrol uniform:

1. The make, type, caliber, sights, accessories and all other options for Agency-issued handgun will be determined by the Agency.
2. Executive staff sworn officers may carry an Agency-approved compact or sub-compact handgun while in uniform and engaged in administrative duties.

(b) Agency-issued firearms shall not be altered from factory specifications, nor accessories added to any Agency-issues handgun, except as authorized in writing by the FTU Coordinator.

(c) Only Agency-issued magazines shall be used with the Agency-issued firearms during any deployment or official Agency training or qualification.

#### 312.3.1 HOLSTERS

(a) While officers are in the official Patrol uniform Agency-issued handguns will be carried in the issued Uniform Duty Holster. Spare magazines will be carried in the issued magazine pouch.

(b) While in plain-clothes and on-duty, officers will carry their handgun in a weapon-side hip holster made to fit the handgun used and with appropriate retention.

1. The Deputy Chief over the division may authorize, in writing, an officer to carry their firearm in a location other than the weapon-side hip only when such carry is appropriate to the officer's assignment and after the officer has received sufficient training in such carry.
2. Fanny pack or similar bag-type holsters are prohibited for conealed carry for firearms.
3. Cross-draw and shoulder holsters are prohibited except for carry of Back-up Handguns mounted to personal body armor and worn under the uniform shirt.
4. Ankle holsters are allowed for back-up carry by uniformed officers or plain-clothes carry while off-duty after appropriate training has been received from the FTU.

(c) Any holster must be worn and used for Agency qualifications in the manner it is designed to be carried.

(d) Any holster used by an officer in an official capacity must be of good quality and serviceable as determined by the FTU. The holster must be made for the firearm that is being carried and provide reasonable retention that prevents the firearm from falling out during normal activities. Additionally, the holster must encapsulate the trigger and trigger guard of the firearm being carried



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### 312.3.2 AUTHORIZED PLAIN CLOTHES AND BACK-UP FIREARMS

(a) Officers may carry a personally owned full size, compact or sub-compact version of the same handgun they have been issued while in plain clothes or as a back-up handgun.

1. The Agency shall prescribe the specific make, model, type, and caliber of any other firearms authorized for carry in an official capacity while officers are on or off-duty.

(b) Officers, while driving an Agency or City vehicle off-duty, shall carry on their person an authorized firearm in an approved holster and a minimum of one additional fully loaded magazine in order to reload their handgun one time.

### 312.3.3 AMMUNITION

(a) Only Agency-issued ammunition shall be carried in any authorized Uniform, Plain-clothes, or Back-up Handgun and in any Agency issued rifle.

(b) The FTU shall maintain a current list of all authorized ammunition, and a copy of the list will also be kept on file by the Training Sergeant.

1. Handgun ammunition will be issued periodically. This will include, at a minimum, enough ammunition for each officer to carry their Uniform Handgun fully loaded and two fully loaded extra magazines.

2. Patrol rifle ammunition will be issued periodically. All officers shall be issued, at a minimum, enough ammunition for a basic load of two magazines. The number of rounds for a basic load will be determined by the FTU.

(c) Reloaded/remanufactured and/or altered ammunition shall not be carried or used in any official capacity, with the exception of Agency firearms practice and qualifications.

(d) Only new ammunition manufactured in the United States of America or remanufactured ammunition approved by the FTU may be used at any time in any Agency-issued firearm.

(e) Uniformed officers are required to carry on their person a minimum of two additional fully loaded magazines in order to reload their handgun at least two times.

(f) Non-uniformed officers and off-duty officers who are carrying a handgun shall carry on their person a minimum of one additional fully loaded magazine in order to reload their handgun one time.

### 312.3.4 ALCOHOL AND DRUGS

Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the officer's senses or judgment or consumed an alcoholic beverage within four hours.



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## 312.4 HANDGUN TRAINING

(a) All police officers will receive a minimum of 44 hours of training with an authorized Uniform Handgun upon initial employment with the Agency. This training shall be provided by the Agency FTU.

(b) The FTU will offer ongoing in-service training to all police officers, detectives, Sergeants and Patrol Lieutenants at least twice per year on their authorized handguns. This training is mandatory for all the above sworn officers unless excused by their immediate supervisor.

1. This training is in addition to any qualifications administered to the officer as qualifications are considered tests of an individual's skill and not training.

(c) The FTU will offer at least two hours of classroom familiarization training per year on firearms related topics for the Chief of Police, Deputy Chiefs, and Administrative Lieutenants. This training may include limited practical skills training.

(d) In addition to the training described above, the FTU will provide periodic open range times so that police officers may avail themselves of additional practice with their authorized handguns. At least annually, all personnel carrying a duty firearm will receive training on Policy 300 - Response to Resistance and demonstrate their knowledge and understanding.

(e) The Firearms Training Unit shall keep lesson plans, instructor and student manuals, and syllabuses for all approved handgun training including: Skills Academy, initial training on firearms, handgun transition, in-service training, and remedial training currently in use by the Agency.

### 312.4.1 QUALIFICATION

(a) All officers shall complete qualifications on the specified course of fire as scheduled by the FTU. A qualification shall be conducted using duty ammunition once every two years at a minimum. In addition to scheduled qualifications, officers may avail themselves of additional firearms training and open range times.

(b) There will be multiple handgun and rifle qualification courses available. The FTU will choose a course of fire for each qualification session during the year from the available approved qualification courses. Qualification courses of fire will only incorporate those skills previously taught to employees.

(c) All officers MUST maintain current qualification with the handgun which meets the requirements set forth in this Policy as the Uniform Handgun regardless of his/her current assignment.

(d) All police officers, detectives, Sergeants, and Patrol Lieutenants shall qualify with all authorized firearms they have registered with the Agency in accordance with the following schedule:

1. Four times per year with his/her Uniform Handgun.



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2. All officers must qualify with their Uniform Handgun from their Uniform Duty Holster Gear a minimum of once per year on a course of fire specified by the FTU.
3. Four times per year with his/her Plain-Clothes Handgun.
4. Four times per year with his/her Back-up Handgun.
5. Two times per year with his/her issued Rifle.
6. The Chief of Police, Deputy Chiefs, and Administrative Lieutenants shall qualify with all authorized firearms they have registered with the Agency in accordance with the following schedule:
   (a) Two times per year with his/her Uniform Handgun.
   (b) Two times per year with his/her Plain-Clothes Handgun.
   (c) Two times per year with his/her Back-up Handgun.

(e) Qualifications will be conducted according to the following rules:

1. All qualifications shall be conducted as outlined on the qualification course instructions, including any applicable rules unique to that qualification.
2. No officer will be allowed to practice shooting or practice the specified qualification immediately prior to attempting to qualify.
   (a) The FTU may conduct training prior to qualifications during a firearms training session for the convenience and logistics of scheduling. If this is done, a rest period should take place before personnel make their first attempt to qualify.
3. Once an officer has begun his/her attempts to qualify, he/she must either successfully pass or complete three attempts to qualify. If an officer leaves the range having not successfully qualified and having not completed three attempts, they will be designated a remedial shooter and not authorized to carry that firearm. They will be subject to the procedures outlined in this Policy as if they had failed three attempts to qualify.
4. Officers must qualify out of a holster specifically designed for the handgun they are qualifying with.
5. During qualifications, all safety retention devices must be secured on the officer's holster. Failure to secure all retention devices while holstering will result in an automatic failure to qualify for that attempt.
6. If an officer's firearm malfunctions and the officer clears the malfunction correctly, they will be given an opportunity to complete the string of fire.
   (a) Malfunctions include fail to fire, fail to feed, fail to eject and fail to extract but do not include running out of ammunition unexpectedly.



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7. No officer will qualify one-on-one with an instructor for reguarly scheduled qualification without prior approval of the FTU Coordinator. This does not apply to return to duty protocol or return from modified duty status.
8. Scoring of the targets will be in a manner prescribed in the course of fire and designated to the instructors by the FTU Coordinator. In the case of a dispute, the Primary Instructor during qualification session will have the final say on the score of the target.
9. Although Firearms Instructors are expected to comply with and enforce all qualification rules and guidelines of this Policy pertaining to qualifications, they are also expected to use good and reasonable judgment during the evaluation of a shooter's skill during qualifications. Instructors on the range may use their judgment concerning extreme conditions outside of the shooter's control that would warrant additional opportunities to successfully qualify.

(f) Officers will be allowed three attempts to qualify with each firearm they are authorized by the Agency to carry on the prescribed course of fire. If an officer successfully qualifies on any of the first three attempts they shall be considered qualified on that firearm.

312.4.2 NON-QUALIFICATION

Failures to qualify will be addressed as follows:

(a) In the event an officer does not qualify after three attempts, the officer has failed to qualify and shall be deemed a remedial shooter for the purposes of these guidelines. No further qualification attempts will be allowed with that firearm until the officer has completed remedial training.

1. The officer's supervisor and the Training Sergeant will be advised in writing of the failure to qualify by the Primary Firearms Instructor for that qualification session using the Advisement of Firearms Status form.
2. An officer may not carry any firearm they have failed to qualify with until such time they have attended remedial training and successfully qualified.
3. If the officer has failed to qualify with their Uniform Handgun, the officer will not be allowed to return to duty, including overtime and off-duty assignments, nor shall he/she be allowed to leave the range in uniform until he/she completes remedial training and qualifies on the course of fire with their Uniform Handgun.
   (a) Remedial training on an officer's Uniform Handgun will be completed as soon as practical in accordance with this Policy and at a time determined by Firearms Instructors and the officer's immediate supervisor.
4. If an officer has failed to qualify with his/her Plain-Clothes Handgun or Back-up Handgun they must complete remedial training on that handgun and qualify successfully on the course of fire before carrying that handgun in any capacity.



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5. If an officer has failed to qualify with the issued rifle, the officer may not deploy the rifle in any capacity until he/she has completed remedial training and successfully qualified on the course of fire. The rifle may be removed from the possession of the officer at the discretion of his/her supervisor or the Primary Firearms Instructor present during that session of qualification.

(b) If an officer fails to qualify with any firearm as described above, they must complete remedial training in the following manner:

1. Remedial training is defined as review of a previously trained skill designed to bring an individual up to an acceptable level of performance in that skill.
2. At the discretion of the Firearms Instructor assigned to perform the remedial training, initial remedial training of two hours may occur immediately after the officer has failed to qualify. If the officer had failed to qualify on their Uniform Handgun or Rifle this initial session of remedial training shall occur, at a minimum, within one day following the initial failure to qualify.
3. Remedial training will begin with an initial evaluation of the shooter and the weapon system, followed by individualized instruction totaling a minimum of two hours.
4. After a resting period of not less than 20 minutes, the officer may attempt to qualify. If an officer successfully qualifies on any of three attempts they shall be considered qualified on that firearm and the Agency Training Unit and the officer's supervisor will be notified that the officer has passed the qualification course.
5. Should the officer fail to satisfactorily complete the initial remedial phase or all three subsequent attempts on the qualification course, they will continue to be designated as a remedial shooter and the officer will be scheduled by the Agency Training Unit for additional remedial training. At a minimum, this second session of remedial training should occur within two days following the initial two-hour remedial session.
6. The second remedial training session will be structured as the first with an evaluation of the shooter and weapon system followed by individualized instruction totaling not less than five hours.
7. After a resting period of not less than 20 minutes, the officer may attempt to qualify. If an officer successfully qualifies on any of three attempts they shall be considered qualified on that firearm and the Agency Training Unit and the officer's supervisor will be notified that the officer has passed the qualification course.
8. Should the officer fail to satisfactorily complete the second phase of remedial training or the subsequent qualification course, the officer will be scheduled by the Agency Training Unit for final remedial training.
9. The final remedial training session will be a comprehensive review of firearms skills and individualized instruction totaling not less than sixteen hours.



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10. After a resting period of not less than 20 minutes, the officer may attempt to qualify. If an officer successfully qualifies on any of three attempts they shall be considered qualified on that firearm and the Agency Training Unit and the officer's supervisor will be notified that the officer has passed the qualification course.
11. Should the officer fail to satisfactorily complete the final phase of remedial training or the subsequent qualification course with their Uniform Handgun or Rifle, the officer will be referred to the Agency Training Unit. The Agency Training Unit will notify the officer's supervisor and Division Deputy Chief of the officer's inability to demonstrate essential job skills.
12. Should the officer fail to satisfactorily complete the final phase of remedial training or the subsequent qualification course with their Plain Clothes or Back-up Handgun, the officer will be referred to the Agency Training Unit with a recommendation from the remedial Firearms Instructor as to the appropriateness of continued remediation and the officer's use of the Plain Clothes or Back-up Handgun. Upon review, the Agency Training Unit will notify the officer's supervisor and Division Deputy Chief of the officer's inability to demonstrate proficiency with the Plain Clothes Handgun and any recommendation for action.
13. In the case of an officer's Uniform Handgun or Rifle, the whole course of remedial training will take no more than fourteen days from the initial qualification attempt to complete. As an essential job function for the position of police officer, failure to meet set standards may be cause for corrective and/or disciplinary action, up to and including termination of employment.
14. In the case of an officer's Plain Clothes or Back-up Handgun, the above process will be followed in regard to the minimum number of hours of remedial training and attempts to qualify. However, remedial training for these handguns will not be subject to the same time limits for the completion of the remedial training process.

(c) If the FTU staff notes that an officer is being repeatedly designated as a remedial shooter, they may refer the situation to the officer's supervisor for corrective action and include any recommendations from the FTU. In particular, the following will be referred to the officer's supervisor for corrective and/or disciplinary action along with any recommendations by the FTU.

1. Failure to qualify on the part of any intorductory employee during the introductory period including the Skills Academy initial training.
2. Failure to qualify on the part of any officer two times within any twelve month period.
3. In addition, the FTU shall make recommendations to an officer's supervisor for follow-up, additional training or mandatory practice anytime that officer has completed the second or third phase of remedial training as outlined above.



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(d) Except when due to an absence authorized by an officer's supervisor, failure of an officer to appear for any required qualification session within the time period established by FCPS for that qualification will be deemed a failure to qualify and will be treated as such under this Policy.

1. In such a case, the Agency Training Unit will issue an Advisement of Firearms Status form to the officer and their immediate supervisor. The officer will not be allowed to carry the specified firearm(s) until they have successfully qualified with a Firearms Instructor.
2. In the case of an unauthorized absence from a qualification session, no remedial training will be necessary prior to the officer's first attempts at qualification.
3. A failure to qualify for reasons other than proficiency, including any malfunction of firearms, ammunition or otherwise, is considered a failed attempt at qualification.

(e) Officers who are unable to qualify due to temporary medical reasons or authorized leave from the Agency will be exempted from qualifications until the officer's return to duty. The Agency Training Unit will schedule the officer for a qualification course within seven working days of the officer's return to duty.

(f) Officers who are not on Modified Duty Status or under a doctor's restriction of physical activity for work are required to perform all of the physical exertions, such as kneeling and prone positions, as outlined in the qualification course. Inability to do so satisfactorily will be considered a failure to qualify.

### 312.5 FIREARMS TRAINING UNIT

The Agency FTU shall be composed of Agency Firearms Instructors who are appointed by the Chief of Police.

(a) The FTU will be supervised by a sergeant as the coordinator of the team and under the direction of the Professional Standards Lieutenant.

(b) The FTU is responsible for an ongoing review of firearms Policies and firearms related issues. Recommendations for revisions to firearms Policies, procedures, equipment or other firearms related issues shall be made by the FTU through the Agency Training Unit to the Chief of Police.

(c) The FTU is responsible for providing instruction and supervision for the qualification and training sessions mentioned in this Policy. They will work in conjunction with the Training Unit to schedule these sessions.

(d) The FTU is responsible for maintaining and training a staff of Agency armorers on the various firearms used by officers and maintaining and inspecting firearms as outlined in this Policy.

(e) When the Agency's Force Review Board is convened to review a situation involving an officer's use of a firearm, a supervisory member of the FTU will serve on the board. Said member shall assist the board in evaluating the involved officer's response to training and



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adherence to firearms Policies. The assigned member will also make any recommendations necessary for changes in firearms or use of force training and/or equipment.

(f) The Agency Training Unit shall keep on file the annual qualification schedule, as well as all the qualification courses available and required scores for the course of fire.

### 312.5.1 FIREARMS INSTRUCTOR PROFICIENCY

Each firearms instructor shall meet the proficiency requirements required by the State of Colorado and POST.

(a) Each firearms instructor will attend a basic POST approved firearms instructor course of training and a POST approved rifle instructor course of training as soon as practical after being appointed to the FTU.

(b) Each firearms instructor will attend additional instructor training and armorer training as determined by the FTU Coordinator, Training Sergeant and Professional Standards Lieutenant.

(c) It is expected that firearms instructors will maintain a high level of proficiency with all issued and authorized firearms. As such the FTU Coordinator may require the FTU members to qualify at a higher standard than other employees.

### 312.5.2 RANGE SAFETY OFFICERS

(a) The FTU shall appoint a contingent of Range Safety Officers (RSO) as determined to be necessary by the FTU chain of command. As with all FTU appointments, RSOs appointments will be recommended by the FTU Coordinator and/or his designee and approved by the Professional Standards Unit with final approval by the Chief of Police. The number of RSO positions on the FTU as well as the qualifications for the assignment will also be approved by the FTU chain of command to include the Chief of Police.

(b) Each RSO will attend a basic course of training regarding range operations and safety procedures as soon as practical after being appointed to the FTU. RSOs may attend Agency instructor level training if their schedule allows and it is deemed appropriate by the FTU supervision.

(c) As members of the FTU, Range Safety Officers are expected to maintain the same level of proficiency required of all FTU personnel. Failure to do so, may result in dismissal from the FTU

### 312.5.3 CONDUCT OF FTU MEMBERS

Assignment to the FTU is a Special Duty Assignment. As such, members may be reassigned as necessary at the discretion of the FTU supervision. All FTU members should display a positive and professional example for other employees to follow. The FTU Coordinator should consider recommending suspension and/or removal of an instructor or RSO from the FTU for any of the following:



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(a) Failure to demonstrate proficiency and professionalism in the handling of firearms.

(b) Disciplinary action to include but not limited to use of force related issues, professional conduct issues, acceptance of direction or insubordination issues, and critical decision making issues.

(c) Failure to actively participate in the Firearms Program or failure to complete assignments or duties as required;

(d) Failure to function acceptably in their primary duty assignment.

### 312.6 FIREARMS INSPECTIONS AND RECORDS

(a) All firearms which are authorized and carried in an official capacity, regardless of ownership, are subject to inspection by an Agency Firearms Instructor, armorer, supervisor, or command staff officer at any time to ensure proper operator maintenance, safety and functionality of the weapon per Agency standards.

(b) Shift supervisors shall periodically inspect the weapons of officers on their shift for cleanliness and compliance with this Policy.

(c) Periodic inspections of firearms used in an official capacity by employees will be completed by Agency armorers for all firearms supported by the Agency.

1. A detailed strip inspection of any firearm used by employees MUST occur, at minimum, once during every two years or within manufacturer's guidelines for various firearms, whichever is more frequent.

2. The FTU staff will also consider the logistics of the various shifts and work groups as well as any limitations of the armorer staff when scheduling these inspections. Sworn officers shall make available for inspection, upon request and in accordance with the above scheduling guidelines, any firearm that is issued to them or owned by them and listed as an Authorized Firearm in accordance with this Policy. Failure to do so may result in the authorization for the officer to use that firearm in an official capacity being revoked. In such a case, an Advisement of Firearm Status form would be completed by the FTU member and a copy given to the officer as well as their supervisor.

3. All firearms inspections performed by Agency armorers shall be completed within three days of receipt of the weapon, unless the FTU Coordinator approves an extension.

    (a) If an Agency armorer rejects a firearm, the reason(s) for the rejection shall be forwarded in writing to the officer with a copy to the FTU Coordinator and Agency Training Sergeant. An email message on the Agency's network shall suffice as written notification.



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1. The officer may appeal the rejection to the Professional Standards Unit Lieutenant through the Firearms Training Unit Coordinator. The FTU supervision shall review the appeal and make a recommendation to the Professional Standards Unit Lieutenant, who shall have authority to sustain or reverse the rejection.

4. If an Agency-issued firearm is found to be defective, the Agency armorers will repair it or make arrangements for it to be repaired by the manufacturer. If a firearm owned by an officer is found to be defective, the firearm must be repaired and resubmitted for inspection prior to being carried in any official capacity.

   (a) Minor repairs due to normal wear on a firearm owned by an officer and used solely in their capacity as a police officer will be performed by Agency armorers, a licensed gunsmith as designated by the FTU Coordinator, or by the manufacturer. The cost of such repairs will be borne by the Agency.

      1. These repairs are limited to wear occurring during officially sanctioned Agency training, qualification and practice.

   (b) Major repairs on firearms owned by an officer and the associated costs will be handled on a case-by-case basis as determined by the FTU Coordinator.

   (c) If a firearm owned by an officer is damaged due to his/her own negligence, the cost for such repairs will be the responsibility of the owner of the firearm.

   (d) If a firearm owned by an officer is damaged due to defective ammunition issued by the Agency for practice or duty use, the Agency will arrange for the officer's firearm to be repaired by the manufacturer and ensure that the costs for the repair are paid by the ammunition manufacturer or by the Agency.

5. No officer shall carry a mechanically unsafe or undependable firearm. Any malfunction or suspected malfunction shall be reported to a supervisor as soon as practical. The supervisor will ensure that the defective weapon is submitted to an Agency armorer for inspection and a replacement weapon will be issued to the officer if required.

6. The Training Unit is responsible for maintaining firearms maintenance records including weapon specifications. These records may be kept in hard copy form, electronically or both. The records shall include every firearm owned by the Agency or registered with the Agency for use in an official capacity. These records will be available upon request and will consist of the following:

   (a) Name of officer to whom firearm is issued or authorized,

   (b) Make, model, and serial number of firearm,

   (c) Dates of inspection, and



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(d) History of repairs and modifications.

7. The Training Unit shall also maintain a permanent firearms record for each officer. This record may be stored as hard copies or in an electronic database or both and will consist of the following:

(a) Officer's name

(b) Approved Weapon Request form(s)

(c) Firearms classes attended.

(d) Qualification results for all firearms carried by each officer, to include dates of qualification firing, results of qualification firing, firearms used, and range officers present during qualification.

(e) Any firearm authorized for and carried in an official capacity shall be maintained in a clean, serviceable condition regardless of ownership.

312.6.1 REPAIR OR MODIFICATIONS OF DUTY FIREARMS

Firearms that are the property of the Agency shall be repaired or modified only by an Agency armorer. If a personally owned firearm is repaired or modified in any way by an individual that is not an Agency armorer, that firearm must be inspected and approved for carry by an Agency armorer before it is used in any official capacity.

## 312.7 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR § 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure purposes.

(b) Officers must carry their Agency identification card, which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Agency, and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).

(c) In accordance with TSA procedures, the Agency will obtain a message containing a unique alphanumeric identifier from TSA through the National Law Enforcement Telecommunications System (NLETS) prior to the officer's travel. The officer must present the message to airport personnel, on the day of travel, as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary



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and should include that the officer has completed the mandatory TSA training for law enforcement officers flying while armed.

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the Agency Firearms Instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.

(g) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearms are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(h) Officers should not surrender their firearm but should try to resolve any problems through the flight captain, ground security manager or other management representative of the air carrier.

(i) Officers shall not consume alcoholic beverages while aboard an aircraft or within eight hours prior to boarding an aircraft.

### 312.8 CARRYING FIREARMS OUT OF STATE

Qualified active full-time officers and qualified retired officers (see Policy 220 - Retired Officer LEOSA Firearm Qualification) of this Agency are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B and C):

(a) The officer shall carry his/her Agency identification card whenever carrying such firearm.

(b) Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.

(c) The officer is not the subject of any current disciplinary action.

(d) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(e) The officer will remain subject to this and all other Agency Policies (including qualifying and training).

(f) Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

Active and retired peace officers who are visiting from other states are subject to all requirements set forth in 18 USC § 926B and C.



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## 312.9 FIREARMS DISCHARGES

### 312.9.1 INTENTIONAL DISCHARGES

Except during training, recreational shooting, or when destroying an animal, any officer who discharges a duty weapon intentionally, on- or off-duty, shall immediately notify the on-duty shift supervisor and both a criminal investigation and an administrative investigation shall take place in accordance with Policy 301 - Response to Resistance Reporting and Review.

### 312.9.2 RESTRICTIONS FOR FIREARMS DISCHARGES

(a) Warning shots shall not be fired for any reason.

(b) Shots shall not be fired at any person who has committed a non-violent act such as a traffic violation or petty offense.

(c) Shots shall not be fired at any person only to prevent the destruction or theft of property.

### 312.9.3 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in accordance with approved training under CRS § 29-5-112 and in circumstances where the animal reasonably appears to pose an imminent threat to human safety and alternate methods are not reasonably available or would likely be ineffective.

(a) In circumstances in which officers have sufficient notice that a dangerous animal may be encountered, officers should develop reasonable contingency plans appropriate to the situation.

(b) Subject to safety concerns or other exigent circumstances, officers should consider alternatives to the use of firearms when encountering potentially aggressive animals.

(c) Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

An officer may euthanize a domesticated animal when in his/her judgment and in the judgment of a licensed veterinarian the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery. In the event a licensed veterinarian is not available, the animal may be euthanized at the request of the owner or by written consent of two persons called to view the animal.

An officer may euthanize a non-domesticated animal if in his/her judgment the animal is experiencing extreme pain or suffering or is severely injured, disabled or diseased past recovery.

An officer shall request prior approval from a shift supervisor before euthanizing any animal if circumstances allow. An officer shall make a report to the shift supervisor after the destruction of any animal.

A gunshot to the head is an accepted way to euthanize an animal.



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### 312.9.4 UNINTENTIONAL DISCHARGE

In the event of any unintentional discharge of an authorized firearm by an employee, regardless of the environment in which it occurs, the officer shall obtain any medical assistance necessary. Following notification of EMS if needed, the officer will notify the on-duty supervisor immediately. The on-duty supervisor shall respond to the scene and determine the following:

(a) The extent of any injuries or property damage.

(b) The potential violation of any policy or law.

(c) The need for any scene processing and the appropriate resource to complete that processing.

The on-duty supervisor will determine whether a criminal investigation, administrative investigation or both will need to be initiated and take appropriate steps as outlined in the corresponding policies.

The on-duty supervisor will notify the FTU coordinator of the incident for the examination of any firearms or equipment involved and so a review can be conducted in accordance with Policy 312.2.1(f).

### 312.9.5 DISCHARGE FOR TRAINING OR RECREATION

Officers may discharge firearms for training purposes or recreational shooting at an approved range or any area where firing a weapon would be safe and not a violation of law.



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# Vehicle Pursuits

## 314.1 PURPOSE AND SCOPE

Vehicle pursuits expose innocent citizens, law enforcement officers and fleeing violators to the risk of serious injury or death. The primary purpose of this Policy is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement's duty to apprehend violators of the law. Another purpose of this Policy is to minimize the potential for pursuit-related collisions. Vehicle pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a suspect is generally not more important than the safety of the public and pursuing officers (CRS § 42-4-108).

### 314.1.1 PHILOSOPHY

Vehicular pursuits will be conducted only in accordance with the provisions of the Colorado Motor Vehicle Laws and this Policy. Each pursuit will ultimately be judged upon the reasonableness of the participants' actions. Officers whose duties expose them to the possibility of pursuits shall remain familiar with and abide by this Policy.

Officers shall continuously evaluate the established safety priorities: hostages, innocent civilians, police officers and suspect when initiating or continuing a pursuit. Officers shall also remain cognizant of the facts known at the time and whether those facts could be used for a successful criminal investigation as opposed to the pursuit in order to apprehend the violator.

## 314.2 DEFINITIONS

See Policy 107 - Definitions.

## 314.3 OFFICER RESPONSIBILITIES

It is the Policy of this Agency that a vehicle pursuit shall be conducted using an authorized emergency vehicle that is equipped with a siren and horn, and at least one signal lamp mounted as high as practicable and capable of displaying a flashing, oscillating or rotating red light visible from the front (CRS § 42-4-213).

The following Policy is established to provide officers with guidelines for driving with due regard and caution for the safety of all persons using the highway.

### 314.3.1 WHEN TO INITIATE A PURSUIT

(a) An officer in a marked police vehicle may engage in a police vehicle pursuit only if all of the following criteria exist:

1. When an officer knows or has reasonable grounds to believe the fleeing suspect has committed or attempted to commit a violent felony
2. There is a reasonable expectation of apprehension of the suspect
3. Under the circumstances, it is reasonable for the officer to conclude that the suspect's actions are so dangerous that they present an imminent threat of serious bodily injury or death to persons other than themselves.



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(b) The pursuing officer shall base his/her decision to initiate or continue a pursuit authorized in this Policy only on the facts and circumstances actually known to him/her at the time. The decision to initiate a pursuit must be based upon the conclusion that the immediate danger to the public and the officer by the pursuit are less than the immediate or potential danger to the public should the suspect remain at large. The officer shall consider:

1. Whether or not the suspect can be identified and apprehended at a later time through an investigative process,
2. The amount of vehicular and pedestrian traffic in the area,
3. The condition of the road surface upon which the pursuit will be conducted,
4. Weather conditions,
5. The equipment and performance capabilities of the pursuit vehicle,
6. The officer's familiarity with the area and the terrain where the pursuit will occur,
7. The officer's training and experience in pursuit driving, and
8. The officer's emotional and physical condition at the time of the pursuit.

(c) No officer shall engage in a pursuit if he/she has not participated in and successfully completed an Agency approved emergency vehicle operator course as approved and scheduled by the training unit.

(d) If a civilian rider or a family member is present in the police vehicle, the officer shall use reasonable judgment in deciding when to initiate or participate in a pursuit.

(e) The driver of a vehicle conveying a prisoner, witness, or suspect shall not initiate or become involved in a pursuit.

(f) Only officers driving marked police vehicles shall initiate or become actively involved as a pursuing unit in any pursuit. An appropriate number of officers, in close proximity to the termination of the pursuit, may assist in the tactical deployment for the arrest of the suspects.

(g) Absent extreme circumstances involving the preservation of life, and with supervisory approval, a K-9 handler will not initiate and/or become involved in a pursuit due to the potential danger to an unrestrained dog in the police vehicle. The handler's responsibility in a pursuit situation is to respond with reasonable care and maintain a safe distance from the pursuit to provide assistance at the time of the stop, without being a part of the actual pursuit.

### 314.3.2 WHEN TO TERMINATE A PURSUIT

(a) Once a pursuit is undertaken, officers are obligated to continuously evaluate the need for maintaining the pursuit against the potential for bodily injury, death or property damage. Only facts and circumstances known to the officers and which establish reasonable suspicion or probable cause relating to criminal activity shall be considered.

(b) The pursuing officer, any other officer, Agency-designated acting supervisor, Sergeant, Lieutenant, Deputy Chief, or Chief may terminate a pursuit.



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(c) A pursuit shall be terminated immediately under any of the following circumstances:

1. The distance between the fleeing vehicle and the pursuing vehicle(s) is so great that further pursuit is futile,
2. The danger to all persons involved, including the general public, posed by continued pursuit becomes greater than the value of apprehending the suspect,
3. Weather or traffic conditions change and substantially increase the danger of a pursuit beyond the value of apprehending the suspect,
4. The officer is not reasonably familiar with the area and terrain of the pursuit, or
5. The pursuit is ordered terminated by a supervisor.

(d) If any officer involved in a pursuit discovers any malfunction, which would limit his/her vehicle's capability to function at maximum efficiency and safety, that officer shall immediately terminate active participation in the pursuit.

(e) If an officer is no longer able to maintain radio communication with a communications center, it is highly recommended that the pursuit be terminated.

1. Consideration should be given to whether the nature of the crime warrants continuation of the pursuit, if a secondary pursuit vehicle can maintain radio communication, when additional support units may be encountered, and when radio communication might be reestablished.

(f) Because pursuits will only be initiated to apprehend persons suspected of committing a violent felony, all contacts with suspects involved in a pursuit must be considered high-risk contacts; therefore, the primary pursuit officer shall advise all other involved officers of the high risk stop procedure he / she will employ.

1. Any officers not in uniform who will be involved in the stop must ensure they are readily identifiable as police officers.

(g) If at all possible the primary and secondary officers should not be used to transport the suspect(s) after the stop.

(h) If a pursuit is not authorized or is terminated, the officer shall disengage and let the fleeing vehicle escape.

### 314.3.3 TRAFFIC REGULATIONS

Operating an emergency vehicle in a pursuit with emergency lights and siren does not relieve the operator of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons and does not protect the driver from the consequences of his/her reckless disregard for the safety of others (CRS § 42-4-108(4)).

(a) Each officer authorized under this Policy to engage in a vehicular pursuit shall activate his/her vehicle's headlights and all emergency vehicle equipment, including emergency lights and siren, prior to beginning or joining a pursuit.

(b) Officers engaged in a pursuit shall drive with due regard for the safety of themselves and all persons within the pursuit area.



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(c) In accordance with Colorado Revised Statute 42-4-108(2) and Section 21-7 of the Fort Collins' Model Traffic Code, when an officer is engaged in a pursuit authorized by this Policy, he/she may:

1. Park or stand a motor vehicle, irrespective of the provisions of the Fort Collins Code and state law,
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation,
3. Exceed the lawful speed limit, so long as he/she does not endanger life or property, and
4. Disregard regulations governing directions of movement or turning in specified directions.

(d) The speed of a pursuit is a factor that should be evaluated on a continuing basis by the officer and supervisor. Vehicle speeds shall be taken into consideration to prevent endangering public safety, officer safety and the safety of the occupants of the fleeing vehicle.

(e) Should high vehicle speeds be reached during a pursuit, officers and supervisors shall also consider these factors when determining the reasonableness of the speed of the pursuit (CRS § 42-4-108(2)(c)):

1. Pursuit speeds have become unreasonably unsafe for the surrounding conditions,
2. Pursuit speeds have exceeded the driving ability of the officer, and
3. Pursuit speeds are beyond the capabilities of the pursuit vehicle, thus making its operation unsafe.

## 314.4 PURSUIT UNITS

(a) Pursuit units should be limited to two vehicles; however, the number of units may vary depending on the circumstances.

(b) An officer or supervisor may request additional units to join a pursuit if, after assessing the factors outlined above, it appears that the number of officers involved would be insufficient to safely arrest the suspect. All other officers shall stay out of the pursuit but should remain alert to its progress and location. Any officer who drops out of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the appropriate rules of the road.

(c) Any officer involved in a vehicle pursuit shall be driving a marked police vehicle.

### 314.4.1 MOTORCYCLE OFFICERS

Police motorcycles shall not be involved in a vehicle pursuit when practicable.

### 314.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Unmarked police vehicle shall not be involved in a vehicle pursuit.



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### 314.4.3 PRIMARY UNIT RESPONSIBILITIES

(a) The primary pursuit officer is the officer who originates the pursuit and he/she bears full responsibility for initiating the pursuit and is accountable for his/her decisions and judgment during the pursuit.

1. If the primary pursuit unit becomes disabled, this responsibility shall fall to the secondary unit officer continuing the pursuit.
2. Upon initiating a pursuit, the primary pursuit officer shall activate his/her headlights and all emergency lights and siren, immediately notify Dispatch that a pursuit is underway, and provide the following information:
   (a) Unit identification;
   (b) The violent felony for which the officer is pursuing the suspect;
   (c) Location, speed and direction of the fleeing and the pursuing vehicles;
   (d) Description including license plate number, color, make, model and unique characteristics of the fleeing vehicle; and
   (e) Number and descriptions of occupants in the fleeing vehicle.
3. Failure to provide the required information to the Dispatch may result in an immediate order by a field supervisor to terminate the pursuit.
4. If another officer is assigned primary pursuit responsibility, the replaced primary pursuit officer shall reduce his/her level of pursuit to that of a secondary pursuit vehicle unless otherwise assigned by the field supervisor.

### 314.4.4 SECONDARY UNIT RESPONSIBILITIES

(a) Only one secondary pursuit vehicle shall fall in line behind the primary pursuit vehicle unless additional secondary unit(s) are expressly authorized by the field supervisor.

(b) The secondary pursuit vehicle shall have its headlights, emergency lights, and siren activated, but shall attempt to use a siren variation different than that of the primary pursuit unit.

(c) The secondary vehicle shall maintain a safe distance in relation to the fleeing vehicle and primary pursuit vehicle for the purpose of assisting the primary pursuit officer upon termination of the pursuit or assuming the primary position if required.

(d) The officer driving the secondary vehicle is responsible for keeping the Communications Center informed of the progress of the pursuit.



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### 314.4.5 PURSUIT DRIVING TACTICS

(a) The decision to use specific driving tactics requires the same assessment of considerations outlined in the factors to be considered concerning pursuit initiation and termination. The following are tactics for units involved in the pursuit:

1. Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle; and
2. Officers may proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic; and
2. Pursuing units shall exercise due caution and slow down as may be necessary for safe operation when proceeding through controlled intersections (CRS § 42-4-108(2)(b).

(c) As a general rule officers should not pursue a vehicle driving the wrong way on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered (CRS § 42-4-108(2)(d)):

1. Maintaining visual contact with the pursued vehicle by paralleling on the correct side of the roadway;
2. Requesting other units to observe exits available to the suspect;
3. Notifying the Colorado State Patrol or other law enforcement department if it appears the pursuit may enter their jurisdiction; and
4. Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and a clear understanding of the maneuver process exists between the involved officers.

### 314.4.6 TACTICS/PROCEDURES FOR UNITS NOT INVOLVED IN THE PURSUIT

(a) Other assisting officers should attempt to station themselves at strategic points in anticipation of assisting when the suspect is stopped, or becoming actively involved if the primary or secondary units lose the suspect vehicle or become disabled.

(b) Other assisting officers can attempt to divert other traffic away from the path of the oncoming pursuit and may station themselves to use mechanical tire deflators. There should be no paralleling of the pursuit route. Officers are authorized to use emergency equipment at intersections along the pursuit path to clear intersections of vehicular and pedestrian traffic



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to protect the public. Officers should remain in their assigned area and should not become involved with the pursuit unless directed otherwise by a supervisor.

(c) Non-pursuing personnel needed at the termination of the pursuit should respond in a non-emergency manner, observing the rules of the road, except when an emergency situation exists such as a high-risk stop or foot pursuit.

(d) The primary unit, secondary unit and supervisor should be the only units operating under emergency conditions (emergency lights and siren) unless other units are assigned to the pursuit.

314.4.7 PURSUIT TRAILING

In the event that the initiating unit from this Agency relinquishes control of the pursuit to another unit or jurisdiction, that initiating unit may, with permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect.

The term "trail" means to follow the path of the pursuit at a safe speed, while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing unit will maintain sufficient distance from the pursuit units to clearly indicate an absence of participation in the pursuit.

## 314.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

(a) Upon notification that a pursuit incident is in progress, the field supervisor shall assume responsibility for the monitoring and control of all aspects of the pursuit, including:

1. Directing pursuit vehicles into or out of the pursuit;
2. Re-designating primary, secondary or other assisting unit responsibilities;
3. Approving, disapproving, and coordinating pursuit tactics; and
4. Determining if the pursuit should be continued or terminated.

(b) The field supervisor may order the pursuit terminated at any time.

(c) The field supervisor may assign additional vehicles to assist the primary and secondary pursuit vehicles based on an analysis of:

1. The nature of the offense for which the pursuit was initiated;
2. The number of suspects and any known propensity for violence;
3. The number of officers in the pursuit vehicles;
4. Any damage or injuries to the assigned primary and secondary vehicle or officers;
5. The number of officers necessary to effect an arrest at the conclusion of the pursuit; and
6. Any other clear and articulable facts that would reasonably warrant the increased hazards caused by additional pursuit vehicles.



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(d) The field supervisor shall respond to the termination point of all completed pursuits involving Agency officers to control police actions at the scene and ensure that all reports are completed accurately.

(e) The Watch Commander shall prepare a comprehensive After Action Report as described in Policy 301 - Response to Resistance Reporting and Review on all vehicular pursuits involving Agency officers.

1. The report shall analyze the pursuit, the tactics used, and the application of Agency Policy concerning the pursuit.
2. The report shall include all case reports, accident reports, injury reports, and any other report associated with the pursuit.
3. The after-action report and radio tapes of the incident shall be submitted within 10 working days to the Force Review Board.
4. All after-action pursuit reports shall be filed and maintained by the Professional Standards Unit in accordance with the records retention schedule.

(f) Due to other responsibilities, field supervisors are discouraged from initiating or becoming the primary or secondary vehicle in a pursuit. If circumstances put them in this position it is recommended they relinquish that position as soon as possible to another marked unit.

#### 314.5.1 WATCH COMMANDER RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Watch Commander shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this Policy. The Watch Commander has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

### 314.6 COMMUNICATIONS

If the pursuit is confined within the City limits, radio communications will be conducted on the primary channel unless instructed otherwise by a supervisor or communications dispatcher. If the pursuit leaves the jurisdiction of this Agency or such is imminent, involved units should, whenever available, switch radio communications to an emergency channel most accessible by participating agencies and units.

#### 314.6.1 FORT COLLINS 911 RESPONSIBILITIES

(a) Upon notification that a pursuit is in progress, Dispatch personnel shall immediately advise the field supervisor of the essential information regarding the pursuit.

(b) When a dispatcher becomes aware of a pursuit entering Agency jurisdiction they should notify the field supervisor and allow the supervisor to determine what, if any, response Agency officers take in the pursuit.

(c) During a pursuit, Dispatch personnel shall:



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1. Control all radio communications and divert all radio traffic not associated with the pursuit to an alternate channel;
2. Record pertinent information on the pursuit and the pursued vehicle;
3. Coordinate and dispatch backup assistance under the direction of the field supervisor;
4. Notify neighboring law enforcement agencies as soon as possible that a pursuit has been initiated; and
5. Obtain registration information on the fleeing vehicle if a license plate number is available, and criminal record checks of the vehicle owner or suspects.

314.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating the vehicle. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

## 314.7 INTERJURISDICTIONAL CONSIDERATIONS

(a) Officers shall not become involved with pursuits of other agencies without the consent of the patrol supervisor or designee who shall determine the level of assistance to be rendered and make the assignments accordingly.

(b) Officers involved in a pursuit departing the Agency's jurisdiction shall update Dispatch with critical information, and that information shall be forwarded to the jurisdiction being entered.

1. Officers must continue to evaluate their familiarity with the area and ability to provide accurate locations and directions of travel.
2. Officers may change to an appropriate radio frequency to coordinate with the other department after advising Dispatch.
3. Officers shall follow the same pursuit guidelines of this Policy when assisting other agencies.
4. At the request of the other pursuing department, and when authorized by the an Agency field supervisor, Agency police officers may assist in a pursuit by another law enforcement department by moving to a vantage point, by blocking intersections to divert traffic away from the pursuit area, by deploying mechanical tire deflators or by going to the scene of the termination of the pursuit.

314.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

(a) When a pursuit enters another department's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other department to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended



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that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

1. Notification of a pursuit in progress should not be construed as a request to join the pursuit. Requests to or from another department to assume a pursuit should be specific. Because of communication limitations between local agencies, a request for another department's assistance will mean that its personnel will assume responsibility for the pursuit. For the same reasons, when a pursuit leaves another jurisdiction and a request for assistance is made to this Agency, the other department should relinquish control.

(b) Agency officers will discontinue the pursuit when another department has assumed the pursuit, unless the continued assistance of Agency officers is requested by the department assuming the pursuit. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. A supervisor should coordinate with the department managing the termination point to determine the supervisor's need to respond or otherwise assist in the investigation. The supervisor should obtain any information that is necessary for inclusion in any reports from the department managing the termination point.

(c) The role and responsibilities of officers at the termination of a pursuit that was initiated by this Agency shall be coordinated with appropriate consideration of the units from the department assuming the pursuit.

314.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

(a) The department that initiates a pursuit shall be responsible for conducting the pursuit. Units from this Agency should not join a pursuit unless specifically requested to do so by the department whose peace officers are in pursuit.

1. Fort Collins Police officers shall not engage in any pursuit which does not meet the standards set forth in this Policy. The exception to this is when a single unit from the initiating department is in pursuit. Under this circumstance, a unit from this Agency may join the pursuit until sufficient units from the initiating department join the pursuit.

(b) When a request is made for this Agency to assist or take over a pursuit that has entered this jurisdiction, and the justification for the pursuit clearly meets the standards set forth in this Policy, the supervisor should consider the below factors and only facts and circumstances known to the officers and which establish reasonable suspicion or probable cause relating to criminal activity shall be considered:

1. Ability to maintain the pursuit;
2. Adequate staffing to continue the pursuit;
3. The public's safety within this jurisdiction; and



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4. Safety of the pursuing officers.

(c) As soon as practicable, a supervisor or Watch Commander should review a request for assistance from another department. The Watch Commander or supervisor, after consideration of the above factors, may decline to assist in or assume the other department's pursuit.

(d) Assistance to a pursuing outside department by officers of this Agency will terminate at the City limits provided that the pursuing officers have sufficient assistance from other sources. Ongoing participation from this Agency may continue only until sufficient assistance is present unless a field supervisor or Watch Commander authorizes continued involvement.

(e) In the event that a pursuit from another department terminates within this jurisdiction, officers shall notify the initiating department of the termination of the pursuit, provide appropriate assistance to officers from the initiating and other involved agencies including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

## 314.8 PURSUIT INTERVENTION

Pursuit intervention is an attempt to terminate the ability of a suspect to continue to flee in a motor vehicle through ramming, intentionally striking a person or vehicle, the tactical application of tire deflation devices, roadblocks, or boxing in a vehicle.

### 314.8.1 WHEN USE IS AUTHORIZED

(a) Use of pursuit intervention tactics should be employed only after approval of a supervisor. In deciding whether to use intervention tactics, officers/supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the officers and persons in or on the pursued vehicle. With this in mind, the decision to use an intervention tactic should be reasonable in light of the circumstances apparent to the officer at the time of the decision.

1. Ramming, intentionally striking a person or vehicle, roadblocks, or boxing in a fleeing vehicle is considered an application of deadly force and should be used only when the use of deadly force is justified in accordance with Policy 300 - Response to Resistance.

2. A vehicle-disabling device, such as a mechanical tire deflator, may be used to terminate a pursuit; however, any officer using such a device must be trained in its application and must use the device in accordance with that training. Mechanical tire deflators are to be used only when the suspect vehicle is involved in an incident that would be authorized for a pursuit within this Policy. This section shall not apply to tactics used by the SWAT team during a deployment.



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314.8.2 USE OF FIREARMS

(a) Shooting from a moving motor vehicle at a fleeing vehicle is strictly prohibited.

(b) Nothing in this section shall be construed to prohibit any officer from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

314.8.3 SUSPECT CONTACT

(a) Because pursuits will only be initiated to apprehend persons suspected of committing a violent felony, all contacts with suspects involved in a pursuit must be considered high-risk contacts; therefore, the primary pursuit officer shall advise all other involved officers of the high risk stop procedure he/she will employ.

(b) Any officers not in uniform who will be involved in the stop must ensure they are readily identifiable as police officers.

(c) If at all possible the primary and secondary officers should not be used to transport the suspect(s) after the stop.

## 314.9 REPORTING AND REVIEW REQUIREMENTS

(a) Every officer involved in a vehicle pursuit shall complete a police report prior to their end of shift.

(b) The Watch Commander or an authorized designee shall complete an After Action Report, as described in Policy 301 - Response to Resistance Reporting and Review and forward to the Force Review Board.

(c) After first obtaining available information, the patrol supervisor shall promptly complete a memorandum, briefly summarizing the pursuit, to the Chief or an authorized designee, unless a Division Deputy Chief assumes this responsibility. This memo should minimally contain the following information:

1. Date and time of pursuit
2. Length of pursuit in distance and time
3. Involved units and officers
4. Initial reason and circumstances surrounding the pursuit
5. Starting and termination points
6. Alleged offense, charges filed or disposition: arrest, citation or other release
7. Arrestee information should be provided if applicable
8. Injuries and/or property damage
9. Medical treatment
10. The outcome of the pursuit



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11. Name of supervisor handling or at the scene
12. A preliminary determination that the pursuit appears to be in compliance with this Policy.

(d) A debrief with all officers involved should be conducted as soon as possible after the pursuit.

### 314.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all sworn officers, below the rank of Deputy Chief, will participate in annual, regular and periodic training addressing this Policy and the importance of vehicle safety and protecting the public at all times. Training will include a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others.

### 314.9.2 POLICY REVIEW

Sworn employees shall certify in writing that they have received training on, read and understand this Policy initially and upon any amendments. Recorded attendance at the Driver's Training courses taught by Agency instructors shall suffice for this requirement.



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# Officer Response to Calls

## 316.1 PURPOSE AND SCOPE

This Policy provides guidelines for the safe and appropriate response to all emergency and non-emergency situations.

## 316.2 RESPONSE TO CALLS

Officers responding to any call shall proceed with due regard for the safety of all persons and property. Officers not responding to a call as an emergency response shall observe all traffic laws and proceed without the use of emergency lights and siren. Officers responding to emergency calls for service shall continuously operate emergency lighting equipment and shall sound the vehicle's siren as reasonably necessary (CRS § 42-4-108(3) and CRS § 42-4-213).

Responding with emergency lights and/or siren does not relieve the officer of the duty to drive with due regard for the safety of all persons and property and does not protect the officer from the consequences of reckless disregard for the safety of others (CRS § 42-4-108(4)). The use of any other warning equipment without emergency lights and/or siren does not generally provide an exemption from the vehicle laws (CRS § 42-4-108(3)). Officers should only respond to a call with an emergency response when responding to circumstances the officer reasonably believes involves the potential for immediate danger to persons or property.

## 316.3 REQUESTING EMERGENCY ASSISTANCE

Officers may request emergency assistance when they reasonably believe that there is an imminent threat to the safety of officers or assistance is needed to prevent imminent serious harm to a citizen.

If circumstances permit, the requesting officer should give the following information:

- The unit number
- The location
- The reason for the request and type of emergency
- The number of units required

Where a situation has stabilized and emergency response is not required, the requesting officer shall promptly notify Dispatch.

### 316.3.1 NUMBER OF UNITS PARTICIPATING

A patrol supervisor is responsible to monitor the number of officers responding to incidents and reduce or enhance the response as warranted.

Officers or supervisors may make adjustments to the particular personnel assigned by Dispatch to an incident based on the location of responding officers, officer availability or other factors.



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However, generally only the number of responding units suggested by Dispatch should respond to a call. This allows Dispatch the flexibility to assign other calls for service to available officers.

### 316.4 EMERGENCY RESPONSE

A patrol supervisor will monitor the appropriateness of the response and reduce or enhance the response as warranted.

Each responding officer will determine what level of response is needed based on the incident, distance to the incident and any other factor which a reasonable person would consider while maintaining public safety. When circumstances permit, the first officer on the scene of an emergent incident will determine if additional resources are required and which type of response is required. If an officer on-scene of an incident decides there is no additional need for emergency response by assisting officers, the officer will make notification for a response downgrade.

Officers who are not dispatched to emergency incidents should avoid unnecessary radio traffic in order to provide the most opportunity for dispatchers and dispatched units to communicate information.

### 316.5 RESPONSIBILITIES OF THE RESPONDING OFFICER

Officers shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response officers may (CRS § 42-4-108(2)):

(a) Disregard regulations governing parking or standing when using a warning lamp.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed any speed limits provided this does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

Community service officers have different response criteria, which include:

- Are not permitted to exceed any posted speed limit while responding to calls for service.
- May disregard rules governing flow of traffic when arriving at and remaining on scene of a motor vehicle accident or other traffic related incident.

The decision to continue as an emergency response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. An officer shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, an officer shall give the location from which he/she is responding.



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316.5.1 EMERGENCY RESPONSE SPECIAL CONDITIONS

While performing certain emergency response tasks the use of emergency lights or sirens may increase the danger to the responding officers or the public. In the following circumstances, officers may consider the appropriateness of an emergency response without siren, emergency lights or both:

(a) An officer is attempting to confirm his/her suspicion that a driver has violated the traffic code and there is no other reasonable suspicion or probable cause to stop the driver (CRS § 42-4-108(3)).

(b) An emergency response requires an element of stealth that would be defeated by the use of emergency lighting or siren. This response should use a siren and emergency lights until a stealth response without lights and siren is required, and the response should then continue accordingly.

Any emergency response without the use of emergency lights and siren shall be conducted with due regard (as defined by C.R.S.) for the safety of the public and property and the recognition that such a response may not provide an exemption from the vehicle laws (CRS § 42-4-108(3)).

Any emergency response without the use of lights or siren shall cease if the circumstances no longer warrant such a response.

## 316.6 COMMUNICATIONS RESPONSIBILITIES

Dispatch shall ensure acknowledgment and response of assisting units when an officer requests emergency assistance or when the available information reasonably indicates that the public is threatened with serious injury or death and an immediate law enforcement response is needed. In all other circumstances, the dispatcher will request the level of response by officers, however, the response will ultimately be determined by responding officers and/or a patrol supervisor. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Confirm the location from which the unit is responding.

(c) Notify and coordinate outside emergency services (e.g., fire and ambulance).

(d) Continue to obtain and broadcast information as necessary concerning the response, and monitor the situation until it is stabilized or terminated.

(e) Control all radio communication during the emergency and coordinate assistance under the direction of the Watch Commander or patrol supervisor.

## 316.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the Watch Commander or patrol supervisor shall verify the following:

(a) The proper response has been initiated.



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(b) No more than those units reasonably necessary under the circumstances are involved in the response.

(c) Affected outside jurisdictions are being notified as practicable.

The patrol supervisor shall, whenever practicable, monitor the response until it has been stabilized or terminated, and assert control by directing units into or out of the response if necessary. It is the supervisor's responsibility to terminate an emergency response that, in his/her judgment, is inappropriate due to the circumstances.

When making the decision to authorize an emergency response, a patrol supervisor should consider the following:

- The type of call or crime involved
- The necessity of a timely response
- Traffic and roadway conditions
- The location of the responding units



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# Canine Program

## 318.1 PURPOSE AND SCOPE

The canine program was established to augment law enforcement services to the community. Highly skilled and trained teams of handlers and canines are used to supplement law enforcement operations to locate individuals and contraband and to apprehend criminal offenders.

## 318.2 GUIDELINES FOR THE USE OF CANINES

(a) A canine may be used in the investigation of a crime or possible crime, in the execution of a warrant and to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed or threatened to commit any serious offense and if any of the following conditions exist:

1. There is a reasonable belief the individual poses an imminent threat of violence or serious harm to the public, any officer or the handler;
2. The individual is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance; or
3. The individual is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

(b) It is recognized that situations may arise that do not fall within the provisions set forth in this Policy. In any such case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances.

(c) Absent a reasonable belief that an individual has committed or threatened to commit a serious offense, mere flight from a pursuing officer shall not serve as good cause for the use of a canine to apprehend an individual.

### 318.2.1 PREPARATIONS FOR UTILIZING A CANINE

(a) Prior to the use of a canine to search for or apprehend any individual, the canine handler and/or the supervisor on scene shall carefully consider all pertinent information reasonably available at the time. The information should include, but is not limited to:

1. The individual's perceived age.
2. The nature of the suspected offense.
3. Any potential danger to the public and/or other officers at the scene if the canine is released.
4. Any unnecessary risk to the safety of the canine.
5. The degree of resistance or threatened resistance the subject has shown.
6. The potential for escape or flight if the canine is not utilized.



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7. The potential for injury to officers or the public if the canine is not utilized.

(b) As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved personnel to minimize the risk of unintended injury.

(c) The canine handler will evaluate each situation and determine if the use of a canine is appropriate. The handler shall have the ultimate authority not to deploy the canine.

(d) Generally, the decision to deploy the canine shall remain with the handler. However, a supervisor sufficiently apprised of the situation may override the handler's decision to deploy.

318.2.2 WARNINGS GIVEN TO ANNOUNCE THE USE OF A CANINE

Unless it would otherwise increase the risk of escape or injury to officers, a clearly audible warning that a canine will be released if the person does not comply should be made prior to deployment of the canine.

(a) Warnings should contain the following information:

1. Announcement of authority;
2. Direction to the individual to comply; and
3. Consequences for failing to comply.

(b) In the event of an apprehension, the handler shall document in a police report whether a verbal warning was given and, if none was given, the reasons why.

318.2.3 USE OF NARCOTIC-DETECTION CANINES

A narcotic detection-trained canine may be used in accordance with current law under the following circumstances:

(a) To assist in the search for narcotics during a search warrant service.

(b) To obtain a search warrant by using the detection canine in support of probable cause.

(c) To search vehicles, buildings, bags and any other articles as deemed necessary.

(d) A canine will not be used to search a person for narcotics.

318.2.4 CONTROLLED SUBSTANCE TRAINING AIDS

The Canine Team Leader will coordinate with the Evidence Unit to identify, procure, issue, replenish, rotate, and return for final destruction, per Evidence Unit procedures, any drug evidence useful for canine training purposes.

(a) Individual canine handlers will be issued and personally sign for controlled substance training aids for training use from the Evidence Unit and shall be responsible for the training aids they are assigned until such time as the training aid is returned to the control of the Property/Evidence Unit.



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(b) All controlled substance training samples will be stored in airtight and watertight cases at all times, except during training. The cases shall be secured in the locked vault of the canine handler's assigned patrol vehicle or stored in a locked evidence locker. The canine handler who signed for controlled substance training aids shall maintain positive control over access to these training aids at all times. Keys or combinations to storage cases or vaults in which controlled substance training aids are stored shall remain in the handler's possession at all times.

(c) The Canine Team Leader and Canine Lieutenant shall be notified immediately of any damaged or lost controlled substance training samples.

(d) All duly certified officers acting in the performance of their official duties and any person working under their immediate direction, supervision, or instruction have immunity under state law while providing substance abuse training or canine drug detection training.

318.2.5 GUIDELINES FOR NON-APPREHENSION USE

Because canines have senses far superior to those of humans, they may be effectively used to track or search for non-criminals (e.g., lost children or individuals who may be disoriented or in need of medical attention.) In such circumstances it will be necessary for the handler to evaluate the conditions and the ability of the canine to determine the feasibility of such an application.

(a) Absent a change in circumstances that present an imminent threat to officers, the canine, or the public such applications should be conducted on-leash or under conditions that minimize the risk of the canine biting or otherwise injuring the individual, if located.

(b) Searches for lost children may be conducted only after obtaining consent from a parent or guardian.

318.2.6 REPORTING CANINE USE, BITES AND INJURIES

Whenever the canine is deployed, a Canine Deployment Report shall be completed by the handler. If the canine had significant action during the deployment (e.g., located evidence, a suspect, or made a criminal apprehension) a police report shall also be completed.

(a) Whenever a canine bites or causes any injury to an individual, whether on or off-duty, the handler shall immediately notify the Canine Team Leader and Canine Lieutenant.

(b) Color photographs shall be taken of the bite or injury.

(c) The injured party should be transported to an appropriate medical facility if the injury requires medical attention beyond first aid. If the injured party is in custody, an officer should remain with the suspect until treatment has been rendered.

(d) If a subject alleges an injury that is not visible, the location of the alleged injury should be photographed.



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(e) Canines controlled by peace officers are exempt from regulatory action enforced by the Larimer County Humane Society relating to canine bites and leash laws.

Canine applications shall be considered a Type 2 Use of Force as described in Policy 301 - Use of Force Reporting and Review when the canine bites or injures a suspect after being released upon the suspect.

Any unintended bite or injury caused by the canine during deployments, operations, training, presentations or under any other circumstances, either on- or off-duty, shall be reported promptly to the Canine Team Leader. Unintended bites or injuries caused by the canine should be documented in an administrative report and shall not require a Use of Force Board review.

318.2.7 REPORTING CANINE INJURIES

In the event that a canine is injured, the handler shall notify the Canine Team Leader as soon as practicable.

(a) Medical care for any injured canine shall follow the protocol established in this Policy.

(b) The handler will document the injury in a Canine Deployment Report.

318.2.8 ASSIGNMENT OF CANINES

Patrol canines shall be assigned to the Patrol Division to supplement and assist the Patrol Division. Detection only canines (narcotics and explosives) may be assigned to the Criminal Investigations Division or the Patrol Division.

## 318.3 REQUEST FOR USE OF CANINE TEAMS

Agency personnel are encouraged to request the use of the on-duty canines. Requests for off-duty canine teams may be granted by the on-duty patrol supervisor.

318.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Canine Lieutenant or Canine Team Leader must approve all requests for on or off-duty canine assistance from outside agencies. If neither is available, requests may be granted by the on-duty patrol supervisor subject to the following provisions:

(a) Canine teams shall not be used for any assignment that is not consistent with this Policy.

(b) The handler has the ultimate authority to decide whether the canine is to be used for a specific assignment.

(c) It shall be the responsibility of the canine handler to coordinate with outside department personnel in order to minimize the risk of unintended injury.

318.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine demonstration shall be approved by the Canine Team Leader prior to making any commitment. Only trained decoys shall be used to demonstrate apprehension work.



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## 318.4 SELECTION, REQUIREMENTS, AND REMOVAL OF UNIT

(a) Canine Unit openings will be authorized and filled subject to the approval of the Patrol Deputy Chief. During a selection process, interested police officers, with at least two years of service in the Agency shall be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance;
2. Special skills or training as they pertain to the assignment;
3. Ability to meet or exceed the 50th percentile rating in each segment of the Agency physical fitness test;
4. Willingness to perform duties using a canine partner for the working life of the canine; and
5. Officers who accept assignments as canine handlers are not eligible for transfer or promotion during the first four years of their canine assignment.

(b) Canine handlers and decoys shall participate in the Agency physical fitness test twice a year. Team members must meet or exceed the 50th percentile in each segment of the test. Failure of any phase of the testing will result in remedial training with an Agency fitness instructor and a retest of all segments to be completed within 30 days. Failure to comply within the thirty-day period shall result in a suspension from the team and possible removal. Team members unable to test due to injury or illness must provide documentation from a doctor indicating the nature of injury and applicable work restrictions. Following a release from a doctor, the team member will have no more than 60 days to complete the testing.

(c) Canine handlers or decoys may be suspended or removed from the Canine Unit at any time, without advanced notice, with or without cause by the Canine Lieutenant or Patrol Deputy Chief.

1. A canine handler shall have no property right to the Canine duty assignment.

(d) Upon the retirement of a canine, the Canine Team Leader shall evaluate the performance of the handler and make a recommendation to the Canine Lieutenant to retain or remove the handler from the Canine Unit. The Patrol Deputy Chief will have final approval authority regarding the recommendation.

## 318.5 CANINE HANDLER RESPONSIBILITIES

### 318.5.1 CARE FOR THE CANINE AND EQUIPMENT

The handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions. The handler will be responsible for the following:

(a) Unless required by a particular application, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.



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(b) Only Agency approved food shall be fed to the canine. The Agency will provide the food for the canine.

(c) Only Agency approved equipment shall be used in the handling and care of the canine.

(d) When off-duty, canines shall be maintained in kennels at the homes of their handlers. Only Agency approved kennels with six-foot walls shall be used to secure the canine. If a satisfactory kennel is not readily available, the Agency will provide one.

(e) Handlers shall permit the Canine Team Leader or Canine Lieutenant to evaluate the canine kennel at the handler's residence, as well as the canine patrol vehicle, to verify that conditions and equipment conform to this Policy.

(f) Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the Canine Team Leader as soon as possible.

(g) Under no circumstances will the canine be lodged at any other location unless approved by the Canine Team Leader in advance.

(h) Whenever a canine handler takes a vacation or an extended number of days off, the canine shall only be lodged at an Agency-approved location.

(i) When off-duty, handlers shall not involve their canines in any activity that would put the canine or an individual at unreasonable risk of injury.

(j) Canines may not be bred or used for breeding without authorization from the Deputy Chief of the Division to which the canine is assigned.

318.5.2 CANINES IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canines are trained.

(a) Canines shall not be left unattended in any area to which the public may have access.

(b) When the canine patrol vehicle is left unattended all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended canine patrol vehicle remains inhabitable for the canine and the canine heat protection system in the vehicle is activated.

(c) Only FCPS canine handlers or trained canine decoys are authorized to be in control of a FCPS canine in public.

318.5.3 HANDLER COMPENSATION

The canine handler shall be compensated for time spent in the care, feeding, grooming and other needs of the canine, in accordance with the Fair Labor Standards Act. The compensation shall be prescribed in the employee’s collective bargaining agreement.

## 318.6 MEDICAL CARE OF THE CANINE

All medical attention shall be rendered by the Agency designated canine veterinarian, except during an emergency or if a specialist is required.



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318.6.1 NON-EMERGENCY MEDICAL CARE
Nonemergency medical concerns requiring veterinarian care will be scheduled by the handler with the Agency designated veterinarian. Any indication that a canine is not in good physical condition shall be reported to the Canine Team Leader as soon as practicable.

(a) All records of medical treatment shall be provided to the Canine Team Leader and maintained with the canine unit.

318.6.2 EMERGENCY MEDICAL CARE
The handler shall notify the Canine Team Leader and Canine Lieutenant as soon as possible when emergency medical care for the canine is required. Depending on the severity of the illness or injury, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment. If the handler and canine are out of the area, the handler may use the nearest available veterinarian.

## 318.7 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current recognized national standards or Agency-approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics or explosives shall be trained and certified to meet a nationally-recognized standard or the Agency-approved certification standards established for such detection canines. Canine teams may not be used outside the scope of their certification.

318.7.1 CONTINUED TRAINING
Each canine team shall receive a minimum of 300 hours of annual training. Each canine team shall be recertified to a current nationally-recognized standard or the Agency-approved certification standards on an annual basis. Each detector canine team shall be recertified on an annual basis. Additional training considerations are as follows:

(a) Canine handlers are encouraged to engage in additional training with approval of the Canine Team Leader.

(b) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by the Agency.

318.7.2 FAILURE TO SUCCESSFULLY COMPLETE TRAINING
Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification standards are achieved. Any canine team failing to certify will receive remedial training to correct any performance issues. Handlers or canines that fail to respond to remedial training efforts may be subject to removal from the Canine Unit.

318.7.3 TRAINING AND DEPLOYMENT RECORDS
All canine training and deployment records shall be maintained by the Canine Unit.



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### 318.8 CANINE TEAM LEADER RESPONSIBILITIES

The Canine Team Leader shall be appointed by the Canine Lieutenant and shall coordinate the canine program. The Canine Team Leader is directly responsible to the Canine Lieutenant. The Canine Team Leader shall be responsible for, but not limited to:

(a) Reviewing all canine deployment reports to ensure compliance with this Policy and to identify training issues and other needs of the canine program.

(b) Maintaining liaison with other department canine coordinators.

(c) Maintaining liaison with the vendor kennel.

(d) Maintaining accurate records to document canine activities.

(e) Recommending and overseeing the procurement of needed equipment and services for the canine unit.

(f) Coordinating canine training and for scheduling all canine related activities.

(g) Ensuring the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

(h) Scheduling periodic training for all Agency personnel in order to familiarize them with how to conduct themselves in the presence of canines.

(i) Evaluating canine team performance and providing recommendations on program development to the Canine Lieutenant and Patrol Deputy Chief.

(j) Preparation and administration of the approved canine unit budget.

### 318.9 CONDUCT OF AGENCY PERSONNEL

Other Agency personnel working in conjunction with or near a canine are expected to:

(a) Follow the direction of the handler when a canine team is involved in a specific incident and it is necessary for the handler to direct officers in a tactical situation.

(b) Except in emergency situations, personnel other than the handler shall not give commands to a canine.

(c) Canines shall not be teased or harassed.

(d) Individuals may pet a canine only with permission and in the presence of the handler.

### 318.10 CARE AND USE OF CANINE VEHICLE

The Agency will provide a specially equipped vehicle for each canine team.

(a) The canine vehicle will be equipped as a standard marked patrol vehicle but will be modified as following:

1. It will have a section in the rear passenger are designed to safely transport the canine.



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2. The rear windows will be covered with a mess screen to prevent any person from gaining access to the canine with their fingers.
3. All rear windows will be tinted to provide the canine protection from the heat.
4. It will be fitted with a canine heat protection system which monitors the temperature inside the vehicle.
5. It will have decals identifying it as a "K-9 Unit" in order to notify persons to keep away.

(b) The canine vehicle will not be used by any other Agency members unless approved by the canine supervisor.

(c) Except in the case of an emergency, at no time will anyone gain access to the canine vehicle or remove any eqipment from the vehicle without the handler's approval.

(d) The canine handler is responsible for ensuring their vehicle is kept clean and properly maintained.



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# Domestic Violence

## 320.1 PURPOSE AND SCOPE

The purpose of this Policy is to provide the guidelines necessary to deter, prevent and reduce domestic violence through vigorous enforcement and to address domestic violence as a serious crime against society. This Policy specifically addresses the commitment of this Agency to take enforcement action when appropriate, to provide assistance to victims and to guide officers in the investigation of domestic violence.

## 320.2 POLICY

The Agency's response to incidents of domestic violence and violations of related court orders shall stress enforcement of the law to protect the victim and shall communicate the philosophy that domestic violence is criminal behavior. It is also the Policy of this Agency to facilitate victims' and offenders' access to appropriate civil remedies and community resources whenever feasible.

## 320.3 OFFICER SAFETY

The investigation of domestic violence cases often places officers in emotionally charged and sometimes highly dangerous environments. No provision of this Policy is intended to supersede the responsibility of all officers to exercise due caution and reasonable care in providing for the safety of any officers and parties involved.

## 320.4 INVESTIGATIONS

The following guidelines should be followed by officers when investigating domestic violence cases:

(a) Calls of reported, threatened, imminent or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls entered by a dispatcher.

(b) When practicable, officers should obtain and document statements from the victim, the suspect and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up investigation.

(d) When practicable and legally permitted, take video or audio recordings of all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim's personal privacy. Where practicable, photographs should be taken by a person of



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the same sex. Victims should be told to come to the police department in the event that the injuries later become visible so that the injuries can be documented and photographed.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence.

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the department that served the order and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers will take appropriate enforcement action when there is probable cause to believe an offense has occurred.

320.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

320.4.2 IF NO ARREST IS MADE

If no arrest is made because the officer is unable to determine whether a crime of domestic violence occurred pursuant to CRS § 18-6-803.6(1), the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties, and
2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

## 320.5 VICTIM ASSISTANCE

Victims may be traumatized or confused. Officers should:

(a) Recognize that a victim's behavior and actions may be affected.



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(b) Provide the victim with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(c) Alert the victim to any available victim advocates, shelters and community resources.

(d) Stand by for a reasonable amount of time when an involved person requests law enforcement assistance while removing essential items of personal property.

(e) Seek medical assistance as soon as practicable for the victim if he/she has sustained injury or complains of pain.

(f) Ask the victim whether he/she has a safe place to stay. Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for his/her safety or if the officer determines that a need exists.

(g) Make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(h) Seek or assist the victim in obtaining an emergency order if appropriate.

### 320.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable if a dispatcher cannot verify the reason for the incomplete call.

Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### 320.7 FOREIGN COURT ORDERS

Officers shall presume the validity of, and enforce in accordance with the provisions of this Policy, a foreign court order that appears to be an authentic court order that has been provided by any source. If the protected party does not have a copy of the foreign protection order on his or her person and the peace officer determines that a protection order exists through the central registry, the National Crime Information Center, or communication with appropriate authorities, the officer shall enforce the order. An officer may rely on the statement of any person protected by a foreign protection order that it remains in effect. An officer who is acting in good faith when enforcing a foreign protection order shall not be civilly or criminally liable pursuant to section C.R.S 18-6-803.3(5).

### 320.8 VERIFICATION OF COURT ORDERS

Determining the validity of a court order, particularly an order from another jurisdiction, can be challenging. Therefore, in determining whether there is probable cause to make an arrest for a violation of any court order, officers should carefully review the actual order when available, and, where appropriate and practicable (CRS § 13-14-104(4)):



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(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

(b) Check available records or databases that may show the status or conditions of the order.

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

Officers should document in an appropriate report their efforts to verify the validity of an order, regardless of whether an arrest is made. Officers should contact a supervisor for clarification when needed.

## 320.9 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for law enforcement to consider and do a variety of actions when domestic violence is involved in an investigation or response for assistance.

### 320.9.1 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

(a) If an officer has probable cause to believe an offender has committed an offense of domestic violence, an arrest shall be made (CRS § 18-6-803.6).

(b) An officer is not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence (CRS § 18-6-803.6). If an officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if a crime has been committed by one or more persons. In determining whether a crime has been committed by one or more persons, the officer shall consider the following (CRS § 18-6-803.6):

    1. Any prior complaints of domestic violence.

    2. The relative severity of the injuries inflicted on each person.

    3. The likelihood of future injury to each person.

    4. The possibility that one of the persons acted in self-defense.

(c) Unless impractical, if probable cause exists to believe an offender has violated a court order and that such offender had notice of the court order, an arrest shall be made (CRS § 18-6-803.5). If the circumstances make arrest impractical, the officer shall seek a warrant of arrest for the offender (CRS § 18-6-803.5).

(d) If a restrained person is arrested for violating or attempting to violate any provision of a court order, the arresting officer shall make all reasonable efforts to contact the protected party to notify him/her of such arrest (CRS § 18-6-803.5).



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### 320.9.2 REPORTS AND RECORDS

The Records Manager will maintain records on the number of domestic violence-related calls reported to the Agency and forward such records to the state as required (CRS § 18-6-803.9).

In the event that an individual is arrested by the Agency for violating a court order, the Records Manager shall forward to the issuing court a copy of the arrest report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The Records Manager shall also ensure that a copy of the same information is provided to the protected party.

The Agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting department, without order of the court (CRS § 18-6-803.5).

If a restrained person is on bond in connection with a violation or attempted violation of a protection order in this or any other state and is subsequently arrested by the Agency for violating or attempting to violate a protection order, the Records Manager shall notify the prosecuting attorney so that a motion may be filed with the court that issued the prior bond for the revocation of the bond and for the issuance of a warrant, if appropriate (CRS § 18-6-803.5).

### 320.9.3 SERVICE OF COURT ORDERS

Officers responding to a domestic violence call who encounter a person named in a court order that has not been otherwise served shall serve the person with a copy of the order (CRS § 13-14-107).



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# Search and Seizure

## 322.1 PURPOSE AND SCOPE

Both the federal and state Constitutions provide every individual with the right to be free from unreasonable searches and seizures. This Policy provides general guidelines for Agency personnel to consider when dealing with search and seizure issues.

## 322.2 POLICY

It is the Policy of the Agency to respect the fundamental privacy rights of individuals. Officers of this Agency will conduct searches in strict observance of the constitutional rights of persons being searched. All seizures by this Agency will comply with relevant federal and state law governing the seizure of persons and property.

In accordance with the Training Policy, the Agency will provide relevant and current training to officers as guidance for the application of current law, local community standards and prosecutorial considerations regarding specific search and seizure situations, as appropriate.

## 322.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent;
- Incident to a lawful arrest;
- Legitimate community caretaking interests;
- Vehicle searches under certain circumstances;
- Exigent circumstances;
- Evidence or contraband found in Plain View;
- Certain searches of persons after reasonable suspicion; and
- The application of Police Narcotics Detection Dogs.

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of found or abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each employee of this Agency is expected to act in each situation



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according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, officers are encouraged to contact a supervisor or the City Attorney or the District Attorney to resolve questions regarding search and seizure issues prior to electing a course of action.

## 322.4 SEARCH PROTOCOL

Although conditions will vary and officer safety and other exigencies must be considered in every search situation, the following guidelines should be followed whenever circumstances permit:

(a) Officers will strive to conduct searches with dignity and courtesy.

(b) Officers should explain to the person being searched the reason for the search and how the search will be conducted.

(c) Searches should be carried out with due regard and respect for private property interests and in a manner that minimizes damage. Property should be left in a condition as close as reasonably possible to its pre-search condition.

(d) In order to minimize the need for forcible entry to a premise, an attempt should be made to obtain keys, combinations or access codes when a search of locked property is anticipated.

(e) Arrest and search warrants may be executed by sworn officers only. Officers must comply with all statutory provisions, case law, and policies in effecting and executing arrest and search warrants.

### 322.4.1 RISK ASSESSMENT

Prior to executing a search or arrest warrant, officers shall complete the High Risk Warrant Matrix. The Matrix consists of high risk indicators with weighted values for each category. The completed Matrix will be included in any subsequent police report. Some of the indicators require a mandatory service by the Agency SWAT Team. After completing the Matrix, the officer will proceed in the following ways:

(a) Notify a supervisor of the Matrix score.

(b) Serve the warrant unassisted or with other officers as necessary.

(c) Consult a SWAT supervisor to determine if the SWAT Team will assist or take over the service of the warrant.

(d) Provide the warrant to the SWAT Commander for a SWAT service if required.

## 322.5 DOCUMENTATION

Officers are responsible to document any search of a premise and to ensure that required reports contain, at minimum, documentation of the following:

(a) Reason for the search;

(b) Any efforts used to minimize the intrusiveness of any search (e.g., asking for consent or keys);



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(c) What, if any, injuries or damage occurred;

(d) All steps taken to secure property;

(e) The results of the search, including a description of any property or contraband seized; and

(f) The Return of Service for a search warrant.

Supervisors shall review reports to ensure accuracy, that actions are properly documented and that current legal requirements and Agency Policies have been satisfied.



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# Temporary Custody of Juveniles

## 324.1 PURPOSE AND SCOPE

This policy provides guidelines consistent with the Juvenile Justice and Delinquency Prevention Act for juveniles taken into temporary custody by members of the Fort Collins Police Services (42 USC § 5633).

### 324.1.1 DEFINITIONS

The following definitions relate only to this policy:

**Non-secure custody** - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication, is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation.

**Secure custody** - When a juvenile offender is held in a locked room, a set of rooms or a cell. Secure custody also includes being physically secured to a stationary object.

Examples of secure custody include:

(a) A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when an unsecure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

## 324.2 POLICY

Fort Collins Police Services officers dealing with juvenile offenders are encouraged to use the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty.

Fort Collins Police Services is committed to releasing juveniles from temporary custody as soon as reasonably practicable and keeping juveniles safe while they are in temporary custody at the Fort Collins Police Services. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.



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## 324.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Fort Collins Police Services:

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated

Officers taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Fort Collins Police Services unless they have been evaluated by a qualified medical and/or mental health professional.

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release or a transfer is completed.

## 324.4 CUSTODY OF JUVENILES

Officers should take custody of a juvenile and temporarily hold the juvenile at the Fort Collins Police Services when there is no other lawful and practicable alternative to temporary custody. Refer to the Child Abuse Policy for additional information regarding detaining a juvenile who is suspected of being a victim.

No juvenile should be held in temporary custody at the Fort Collins Police Services without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

Any juvenile taken into custody shall be released to the care of the juvenile’s parent or other responsible adult or transferred to a juvenile custody facility or to other authority as soon as practicable. In no event shall a juvenile be held beyond six hours from the time of his/her entry into the Fort Collins Police Services (42 USC § 5633).

### 324.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

Non-offenders taken into protective custody in compliance with the Child Abuse Policy should generally not be held at the Fort Collins Police Services. Custodial arrangements should be made for non-offenders as soon as reasonably possible. Juvenile non-offenders may not be held in secure custody (42 USC § 5633).

### 324.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

Status offenders should generally be released by citation or with a warning rather than taken into temporary custody. However, officers may take custody of a status offender if requested to do so by a parent or legal guardian in order to facilitate reunification (e.g., transported home or to



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the station to await a parent). Juvenile status offenders may not be held in secure custody (42 USC § 5633).

324.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Fort Collins Police Services unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

324.4.4 REQUIREMENTS FOR CUSTODY OF JUVENILE OFFENDERS
A juvenile offender may be taken into temporary custody (CRS § 19-2-502):

(a) When there are reasonable grounds to believe that he/she has committed a violation of a statute, ordinance or court order that would subject an adult to an arrest.

(b) Pursuant to a lawful warrant issued by a court pursuant to CRS § 19-2-503.

A juvenile offender shall not be held longer than is reasonably necessary to obtain basic identification information and to contact the juvenile’s parents, guardian or legal custodian (CRS § 19-2-507(4)).

The juvenile shall be released to the care of the juvenile's parents or other responsible adult unless a determination is made in accordance with CRS § 19-2-507(2) that the juvenile's immediate welfare or the protection of the community requires that the juvenile be detained.

If the juvenile is not released to the care of his/her parents or other responsible adult, the juvenile shall be taken directly to the court, a detention facility or a shelter designated by the court, without unnecessary delay (CRS § 19-2-507(4)).

As an alternative to taking a juvenile offender to a detention facility or shelter, an officer may, if authorized by policy of the court, serve a written promise to appear for juvenile proceedings upon the juvenile and the juvenile's parent, guardian or legal custodian (CRS § 19-2-507(5)).

When a juvenile is not released pending charges, the officer shall notify the screening team for the judicial district in which the juvenile was taken into custody (CRS § 19-2-507(1)).

## 324.5 ADVISEMENTS
The screening team for the judicial district generally notifies the juvenile's parent, guardian or legal custodian that, if the juvenile is placed in detention or a temporary holding facility, all parties have a right to a prompt hearing to determine whether the juvenile is to be further detained. The notification may be made to a person with whom the juvenile is residing if a parent, guardian or legal custodian cannot be located. If the screening team is unable to make the notification, officers may make it (CRS § 19-2-507).

## 324.6 JUVENILE CUSTODY LOGS
Any time a juvenile is held in custody at the Agency, the detention shall be promptly and properly documented in the juvenile custody log, including:



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(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Fort Collins Police Services.

(c) Watch Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(e) Any changes in status.

(f) Time of all welfare checks.

(g) Any medical and other screening requested and completed.

(h) Circumstances that justify any secure detention.

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

The Watch Commander shall initial the log to approve the detention, including any secure detention, and shall also initial the log when the juvenile is released.

### 324.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Agency (42 USC § 5633). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Fort Collins Police Services shall maintain a constant, immediate presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact.

### 324.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Fort Collins Police Services shall ensure the following:

(a) The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Fort Collins Police Services more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Fort Collins Police Services more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the



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juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile.

(g) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(k) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

### 324.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Fort Collins Police Services when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening.

Other restraints shall only be used after less restrictive measures have failed and with the approval of the Watch Commander. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse.

### 324.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Fort Collins Police Services shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.



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The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile's presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Fort Collins Police Services.

## 324.11 SECURE CUSTODY

Only juvenile offenders 10 years of age or older may be placed in secure custody. Watch Commander approval is required before placing a juvenile offender in secure custody.

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to him/herself or others.

Members of this department should not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option.

When practicable, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles should not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter. Supervisor approval should be documented.

### 324.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire detention.

(b) Juveniles shall have constant auditory access to department members.

(c) Initial placement into and removal from a locked enclosure shall be logged.

(d) Random personal visual checks of the juvenile by a staff member, no less than every 15 minutes, shall occur.

    1. All checks shall be logged.

    2. The check should involve questioning the juvenile as to his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).

    3. Requests or concerns of the juvenile should be logged.

(e) Males and females shall not be placed in the same locked room.



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(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

### 324.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Fort Collins Police Services. The procedures will address:

(a) Immediate notification of the on-duty supervisor, Chief of Police and Criminal Investigations Division supervisor.

(b) Notification of the parent, guardian or person standing in loco parentis, of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City Attorney.

(e) Evidence preservation.

### 324.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

In any case where a juvenile is taken into temporary custody, officers should not attempt to interview or interrogate a juvenile offender or status offender unless either of the following occurs:

(a) A public defender or other counsel representing the juvenile is present.

(b) A parent, guardian, or legal or physical custodian of the juvenile is present and the juvenile and his/her parent, guardian, or legal or physical custodian are advised of the following:

1. The juvenile's right to remain silent
2. That any statements made may be used against him/her in a court of law
3. The juvenile’s right to the presence of an attorney during the interrogation
4. The juvenile’s right to have counsel appointed if he/she so requests at the time of the interrogation (CRS § 19-2-511)

### 324.14 RESTRICTION ON FINGERPRINTING

The following juvenile offenders shall be fingerprinted (CRS § 19-2-503.5):

(a) A juvenile offender held for committing any if the following:

1. A felony
2. A Class 1 misdemeanor



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3. A misdemeanor under CRS § 42-4-1301 (driving under the influence or while impaired)
4. A crime that includes an act of domestic violence as defined in CRS § 18-6-800.3(1)

(b) A juvenile who has not been fingerprinted prior to his/her first appearance before the court and has been ordered by the court to report for fingerprinting



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# Abuse of At-Risk Adults/Elders

## 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of the abuse of an at-risk person. It is the policy of the Fort Collins Police Services to treat reports involving at-risk adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

## 326.2 REPORTING REQUIREMENTS

Members shall make a report to the county department of social services within 24 hours under any of the following circumstances (CRS § 26-3.1-102(1)(a)):

(a) The member observes mistreatment, self-neglect or exploitation of an at-risk adult.

(b) The member has reasonable cause to believe that an at-risk adult has been:

1. Has been mistreated
2. Is suffering from self-neglect
3. Has been exploited and is at imminent risk of mistreatment, self-neglect or exploitation.

(c) Any such mistreatment, self-neglect or exploitation of an at-risk adult is reported to any member.

1. If a member receives a report that an at-risk adult has been mistreated, exploited or is suffering from self-neglect, the member shall prepare a written report as soon as reasonably practicable but no later than 48 hours (CRS § 26-3.1-102(1)(c)).

(d) Not more than 24 hours after receiving a report of abuse or exploitation, members shall also provide a notification to the county department of social services where the person resides and to the District Attorney's office where the abuse or exploitation occurred. Notification should take place under the following circumstances (CRS § 26-3.1.102(1)(a.5); CRS § 18-6.5-108):

1. The member observes abuse or exploitation of a person 70 or older.
2. The member has reasonable cause to believe a person 70 or older has been abused or exploited.
3. The member has reasonable cause to believe a person 70 or older is in imminent risk of being abused or exploited.
4. Any abuse or exploitation of any person 70 or older is reported to any member.

### 326.2.1 RECORDS RESPONSIBILITIES

Records is responsible for (CRS § 26-3.1-102(3));CRS § 18-6.5-108):



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(a) Providing a copy of the at-risk adult abuse report to the county department of social services and the District Attorney's office within 24 hours of the completion of the report. This requirement is applicable even if the initial call was received from a state agency.

(b) Providing copies of any criminal investigation reports related to abuse of a person age 70 or older to the county department of social services where the person resides and to the District Attorney's office where the abuse or exploitation occurred.

(c) Retaining the original at-risk adult abuse report with the initial case file.

## 326.3 OFFICER'S RESPONSE

All incidents involving actual or suspected abuse of an at-risk person shall be responded to immediately, fully investigated and appropriately documented.

### 326.3.1 INITIAL RESPONSE

Officers may be called upon to affect a forced entry as the first responder to the scene of a suspected at-risk adult abuse. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if medical personnel are not already present.

### 326.3.2 STABILIZE THE SITUATION

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

(a) Attempt to identify the victim, suspect and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently, it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly or at-risk person.

(b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.

(c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by law enforcement intervention.

(d) Make on-scene arrests when appropriate. Immediate arrest of an abuser (especially when the abuser is a family member or caretaker) may leave the older or at-risk victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

### 326.3.3 SUPPORT PERSONNEL

The following persons may be consulted if it appears an in-depth investigation is appropriate:

- Patrol supervisor;



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- Criminal Investigations Division (CID) personnel;
- Forensic Services personnel;
- County or State Protective Services Agency personnel;
- Ombudsman if the abuse is in a long-term care facility (CRS § 26-11.5-101-112); and
- Victim advocates.

326.3.4 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS

In any situation where an officer reasonably believes that a vulnerable person is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may contact the county court or Adult Protective Services and request a temporary restraining or protective order against the person alleged to have committed or threatened such abuse if that person is not in custody. If an offense is taken where it is clear there has been domestic violence against an elderly or at-risk adult, upon arrest of the suspect, the officer should seek an emergency court order.

**326.4 AT-RISK ADULT ABUSE REPORTING**

Every allegation of at-risk adult abuse shall be documented. Documentation of at-risk adult abuse cases should include, to the extent possible, at minimum (CRS § 26-3.1-102(2))); CRS § 18-6.5-108):

(a) The name, address, contact information and approximate age of the at-risk adult.

(b) The name, age, address, and contact information of the person making the report.

(c) The name, age, and address, and contact information of the at-risk adult's caretaker, if there is one.

(d) The name and address, if available, of the person who is alleged to have abused, neglected or exploited the at-risk adult.

(e) The nature and extent of the alleged abuse, neglect or exploitation of the at-risk adult.

(f) Any evidence of previous injuries.

(g) The basis of the reporter's belief that the at-risk adult has been abused, neglected, exploited or isolated.

(h) Any other information that would assist in the investigation of the report.

Reporting cases of older person or at-risk adult abuse is confidential. Information regarding such cases will only be released as per the Records Release and Security Policy, or as necessary for the coordination of a multi-agency investigation of a report or for the provision of protective services to an at-risk adult (CRS § 26-3.1-102(7)).



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### 326.5 AT-RISK ADULT ABUSE IN A CARE FACILITY

Officers shall investigate all allegations relating to the abuse, neglect or exploitation of an at-risk adult in a care facility or under the care of a facility. Officers shall immediately notify the Adult Protective Services Unit of the Colorado Department of Human Services and notify the Department of Human Services and the District Attorney's Office within twenty four hours after completing the investigation.

### 326.6 OBTAINING ARREST WARRANT

Officers should promptly seek a warrant for the arrest of any person for whom probable cause exists to believe the person is criminally responsible for the abuse, neglect or exploitation of an at-risk adult.



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# Discriminatory Harassment

## 328.1 PURPOSE AND SCOPE

This policy is intended to prevent department members from being subjected to discrimination or sexual harassment.

## 328.2 POLICY

The City, and by extension the Agency, is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The Agency will not tolerate discrimination against employees in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Agency will take preventive and corrective action to address any behavior that violates this Policy or the rights it is designed to protect.

The non-discrimination policies of the City and the Agency may be more comprehensive than state or federal law. Conduct that violates this Policy or City Personnel Policy 8.2 may not violate state or federal law but still could subject an employee to discipline.

## 328.3 DISCRIMINATION PROHIBITED

### 328.3.1 DISCRIMINATION

(a) The City is committed to providing a work environment that is free of harassment and unlawful discrimination. Consistent with the City's respect for the rights and dignity of each employee, harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation, genetic information, or any other characteristic protected by law, will not be sanctioned or tolerated. Sexual harassment is strictly prohibited.

(b) Harassment on the basis of any other protected characteristic is also strictly prohibited. In general, harassment is any verbal or physical conduct that denigrates or shows aversion toward an individual because of race, color, religion, sex, national origin, age, disability, sexual orientation, genetic information, or any other characteristic protected by law, and that:

1. Has the purpose or effect of creating an intimidating, hostile or offensive work environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment.

(c) Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on City premises or circulated in the workplace. Any individual found to have



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engaged in sexual or any other form of harassment will be disciplined as appropriate, up to and including termination.

(d) Any employee who believes she or he has been harassed in violation of this Policy by a co-worker, supervisor or agent of the City, or by anyone while working, should promptly report the facts and the names of the individuals involved to her or his supervisor or, in the alternative, to the Director of Human Resources. During non- business hours, if the employee is unable to reach his or her supervisor, or if it is inappropriate for the employee to contact his or her supervisor, the employee may contact any other supervisor or manager in the employee's department to report the incident and/or to obtain immediate emergency action. Any employee who observes harassment is also encouraged to report the incident promptly.

(e) Employees must immediately report to their supervisor all complaints, observed incidents or suspected incidents of harassment in violation of this Policy. The Human Resources Department will promptly investigate all reports and complaints of harassment as confidentially as possible and recommend appropriate action after consulting with Human Resources and City Attorney staff.

(f) A prompt and thorough investigation of the alleged incident will be conducted and appropriate action will be taken. Consistent with adequate investigation and appropriate corrective action, and to the extent permitted by law, any complaint of harassment will be treated as confidential.

(g) The Agency will not in any way retaliate against an employee, potential employee or former employee who, in good faith, makes a complaint or report of harassment, or participates in the investigation of such a complaint or report. Retaliation against any individual for reporting a claim of harassment or cooperating in the investigation of such a complaint will not be tolerated.

### 328.3.2 SEXUAL HARASSMENT

Sexual harassment is strictly prohibited. Sexual harassment is any unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; when submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile or offensive work environment.

### 328.3.3 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles or standards, including:

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the Colorado Civil Rights Division.



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(b) Bona fide requests or demands by a supervisor that an employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Agency rules or regulations, or any other appropriate work-related communication between supervisor and employee.

## 328.4 RESPONSIBILITIES

(a) This Policy applies to all employees. All employees shall follow the intent of these guidelines in a manner that reflects Agency Policy, professional law enforcement standards and the best interests of the City, the Agency and the respective mission.

(b) Employees shall promptly report any discriminatory, retaliatory or harassing conduct or known violations of this Policy to a supervisor. Any employee who is not comfortable with reporting violations of this Policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Human Resources Director or the City Manager.

(c) Any employee who believes, in good faith, that he/she has been discriminated against, harassed, subjected to retaliation, or who has observed harassment or discrimination, is encouraged to promptly report such conduct in accordance with the procedures set forth in this Policy.

### 328.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors and managers receiving information regarding alleged violations of this Policy shall determine if there is any basis for the allegation and shall proceed with resolution as stated below. Each supervisor and manager shall:

(a) Continually monitor the work environment and strive to ensure that it is free from all types of unlawful discrimination, including sexual harassment or retaliation.

(b) Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment or retaliation.

(c) Ensure subordinates understand their responsibilities under this Policy.

(d) Ensure that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Notify the Chief of Police or the Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

### 328.4.2 SUPERVISOR'S ROLE

Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:



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(a) Behavior of supervisors and managers should represent the values of the Agency and professional law enforcement standards.

(b) False or mistaken accusations of discrimination, harassment or retaliation can have negative effects on the careers of innocent employees.

(c) Supervisors and managers must act promptly and responsibly in the resolution of such situations.

(d) Supervisors and managers shall make a timely determination regarding the substance of any allegation based upon all available facts.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining duty assignments, evaluating or counseling employees or issuing discipline in a manner that is consistent with established procedures.

328.4.3 RESPONSIBILITIES UPON RECEIPT OF COMPLAINT

Upon receipt or notification of a complaint filed with the Colorado Civil Rights Division, the Chief of Police, the Human Resources Director, an authorized designee shall assign the complaint for action. The person assigned the complaint is responsible to ensure completion of the following (CRS § 24-34-301, et seq.):

(a) Provide a written answer to the complaint within the time required after receiving it.

(b) Supply and explain all relevant information, data or papers upon request.

(c) Respond to all telephone or mail inquiries from the Colorado Civil Rights Division.

(d) Attend all meetings, hearings or fact-finding conferences when requested.

## 328.5 INVESTIGATION OF COMPLAINTS

Various methods of resolving a complaint may exist. During the pendency of any investigation, the supervisor of the involved employees should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the Policy of the Agency that all complaints of discrimination or harassment shall be fully documented, and promptly and thoroughly investigated. The participating or opposing employee should be protected against retaliation, and the complaint and related investigation should be kept confidential to the extent possible.

328.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment or retaliation are encouraged to inform the individual that his/her behavior is unwelcome. However, if the employee feels uncomfortable, threatened, has difficulty expressing his/her concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.



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### 328.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the process described above, a formal investigation will be conducted pursuant to Policy 1020 - Administrative Investigations.

The Professional Standards Unit is charged with the formal investigation of discriminatory acts and has full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employee involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. Reporting shall be in compliance with this Policy. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Chief of Police, the Human Resources Director or the City Manager.

### 328.5.3 EQUAL OPPORTUNITY EMPLOYMENT COMPLAINTS

No provision of this Policy shall be construed to prevent any employee from seeking legal redress outside the Agency. Employees who believe that they have been harassed or discriminated against are entitled to bring complaints of employment discrimination to federal, state and local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this Policy does not in any way affect those filing requirements.

## 328.6 TRAINING

All new employees shall be provided with a copy of this Policy as part of their orientation. The Policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed form that he/she has been advised of this Policy, is aware of and understands its contents and agrees to abide by its provisions during his/her term of employment.

All employees shall receive annual training on the requirements of this Policy and shall certify by signing the prescribed form that they have reviewed the Policy, understand its contents and agree that they will continue to abide by its provisions.

### 328.6.1 QUESTIONS REGARDING DISCRIMINATION OR SEXUAL HARASSMENT

Members with questions regarding discrimination or sexual harassment are encouraged to contact a supervisor, manager, the Deputy Chief, the Director of Human Resources or the City Manager, or they may contact the Colorado Civil Rights Division.



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# Child Abuse

## 330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse and consistent with the intergovernmental agreement between the county Department of Human Services (DHS) and law enforcement agencies of Northern Colorado.

## 330.2 POLICY

The Agency will investigate all reported incidents of alleged criminal child abuse and ensure the county DHS is notified as required by law.

## 330.3 MANDATORY NOTIFICATION

Members of the Fort Collins Police Services shall attempt to notify DHS when (CRS § 19-3-308):

(a) They receive a report of a known or suspected incident of interfamilial abuse or neglect.

(b) They reasonably believe that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care.

(c) They receive a report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age 10.

Interfamilial acts of abuse includes acts by a child's parent, stepparent, guardian, legal custodian or relative, by a spousal equivalent or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child, but does not include an unrelated and paid care provider (CRS § 19-1-103).

Officers shall take into account accepted child-rearing practices of the culture in which the child participates including, but not limited to, accepted work-related practices of agricultural communities in determining abuse. Abuse does not include a reasonable exercise of parental discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

### 330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (CRS § 19-3-308):

(a) Timely notifications shall be made to DHS upon completion of an investigation and in accordance with the current intergovernmental agreement.

(b) A written summary of the investigation or case report shall be provided upon request to DHS upon completion of an investigation.

(c) Notification, when possible, shall include (CRS § 19-3-307):

1. The name, address, age, sex, and race of the child.



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2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
4. The family composition.
5. The source of the report and the name, address and occupation of the person making the report.
6. Any action taken by the reporting source.
7. Any other information that the person making the report believes may be helpful to protect the best interests of the children of this state.

An investigating officer and his/her supervisor shall notify the school district superintendent when there is a reasonable belief that an incident of abuse or neglect has been committed by a person acting in his/her official capacity as an employee of the school district (CRS § 19-3-308), which report will be considered confidential information by the superintendent.

### 330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse which contain evidence of probable cause to the District Attorney for review.

(d) Coordinate with other law enforcement agencies, social service agencies, and school district administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians, and other support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

### 330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse or neglect, a report shall be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.



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(b) Any relevant statements the child may have made and to whom he/she made the statements.

(c) If a child was taken into protective custody, the reasons, the name, and the title of the person making the decision.

(d) Documentation of any visible injuries or any injuries identified by the child or others. This should include photographs of such injuries, if practicable.

(e) Whether the child was transported for medical treatment or a medical examination.

(f) Whether the child identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside at the residence.

(g) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the child and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Unless unavailable, DHS shall be the department responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308(4)(a)).

(k) This department shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect alleged to have been committed by persons 10 years of age or older (CRS § 19-3-308(5.2)(a)).

(l) When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating officer shall coordinate such investigation with any concurrent abuse investigation being conducted by the department of education or the school district to the extent that such coordination is possible and deemed appropriate (CRS § 19-3-308(5.3)(c)).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

### 330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, the decision to remove a child from his/her family, guardian or other responsible adult should be made in conjunction with child welfare authorities.

Generally, the officer should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child.



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Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, the officer should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (CRS § 19-3-401):

(a) When a court has issued an order for protective custody.

(b) Without a court order when:

1. The child is abandoned or lost, or seriously endangered in his/her surroundings or seriously endangers others and immediate removal appears to be necessary for the child's protection or the protection of others;

2. There are reasonable grounds to believe that such child has run away or escaped from such child's parents, guardian, or legal custodian;

3. An arrest warrant has been issued for such child's parent or guardian on the basis of an alleged violation of CRS § 18-3-304.

4. A seriously endangered newborn child (less than 72 hours old) may be detained in a hospital, without a warrant, by an officer upon the recommendation of DHS, a physician, a registered nurse, a licensed practical nurse, or a physician's assistant, while an order of the court pursuant to CRS § 19-3-405(1) is being pursued. The newborn child must be released if a court order is denied.

(c) A child shall be removed from his/her home and placed in protective custody if an emergency exists because the child is seriously endangered, as described above, the safety or well-being of the child is immediately at issue and there is no other reasonable way to protect the child without removing the child from his/her home.

### 330.6.1 COURT ORDERS

Unless already being addressed by DHS, an officer should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the officer (CRS § 19-3-405):

(a) Believes that the circumstances or conditions of the child are such that continuing in his/her place of residence or in the care and custody of the person responsible for the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future, or

(b) Believes that the child is able to remain safely in his/her place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered.

### 330.6.2 RELATED NOTIFICATIONS

If DHS is unable to take custody of a child, officers taking a child into protective custody shall (CRS § 19-3-402):



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(a) Deliver the child, without unnecessary delay, directly to the court or to a place designated by the court.

(b) At the earliest opportunity, notify the court that the child has been taken into protective custody and where the child has been taken.

(c) Promptly file a brief written report with the court and any department or person so designated by the court stating the facts that led to the child being taken into custody and the reason why the child was not released.

Whenever a child is taken into temporary protective custody, the child's parent, guardian, or legal custodian shall be notified without unnecessary delay (CRS § 19-3-402(1)). The notification shall include information regarding the right to a hearing.

330.6.3 SAFE HAVEN ACT PROVISIONS

Any newborn infant (72 hours old or younger) who has been surrendered by a parent to an on-duty firefighter or hospital staff member under the safe haven provisions of CRS § 19-3-304.5 shall be taken into temporary protective custody by an officer pursuant to CRS § 19-3-401. A supervisor and a representative of DHS should be notified without delay.

## 330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Officers should attempt to avoid interviewing a child if possible while gathering information from other sources. Should a child need to be interviewed, officers should record the preliminary interview while asking as few non-leading questions as possible to gather minimal information. Officers should avoid multiple interviews with a child and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, a child should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.
2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.



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## 330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or department having legal custody of the child.

If exigent circumstances do not exist the officer should notify a supervisor who will coordinate with DHS to consider obtaining a court order for such an examination.

If injuries are visible, an officer may photograph them with and without scale to document them, CRS § 19-3-306.

## 330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and DHS is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking, or use of narcotics.

### 330.9.1 SUPERVISOR RESPONSIBILITIES

The Northern Colorado Drug Task Force Commander should:

(a) Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Northern Colorado Drug Task Force Commander that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

(c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social, and other conditions that may affect the child.

### 330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Northern Colorado Drug Task Force and Crimes Against Persons Supervisors so an interagency response may be initiated.

## 330.10 STATE MANDATES AND OTHER RELEVANT LAWS



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330.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Release and Security Policy (CRS § 19-1-307).

330.10.2 CHILD FATALITY PREVENTION REVIEW TEAMS
Local review teams are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (CRS § 25-20.5-404; CRS § 25-20.5-408(1)).

**330.11 TRAINING**
The Agency should provide training on best practices in child abuse investigations to members tasked with investigating cases involving potential child abuse or neglect. The training should include:

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to child abuse investigations.

(f) Availability of victim advocate or guardian ad litem support.



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# Missing Persons

## 332.1 PURPOSE AND SCOPE

This Policy provides guidelines for accepting, reporting, documenting and investigating reports of missing adults and the special circumstances and precautions taken upon the report of missing children, senior citizens and developmentally disabled adults. State law, as well as federal law under 42 USC 5779(a), specify certain requirements relating to missing persons (CRS § 16-2.7-101, et seq.) and ANSI Standards 01.101.2-2010.

## 332.2 REPORT ACCEPTANCE

(a) Employees shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports. A missing person report shall be accepted if (CRS § 16-2.7-102(2)):

1. The missing person resides within this Agency's jurisdiction and the last-known location is his/her residence or is unknown, or
2. There is credible information indicating that the missing person was last believed to be within this Agency's jurisdiction.

(b) Employees are not required to accept a missing person report if the person is the subject of a missing person report under investigation by another law enforcement agency within Colorado (CRS § 16-2.7-102(5)).

(c) If the location where a person has been missing or was last seen cannot be clearly and easily established, the local law enforcement agency having jurisdiction over the missing person's last known residence should take the report. In any instance where there is a disagreement over reporting responsibility that is not immediately resolved, it is the Policy of this Agency to promptly take and investigate a missing person report.

(d) Any investigation completed and information obtained in a case that is ultimately the responsibility of another jurisdiction shall be recorded in a police report, including information regarding the determination of jurisdiction, and forwarded to the appropriate agency.

### 332.2.1 REPORTS OF MISSING CHILDREN

It shall be the Policy of this Agency to thoroughly investigate all reports of missing children.

(a) Records and Fort Collins 911 personnel receiving the report of a missing child shall:

1. Determine if circumstances of the report meet the definition of a missing child as set forth in this Policy. The person taking the initial call will also determine if the child is considered at-risk according to the risk factors defined in this Policy.

(b) If the child is missing and at-risk, Dispatch will:

1. Send an officer to the scene of the report for investigation.



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2. Transmit the appropriate radio alerts and other notifications.
3. Activate established protocols for working with the media - including activation of the AMBER Alert system and/or other immediate community-notification methods when appropriate.

Questions concerning parental custody occasionally arise in relation to missing-child reports. It shall be the Policy of this Agency to accept the report of a missing child even if custody has not been formally established. Reporting parties shall be encouraged to obtain legal custody as soon as possible; however, since the safety of the missing child(ren) is paramount, employees will open a case when it can be shown the child has been removed, without explanation, from his or her usual place of residence. If custody has not been established by the Court, then the law-enforcement responsibility is to ensure the child is safe only.

### 332.2.2 AT-RISK MISSING CHILDREN

The term missing child refers to a person who is younger than 18 years of age and whose whereabouts are unknown to his or her custodial parent, guardian, or responsible party.

A missing child will be considered at-risk when the child is:

(a) 13 years of age or younger. This age was designated because children of this age group have not established independence from parental control and do not have the survival skills necessary to protect themselves from exploitation; or

(b) Believed or determined to be experiencing one or more of the circumstances noted below:

1. Is out of the zone of safety for his or her age and developmental stage.
2. Has mental or behavioral disabilities.
3. Is drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
4. Has been absent from home for more than 24 hours before being reported to law enforcement as missing.
5. Is in a life-threatening situation.
6. Is in the company of others who could endanger his or her welfare.
7. Is absent in a way inconsistent with established patterns of behavior and the deviation cannot be readily explained.
8. Is involved in a situation causing a reasonable person to conclude the child should be considered at risk. Significant risk to the child can be assumed if investigation indicates a possible abduction or violence at the scene of an abduction.



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332.2.3 ACTIONS UPON DETERMINATION OF RISK FACTORS

(a) If it is determined risk factors are involved in the report of a missing child, and the child is considered at-risk, then an expanded investigation, including the use of all appropriate resources, will immediately commence. If an initial investigation reveals that any person appears is missing under suspicious circumstances, the Watch Commander should refer to the Child Abduction Response Plan published by the Federal Bureau of Investigations for general investigative information and case management until relieved by Criminal Investigations Division (CID) personnel, who shall take responsibility for investigating the incident.

(b) Appropriate, existing interagency response protocols - including the AMBER Alert system and/or other immediate community notification methods, if available - should be considered.

If the child is not considered at-risk then a phone report may be taken according to current report procedures.

## 332.3 INVESTIGATION OF AT RISK MISSING CHILDREN

332.3.1 PATROL OFFICER RESPONSIBILITIES

The initial officer or first responder assigned to the report of a missing child shall respond promptly to the scene of the report and conduct a thorough investigation, which may include the following steps:

(a) Interview the parent(s) or person who made the initial report.

(b) Obtain a detailed description of the missing child including photo(s) and videos.

(c) Confirm the child is in fact missing.

(d) Verify the child's custody status.

(e) Identify the circumstances of the missing episode.

(f) Determine when, where, and by whom the missing child was last seen.

(g) Interview the individual(s) who last had contact with the missing child.

(h) Identify the missing child's zone of safety for his or her age and developmental stage.

(i) Obtain a description of the suspected abductor(s) and other pertinent information.

(j) Determine the correct NCIC Missing Person File category and ensure notification is promptly transmitted.

(k) Provide detailed descriptive information to communications unit for broadcast updates.

(l) Canvass the area for possible witnesses.

(m) Conduct an immediate, thorough search of the scene.



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(n) If appropriate, seal/protect scene, area of child's home, and areas of interest as potential crime scenes.

(o) Inquire if the child has access to the Internet, cell phone, and/or other communications device.

332.3.2 SUPERVISOR RESPONSIBILITIES
The supervisor assigned to the report of a missing child shall:

(a) Ensure a thorough search of the residence or location of the incident has been completed.

(b) Obtain a briefing from the first responder(s) and other department personnel at the scene.

(c) Determine if additional personnel and resources are needed to assist in the investigation.

(d) Consider activation of the AMBER Alert system and/or other immediate community notification methods.

(e) Organize and coordinate search efforts.

(f) Ensure all required notifications have been made.

(g) Establish a liaison with the victim family.

332.3.3 INVESTIGATOR RESPONSIBILITIES
The investigator assigned to the report of a missing child shall:

(a) Obtain a briefing from personnel at the scene.

(b) Verify the accuracy of all descriptive information.

(c) Initiate a neighborhood investigation.

(d) Obtain a brief history of recent family dynamics.

(e) Explore the basis for any conflicting information.

(f) Complete all remaining key investigative and coordination steps.

(g) Evaluate the need for additional resources and specialized services.

(h) Update descriptive information.

## 332.4 REPORTS OF MISSING ADULTS

This Agency investigates reports of adults missing under unusual circumstances or when senior citizens or developmentally disabled adults are missing.

(a) If an initial investigation reveals that an adult appears is missing under suspicious circumstances, the Watch Commander should refer to the Child Abduction Response Plan published by the Federal Bureau of Investigations for general investigative information and case management until relieved by Criminal Investigations Division (CID) personnel, who shall take responsibility for investigating the incident.



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332.4.1 INVESTIGATIVE RESOURCES AND SUPPORT
Additional support, investigative and supervisory assistance should be requested as reasonably necessary. Personnel providing assistance should be properly briefed and updated on the investigation status.

The handling investigator is responsible for seeing that all appropriate law enforcement agencies in the state are promptly notified. If deemed appropriate, law enforcement agencies in adjacent states or jurisdictions should be provided with any information that may aid in the location and return of the missing person or a person whose safety appears endangered. If necessary, use the International Justice & Public Safety Network (NLETS), the AMBER™ Alert network and the Silver Alert network to alert state, regional and federal law enforcement agencies.

332.4.2 INVESTIGATION OF MISSING SENIOR CITIZENS AND MISSING PERSONS WITH DEVELOPMENTAL DISABILITIES
If it is determined that the missing person is a senior citizen or a person who is developmentally disabled, the investigating officer shall immediately:

(a) Obtain documentation regarding the person's mental condition (CRS § 24-33.5-415.8).

(b) Consult with Dispatch regarding the issuance of appropriate broadcasts as described in Policy 334 - Missing Person Alerts.

(c) Ensure that identifying and descriptive information about the person and involved suspects and vehicles is immediately entered into the National Crime Information Center (NCIC) system, as appropriate (42 USC 5779(a)).

If the person is missing under suspicious circumstances, the Watch Commander shall follow the provisions of this Policy, and may also:

(a) Secure the crime scene and/or the last known position of the missing person and, if not already completed, attempt to identify and interview persons in the area at the time of the incident.

(b) Obtain and protect uncontaminated missing person scent articles for possible use by search canines.

(c) Request additional resources as appropriate.

## 332.5 REPORT HANDLING
Missing person reports require special handling and timely notifications. Information that is not immediately available and obtained at a later time shall be documented in a supplemental report as required.

Notification and entry into the state database of the Colorado Bureau of Investigation and the NCIC file shall be conducted as soon as reasonably possible by the handling investigator pursuant to state and federal laws:



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(a) If the missing person is developmentally disabled and 18 years of age or older or a senior citizen, the entry should be completed once the verification of mental condition has been established (CRS § 24-33.5-415.8).

For cases involving missing children, the investigator shall comply with state and federal laws regarding the reporting and investigation of these cases. The investigator shall send a missing child report containing identifying and descriptive information to the Colorado Bureau of Investigation as soon as possible but no later than 24 hours after obtaining the information (CRS § 24-33.5-415.1(3) and CRS § 16-2.7-103).

332.5.1 ELECTRONIC NOTIFICATIONS

When a missing person is under the age of 21, Records personnel shall send an electronic notification to the Colorado Bureau of Investigation and the NCIC within two hours after accepting the report (42 USC § 5779(a) and 42 USC § 5780(3)). To assist CBI, the electronic notification must note if the case involves a person whose safety appears to be endangered.

## 332.6 MISSING MORE THAN 30 DAYS

(a) In any case where a person remains missing more than 30 days from entry into the NCIC, the Agency will prepare for release when contacted by the Colorado Bureau of Investigation the following information for entry into appropriate databases, unless it has been previously released:

1. DNA samples from family members and, if possible, from the missing person;
2. Dental information and x-rays;
3. Additional photographs and video that may aid the investigation or identification;
4. Fingerprints; and
5. Other specific identifying information.

(b) If a person is still missing after 30 days, review the case file to determine whether any additional information received on the missing person indicates that the person's safety appears endangered. Update the record in NCIC to reflect the status change as soon as practicable.

332.6.1 MISSING MORE THAN 45 DAYS

If a person is still missing after 45 days, the handling investigator must check with the appropriate medical examiner and send to the U.S. Department of Justice (USDOJ) a photograph and dental records, and verify and update the record with any additional information as warranted. If dental records are unobtainable, this should be noted. This must be completed no later than 60 days after the report is filed.



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332.6.2 PROLONGED MISSING

If a person is still missing after a prolonged period, generally exceeding 45 days, the handling investigator should review the case and consider whether the following recommended actions should be performed:

(a) The investigation shall be assigned to an investigator for evaluation who should review all reports and transcripts of interviews, review all photographs and videotapes, re-interview key individuals and re-examine any physical evidence collected.

(b) Consider the use of a truth verification device if applicable for involved individuals.

(c) Review all potential witness information obtained in the initial investigation and consider background checks on anyone of interest identified in the investigation.

(d) Periodically check pertinent sources of information about the missing person for any activity, such as phone, bank, internet or credit card activity.

(e) Develop a timeline.

(f) Arrange for periodic media coverage.

(g) Consider utilizing rewards press releases or other resources for public dissemination of the information.

(h) Update NCIC Missing Person File information, as necessary.

(i) Contact the National Center for Missing and Exploited Children for age progression assistance, if applicable.

(j) Maintain contact with the family and/or the reporting party or their designee, as appropriate.

## 332.7 MISSING PERSONS LOCATED

When a missing person is located, the following actions may be required:

(a) When a missing person is located alive, the investigation may be concluded after completion of the following:

1. Verification that the located person is the reported missing person.
2. Notification of the Colorado Bureau of Investigation.
3. Medical evaluations as necessary.
4. An interview of the person.
5. Notifying the family/reporting party that the missing person has been located. In adult cases, if the located adult permits the disclosure of his/her whereabouts and contact information, the family/reporting party may be informed of this information.
6. Canceling alerts (AMBER Alert or Silver Alert), removing the case from NCIC and other information systems and removing posters and other publications from circulation.



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### 332.7.1 RECOVERED MISSING DATA ENTRY

(a) When a missing person who was reported by another jurisdiction is located, the Agency shall notify the original law enforcement agency having jurisdiction over the investigation and that agency shall cancel the entry from the NCIC computer.

### 332.7.2 UNIDENTIFIED PERSON REPORT

An officer assigned to the report of an unidentified person, whether living or deceased, who appears to be a child, shall:

(a) Obtain a complete description.

(b) Enter the unidentified child's description into the NCIC Unidentified Person File.

(c) Use all available resources to aid in identification of the child.

(d) Cancel all notifications after identification is confirmed.



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# Missing Person Alerts

## 334.1 PURPOSE AND SCOPE

The Policy provides guidelines for alerting the public to important information and soliciting public aid when appropriate.

## 334.2 POLICY

Public alerts may be employed used by the Agency to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. These may be accomplished through the use of the Everbridge System, local radio, television, press organizations and other groups. Various types of alerts may be used based upon each situation and the criteria required for each type of alert.

## 334.3 RESPONSIBILITIES

### 334.3.1 EMPLOYEE RESPONSIBILITIES

Employees should notify their supervisor and the Watch Commander as soon as practicable upon learning of a situation where an emergency public notification or warning is needed or when enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

### 334.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall notify their chain of command, on-duty Communications staff, on-duty Records staff and the Public Information Officer as soon as practicable when any public alert is generated.

The supervisor responsible for the alert is responsible for the following:

(a) Updating alerts;

(b) Canceling alerts;

(c) Ensuring all appropriate reports are completed; and

(d) Preparing an after-action evaluation of the investigation to be forwarded to their Deputy Chief.

## 334.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER Alert™) is the recruitment of public assistance to locate an abducted child via a widespread media alert using the statewide Emergency Alert System (EAS). Utilizing local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery.



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The goal of the AMBER Alert program is the safe return of an abducted child by establishing an effective partnership between the community, the media and law enforcement (CRS § 24-33.5-415.7).

### 334.4.1 CRITERIA

An AMBER Alert may be activated by a law enforcement agency if (CRS § 24-33.5-415.7(2)):

(a) The child is 17 years of age or younger.

(b) The Agency determines the child has been abducted.

(c) There is a credible threat to the safety and health of the child.

(d) The Agency has sufficient descriptive information about the child or the person who is suspected of abducting the child, or other pertinent information, to believe a broadcast will assist in the recovery of the child.

### 334.4.2 PROCEDURE

In the event of a confirmed child abduction, the Watch Commander or Criminal Investigations Lieutenant will ensure the following procedures be followed:

(a) The supervising officer will refer to Policy 332 - Missing Persons.

(b) The Watch Commander or Public Information Officer will prepare an initial press release and an emergency notification via the Everbridge Emergency Notification if appropriate as outlined in Fort Collins 911 SOP 400. Such notifications should include all available information that might aid in locating the child, such as:

1. The child's identity, age and description.
2. Photograph if available.
3. The suspect's identity, age and description, if known.
4. Pertinent vehicle description.
5. Details regarding time of the abduction, location of incident, direction of travel and potential destinations, if known.
6. Whether there is reason to believe the suspect has a relationship to the victim.
7. Name and telephone number of an authorized individual to handle the media.
8. Telephone number of the Colorado Bureau of Investigation to call for further information.
9. A telephone number for the public to call with leads or information.

(c) Fort Collins 911 will notify the Colorado Bureau of Investigation. After the information is checked, an AMBER Alert will be issued and the Colorado statewide EAS will be activated.

(d) Fax the press release to the local television and radio stations.



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(e) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Colorado State Patrol
2. FBI local office
3. Prompt entry of information into the U.S. Department Of Justice Missing Person System/National Crime Information Center (NCIC)
4. National Center for Missing and Exploited Children (NCMEC) (800-843-5678)
5. Agency Internet sites, communications and resources

(f) As additional information pertinent to the case becomes available, it shall be forwarded to the Colorado Bureau of Investigation.

(g) The supervisor responsible for making notifications shall prepare and forward to the previously described locations additional information regarding the search and investigation.

(h) Upon resolution of the incident the supervisor shall immediately notify the media and the Colorado Bureau of Investigation with pertinent information (CRS § 24-33.5-415.7(4)). Everbridge Alerts shall be resent to notify citizens their assistance is no longer needed.

(i) After 24 hours the supervisor investigating the incident shall assess the need to continue the AMBER Alert.

## 334.5 BLUE ALERTS

Blue Alerts are to be utilized in instances where a person has killed, or inflicted a life-threatening injury, upon a peace officer has not yet been apprehended.

The Blue Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state's public and commercial television and radio broadcasters (CRS § 24-33.5-416.5; 8 CCR 1507-27).

### 334.5.1 CRITERIA

Supervisors may request a Blue Alert when a peace officer has been killed or has received a life-threatening injury and the suspect or suspects have fled the scene of the offense (CRS § 24-33.5-416.5).

(a) The Public Information Officer or Watch Commander will prepare an initial press release that includes all available information that might aid in locating the suspect, such as:

1. The suspect's identity, age and description.
2. Photograph if available.
3. Pertinent vehicle description.
4. Details regarding the location of incident, direction of travel, potential destinations, if known.



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5. Whether there is reason to believe the suspect is currently armed.
6. Name and telephone number of the Public Information Officer or other authorized individual to handle the media.
7. Telephone number of the Colorado Bureau of Investigation to call for further information.
8. A telephone number for the public to call with leads or information.
9. Activate an Everbridge Emergency Notification, if appropriate, as outlined in Fort Collins 911 SOP 400.

334.5.2 PROCEDURE

A supervisor, after confirming that the criteria for a Blue Alert have been met, may notify the Colorado Bureau of Investigation and request a Blue Alert broadcast.

## 334.6 SENIOR CITIZEN/PERSON WITH DEVELOPMENTAL DISABILITIES ALERT

To aid in the identification and location of missing senior citizens and missing persons with developmental disabilities, the Colorado legislature created the Missing Senior Citizen and Missing Person with Developmental Disabilities Alert Program. This program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state's public and commercial television and radio broadcasters.

334.6.1 CRITERIA

These alerts apply to the following missing persons (CRS § 24-33.5-415.8):

(a) Person with developmental disabilities is defined as a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Who has a verified developmental disability.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement department.

(b) Missing senior citizen is defined as a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Whose age at the time he/she was first reported missing was 60 years of age or older and who has a verified impaired mental condition.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement department.



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Confirmation, in the form of a signed statement from the family member, close friend, caregiver, doctor or medical facility that verifies the missing person is a senior citizen with an impaired mental condition or is a person with developmental disabilities, is required to meet the criteria for the alert (CRS § 24-33.5-415.8; 8 CCR 1507-26).

334.6.2 PROCEDURE

A supervisor, acting upon confirmation of a report of a missing senior citizen or a person with developmental disabilities, may notify the Colorado Bureau of Investigation and request a Missing Senior Citizen/Person with Developmental Disabilities Alert broadcast. Supervisors should ensure that all criteria for the alert are met prior to the request (8 CCR 1507-26).

(a) Activation of an Everbridge Emergency Notification should be considered. If appropriate, proceed as outlined in Fort Collins 911 SOP 400.

## 334.7 MEDINA ALERTS

Medina Alerts are for those instances where a driver of a vehicle has killed or inflicted a serious bodily injury on a person in a hit-and-run accident. The Medina Alert program is a coordinated effort among the Colorado Bureau of Investigation, local law enforcement agencies and the state's public and commercial television and radio broadcasters (CRS § 24-33.5-416.7).

334.7.1 CRITERIA

Medina Alerts apply when (CRS § 24-33.5-416.7):

(a) A person has been killed or suffered serious bodily injury as the result of a hit-and-run accident.

(b) There is additional information concerning the suspect or suspect's vehicle, including one of the following:

1. A complete license plate of the suspect's vehicle.
2. A partial license plate of the suspect's vehicle along with the make, style and color of the suspect's vehicle.
3. The identity of the suspect.

334.7.2 PROCEDURE

A supervisor, after confirming that the criteria for a Medina Alert have been met, may notify the Colorado Bureau of Investigation and request a Medina Alert broadcast (8 CCR 1507-33).



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# Victim and Witness Assistance

## 336.1 PURPOSE AND SCOPE

The purpose of this Policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the Agency meets all related legal mandates.

## 336.2 POLICY

The Agency is committed to providing guidance and assistance to the victims and witnesses of crime. Employees will show compassion and understanding for victims and witnesses and will take reasonable efforts to provide the support and information identified in this Policy.

## 336.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a Victims Services Supervisor to serve as the crime victim liaison. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Agency regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### 336.3.1 SPECIFIC VICTIM LIAISON DUTIES

The victim liaison should:

(a) Ensure that the Agency affords victims and witnesses the rights described in CRS § 24-4.1-302.5.

(b) Facilitate the return of property to victims (CRS § 24-4.1-303).

(c) Ensure child victims and child witnesses are provided appropriate services commensurate with their age and needs (CRS § 24-4.1-304).

(d) Coordinate with other department's victim/witness services programs.

## 336.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written Agency material or available victim resources.

### 336.4.1 SPECIFIC REQUIREMENTS REGARDING VICTIMS

All reasonable attempts will be made to protect any victim or the victim's immediate family from harm, harassment, intimidation or retaliation arising from their cooperation in the reporting, investigation or prosecution of a crime. Additionally, this Agency shall provide reasonable efforts to minimize contact between the victim and the victim's immediate family and the defendant and



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the relatives of the defendant before, during, and immediately after a judicial proceeding (CRS § 24-4.1-303(5).

### 336.5 VICTIM INFORMATION

The Victims Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg).

(d) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(e) A clear explanation of relevant court orders and how they can be obtained.

(f) Information regarding available compensation for qualifying victims of crime.

(g) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(h) Notice regarding U-Visa and T-Visa application processes.

(i) Resources available for victims of identity theft.

(j) A place for the officer's name, badge number and any applicable case or incident number.

(k) Information regarding available compensation for qualifying victims of crime (CRS § 24-4.1-101 et seq.).

(l) How to file a claim in their judicial district through the Victim Compensation Administrator or online at the Colorado Department of Public Safety Victim Compensation Program, http://dcj.state.co.us/ovp/comp_english.htm .

(m) Information required pursuant to the Victim Rights Act (CRS § 24-4.1-301 et seq.).

(n) Information related to the Colorado Organization for Victim Assistance (COVA), http://www.coloradocrimevictims.org/.

(o) Information regarding the ability of a victim of domestic violence to terminate a landlord-tenant agreement pursuant to CRS § 38-12-402.

(p) An advisement that the victim may apply to have a substitute address designated for public records and confidential mail forwarding (CRS § 24-30-2102).



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## 336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

### 336.6.1 SPECIFIC REQUIREMENTS REGARDING WITNESSES

Officers should provide all witnesses with the applicable witness information handouts (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

## 336.7 WITNESS INFORMATION

The Victims Services Supervisor shall ensure that witness information handouts are available and current. These should include information specifically related to witness rights and resources (CRS § 24-4.1-302.5; CRS § 24-4.1-304).

## 336.8 NEXT-OF-KIN NOTIFICATION

In addition to death notifications provided by this Agency pursuant to Policy 360, the Agency provides notification of death, serious injury, or serious illness when necessary or when requested by another law enforcement agency. All notifications will be carried out promptly and in a courteous manner. Whenever possible, officers making the notification should attempt to obtain assistance from Victim Advocates or clergy members.



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# Bias-Motivated Crimes

## 338.1 PURPOSE AND SCOPE

The Fort Collins Police Services recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this Agency will utilize all available resources to see that justice is served under the law. This Policy has been developed to meet or exceed the provisions of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

### 338.1.1 FEDERAL JURISDICTION

Federal law prohibits discrimination-based acts. The U.S. Department of Justice (DOJ) may obtain jurisdiction over crimes of violence where the perpetrator has selected the victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability (18 USC 245).

## 338.2 DEFINITIONS

Definitions related to this Policy include:

**Bias-motivated crime** - A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, he/she (CRS § 18-9-121(2)):

(a) Knowingly causes bodily injury to another person.

(b) By words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property, and such words or conduct are likely to produce bodily injury to that person or damage to that person's property.

(c) Knowingly causes damage to or destruction of the property of another person.

## 338.3 PREVENTING AND PREPARING FOR LIKELY BIAS-MOTIVATED CRIMES

While it is recognized that not all crime can be prevented, this Agency is committed to taking a proactive approach to preventing and preparing for likely bias-motivated crimes by among other things:

(a) Making an affirmative effort to establish contact with persons and groups within the community who are likely targets of bias-motivated crimes to form, and cooperate with, prevention and response networks.

(b) Providing victim assistance and follow-up as outlined below, including community follow-up.

(c) Educating community and civic groups about bias-motivated crime laws.

## 338.4 PROCEDURE FOR INVESTIGATING BIAS-MOTIVATED CRIMES

Whenever any employee receives a report of a suspected bias-motivated crime or other activity that reasonably appears to involve a potential bias-motivated crime, the following should occur:



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(a) Officers will be promptly assigned to contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practicable.

(c) Once "in progress" aspects of any such situation have been stabilized (e.g., treatment of victims or apprehension of present suspects), the assigned officers will take all reasonable steps to preserve available evidence that may tend to establish that a bias-motivated crime was involved.

(d) The assigned officers will interview available witnesses, victims, and others to determine what circumstances, if any, indicate that the situation may involve a bias-motivated crime. No victim of, or a witness to, a bias-motivated crime may be detained or turned over to federal authorities exclusively for any actual or suspected immigration violation unless that person is charged with or convicted of a crime under state law.

(e) Depending on the situation, the assigned officers or supervisor may request additional assistance from investigators or other resources to further the investigation.

(f) The assigned officers will include all available evidence indicating the likelihood of a bias-motivated crime in the relevant reports. All related reports will be clearly marked as "Bias-Motivated Crimes" and, absent prior approval of a supervisor, will be completed and submitted by the assigned officers before the end of the shift.

(g) The assigned officers should also make reasonable efforts to assist the victim by providing a Victim's Rights Pamphlet and available information on local assistance programs and organizations as required by the Victim Assistance Policy.

(h) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid, e.g., a possible Temporary Restraining Order through the courts or District Attorney.

### 338.5 CRIMINAL INVESTIGATIONS DIVISION RESPONSIBILITIES

If a case is assigned to the Criminal Investigations Division, the assigned investigator will be responsible for following up on the reported bias-motivated crime by:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victim and other involved individuals, as needed.

(c) Maintaining statistical data and tracking of suspected bias-motivated crimes as indicated or required by state law.



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338.5.1 STATE BIAS-MOTIVATED CRIME REPORTING
This Agency shall report bias-motivated crime offenses in the form and manner and at regular intervals as prescribed by rules adopted by the Department of Public Safety. This shall be conducted by the Records Manager.

338.5.2 FEDERAL BIAS-MOTIVATED CRIME REPORTING
The Records Manager should include bias crime data reporting within the National Incident Based Reporting System (NIBRS), Uniform Crime Report (UCR) and Summary Reporting System (SRS) reports pursuant to Records procedures and in compliance with (28 USC § 534(a)).

## 338.6 TRAINING
All officers of this Agency shall receive training on bias-motivated crime recognition and investigation and shall attend annual training which incorporates a bias-motivated crime training component.



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# Expectations of Conduct

## 340.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the department and are expected of its employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning employee conduct. Employees are also subject to provisions contained throughout this manual as well as additional guidance on conduct that may be disseminated by the department or the employee's supervisors.

This policy applies to all employees (full- and part-time) and volunteers.

### 340.1.1 POLICY

It is the Policy of the Agency that all employees of our organization are expected to hold themselves to higher standards of conduct than those expected of the general public. Except for the rules that are identified as specific only to police officers and community service officers, this Policy applies to all employees of the Agency.

### 340.1.2 ETHICS

As police employees, we are endowed with a special level of trust, and we are all equally responsible for establishing, preserving, and promoting integrity and ethical conduct.

High ethical standards must prevail in all our interactions with citizens and with each other, and we must strive to avoid even the appearance of a conflict of interest or compromise of our standards.

## 340.2 DISCIPLINE POLICY

The continued employment of every employee of this Agency shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this Policy, whether on or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this Policy to the extent that it is related to acts that may materially affect or arise from the employee's ability to perform official duties, that it may indicate that the employee is unfit for his/her position or that brings discredit or harm to the professional image or reputation of the Agency, its employees, the City or the law enforcement profession.

### 340.2.1 LAWFUL ORDERS

Employees shall comply with lawful Directives and orders from any supervisor or person in a position of authority absent a reasonable and valid justification.

(a) Agency employees shall obey the lawful orders of supervisors and, regardless of their rank, they shall respond appropriately to instructions given by the on-duty dispatcher. They shall perform all duties required of them by supervisors, whether such duties are specifically assigned to them or are a part of Agency Directives, Policies, procedures, and regulations.



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(b) Should an order conflict with a previously issued order or with any Agency standing order or with provisions of the Agency Directives, Policies, procedures, or regulations, the employee to whom such order is issued shall respectfully call attention to the conflict.

1. If the person giving the order does not make changes to resolve the conflict, the new order shall stand, and the responsibility shall be his/hers.
2. The employee obeying the new order shall not be held responsible for disobedience of the previous order.

(c) If an Agency employee is given an order which in his/her opinion is either illegal or not in the best interest of the Agency, they may, in accord with their own conscience, choose to refuse to obey the order.

1. However, the employee assumes full responsibility for their decision and if, on review, he/she is found to have been in error, he/she may be subject to disciplinary action.

### 340.3 CONDUCT THAT MAY RESULT IN DISCIPLINE

All employees must remember that they are public representatives of the Agency and conduct themselves accordingly. Employees share the responsibility of maintaining the Agency reputation. Employees who tolerate misconduct are, in effect, condoning and participating in that misconduct and may be held accountable.

Employees shall conduct themselves, whether on or off-duty, in accordance with the Constitution of the United States, the Colorado Constitution and all applicable laws, ordinances and rules enacted or established pursuant to legal authority.

Although it is impossible to predict every possible type of employee behavior that may be cause for corrective action, the following are some of the types of conduct which could lead to disciplinary action. Any of the following actions may be deemed sufficient cause for discipline up to and including termination of employment:

(a) Failure to perform the duties of rank or assignment in the manner required by verbal or written Agency Policies, procedures, Directives, and regulations, either willfully or through negligence, incompetence, or cowardice.

(b) Violation of any Agency or City Policy, procedure, Directive, rule, or order. Employees are expected to familiarize themselves with this Manual and any other written Directives, Policies or procedures of the Agency and the City.

(c) Offensive or disorderly conduct.

(d) Knowing departure from the truth in connection with any official duties or matters associated with Agency responsibilities.

(e) Intimidation of any person under color of authority for personal reasons or use of position for personal gain or improper influence.

(f) Violation of a City ordinance or state or federal statute.



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(g) Sleeping while on duty, or intentionally making oneself unavailable for assigned duties.

(h) Appropriating any evidence, found property, or Agency or City property for his/her personal use.

(i) Soliciting or accepting a bribe or gratuity that may create a real or perceived expectation of preferential treatment.

(j) Careless handling or loss of City property.

(k) Feigning sickness or injury to avoid duty, or failure to follow job duty restrictions issued by a doctor or other health care provider.

(l) Abuse of authority in order to force a settlement or in any way inappropriately influence a civil or criminal matter.

(m) Use of unnecessary force in the performance of duty or the mental or physical abuse of any person in custody.

(n) Use of any controlled substance, except according to a prescription and under the supervision of an accredited and licensed medical doctor or dentist. A medical marijuana recommendation is not a prescription, and the use of medical marijuana by employees is prohibited.

(o) Harassment or intimidation of any person, including harassment or intimidation based on race, creed, color, sex, age, religion, national origin or ancestry, physical or mental disability, or sexual orientation.

(p) Any form of bias-based policing.

(q) Bringing sexually explicit materials into the work place when there is no legitimate Agency purpose. Sexually explicit materials shall mean any writings, pictures, drawings, electronic reproductions, or other visual reproductions depicting the genitals, depicting sexual acts, or depicting an image which could reasonably be construed as conveying a sexually erotic theme.

(r) Any conduct by an employee on or off-duty that tends to impair the effectiveness, efficiency or morale of the Agency, may cause the public to lose confidence in the police department, violates the public trust or negatively affects the reputation of the Agency or any employee.

(s) Violating the Constitutional rights of any individual.

(t) Any conduct or circumstance that makes the employee unable to effectively perform the duties of his/her position.

### 340.3.1 ATTENDANCE

(a) Employees shall report for duty at the time, place, and in the attire and with the equipment specified by the Agency or by a supervisor, unless absence is authorized by a competent



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authority. Inability to report as indicated shall be communicated to the shift supervisor prior to the scheduled reporting time.

(b) Employees shall be punctual in reporting for duty, special assignments, court appearances, in-service classes, meetings, and other appointments.

(c) Employees shall not leave the job to which he or she is assigned during duty hours without reasonable excuse and proper permission and approval.

(d) Except when ill or otherwise unfit for duty, Agency employees who are off-duty shall report for duty immediately upon receipt of orders to do so.

(e) Employees are required to have a secondary telephone device (hardwired landline, cell phone or a Voice Over Internet Protocol (VOIP) device which may be a handheld device or computer) separate from the Agency-issued communication device and to provide that current telephone number, along with their current home address, to the Agency.

1. All changes shall be reported within 24 hours.

340.3.2 CONDUCT

(a) Agency employees must have articulable, factual reason(s) for engaging in any investigation. Mere personal curiosity on the part of an officer or an employee does not constitute sufficient reason to commence an investigation without supervisory approval.

(b) Agency employees shall be attentive to and take appropriate action in response to a report, inquiry, or complaint received by the employee from a private person, unless circumstances, Policy or practice require that the matter be referred to another officer, Division, or Agency.

1. When employees work to resolve community crime and disorder issues, they are encouraged to utilize a conventional problem solving strategy (e.g. the SARA Method) to address the issue.

(c) Employees shall answer requests for information and provide requested assistance or aid the person in identifying a source for the information or assistance.

1. Employees shall not belittle a seemingly trivial request, complaint, or item of information.

2. Employees will conduct complete investigations and necessary follow-up as required.

(d) Officers shall report all crime and other information of concern to the Agency that comes to their attention, whether the incident occurred inside or outside the City.

1. Officers shall not repress, conceal or distort the facts of any such incident.

(e) Officers, whether on or off-duty, observing a police emergency, or having one reported to them, shall immediately report, or have it reported, to police headquarters or Dispatch in as complete detail as possible, and assist as needed.



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(f) Employees must not use any Agency report or record for other than official Agency business, nor communicate information which may jeopardize our mission or which may endanger the safety or well-being of others.

(g) Agency employees shall be courteous, civil, and respectful of supervisors, associates, and other persons, whether on- or off-duty.

(h) Employees must cooperate fully and truthfully in any Agency-authorized investigation. In an administrative investigation, the procedures in Policy 1020 - Administrative Investigations shall be followed.

(i) Employees shall not initiate any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.

1. Using Agency resources in association with any portion of an independent civil action is prohibited.
2. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

(j) Employees shall not seek restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.

(k) Employees shall promptly and fully report activities that have resulted in official contact by any other law enforcement department.

(l) Employees shall not disclose one's status as an employee with the Agency in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Agency business or activity.

(m) The use of any information, photograph or video obtained or accessed as a result of employment with the Agency for personal or financial gain or without the express authorization of the Chief of Police or an authorized designee may result in discipline under this Policy.

(n) Employees shall not engage in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact. Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity is prohibited.

(o) Subjecting another to any form of sexual harassment is prohibited.

340.3.3 DISCRIMINATION, OPPRESSION, HARASSMENT OR FAVORITISM

Discrimination, oppression or favoritism of any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, with the knowledge that the conduct is prohibited.



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340.3.4 INTOXICANTS

Violations of Policy 1012 - Alcohol and Drug Use, and City Policies 8.11 - Controlled Substances and Alcohol Policy - General Policy, and 8.17 - Controlled Substances and Alcohol Policy (In Compliance with FMCSA Regulations) are prohibited and subject to discipline up to and including termination.

340.3.5 PERFORMANCE

The following types of performance are prohibited:

(a) Making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Agency or employees thereof.

(b) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any Agency record, public record, book or paper document.

(c) Wrongfully using, loaning, selling, allowing unauthorized use, giving away or appropriating any Agency badge, uniform, identification card or property for personal use, personal gain or any other improper or unauthorized use or purpose.

(d) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not required for the performance of the employee's current job duties or authorized by his/her appointing authority.

(e) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties.

(f) Attempted or actual theft of Agency property, misappropriation or misuse of public funds, property, personnel or services or the property of others, or the unauthorized removal or possession of Agency property or the property of another person.

(g) Failure to disclose or misrepresenting material facts or the making of any false or misleading statement on any application, examination form or other official document, report or form, or during the course of any work-related investigation.

(h) Unless authorized by the Chief of Police, Deputy Chief or Division Director Agency employees shall not make an audio and/or video recording of a conversation or meeting with another Agency employee unless all Agency employees participating in the conversation or meeting are made aware of the recording at its inception.

(i) In order to avoid any appearance of impropriety, and in order to avoid the possible sullying of the character or reputation of individuals and the Agency, Agency employees shall not associate with any person who is currently charged with or convicted of a felony when the employee knows or reasonably should have known of the status of the person. This provision shall not be applicable to association directly related to official police duties or to association with a member of the employee's immediate family (parent, spouse, civil union partner, child, or grandchild, including step relationships in those categories). The Chief of Police may



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grant exceptions to this section when the Chief concludes, in his or her sole discretion, that the purposes of this restriction would not be significantly impaired by the granting of the exception.

(j) Officers, who injure a person or animal, or damage public or private property, shall immediately report the circumstances to a supervisor.

340.3.6 SAFETY

Employees are expected to contribute toward maintaining a safe work environment. The following behavior may result in disciplinary action:

(a) Failure to observe posted rules, signs and written or oral safety instructions while on-duty and/or within Agency facilities or failure to use required protective clothing or equipment.

(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.

(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.

(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating Agency safety standards or safe working practices.

340.3.7 SUPERVISOR RESPONSIBILITIES

If an employee's conduct is a cause for discipline, a supervisor shall inform the employee promptly and specifically of the improper conduct. Supervisors and managers are required to follow all Policies and procedures and may be subject to discipline for:

(a) Failure to take appropriate action to ensure that employees adhere to the Policies and procedures of this Agency and that the actions of all personnel comply with all laws.

(b) Failure to report in a timely manner any known misconduct of an employee to his/her immediate supervisor or to document such misconduct appropriately or as required by Policy.

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose.



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# Agency Technology Use

## 342.1 PURPOSE AND SCOPE

This Policy describes the use of Agency computers, software and systems.

### 342.1.1 PRIVACY POLICY

Any employee utilizing any computer, tablet, iPad, electronic storage device or media, Internet service, telephone service, information conduit, system, or other wireless service provided by or funded by the Agency expressly acknowledges and agrees that the use of these devices or services, whether for business or personal use, is without any expectation of privacy. This loss of privacy applies to the employee as well as the sender and recipient of any communications utilizing the devices or services and specifically includes the content of any communications. The Agency expressly reserves the right to access and audit any and all communications, including content that is sent, received, and stored through the use of the devices and services.

## 342.2 DEFINITIONS

See Policy 107 - Definitions.

## 342.3 COMPUTER SYSTEM INSPECTION OR REVIEW

There is no expectation of privacy regarding files contained in or on Agency computers, tablets, iPads, or systems. A supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member of the Agency's information systems staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the system.

Reasons for inspection or review may include, but are not limited to, system malfunctions, problems or general system failure, civil actions against the Agency involving the employee or related to the employee's duties, an alleged or suspected violation of any Agency Policy or applicable law, a lawful request for disclosure of data, or a need to perform or provide an Agency service.

## 342.4 AGENCY PROPERTY

Employees who have department-issued tablets or iPads are expected to use those and computers as their sole means of doing reports/trial preparations and investigations.

All information, data, documents and other entries initiated on any of the Agency's computers, whether downloaded or transferred from the original Agency computer, shall remain the exclusive property of the Agency and shall not be available for personal or non-Agency use without the express written authorization of an employee's supervisor.



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### 342.5 UNAUTHORIZED DUPLICATION OF SOFTWARE

Employees shall not copy or duplicate any copyrighted and/or licensed software. To reduce the risk of a computer virus, employees are not permitted to install personal copies of any software onto the computers owned or operated by the Agency. If an employee must copy data onto a disk and download it on a non-Agency computer, the employee shall scan the disk for viruses before loading the data on an Agency computer system.

No employee shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Agency while on Agency premises or on an Agency computer system. The Agency and individuals can be subject to civil damages per title copied, along with criminal penalties including fines and imprisonment.

### 342.6 PROHIBITED AND INAPPROPRIATE USE

Access to Agency technology resources, including Internet access provided by or through the Agency, shall be strictly limited to Agency-related business activities.

(a) Employees may make occasional and quick use of Agency technology while on-duty to check personal email, telephone family, etc.

(b) During authorized break or lunch periods, employees may use Agency technology so long as the use does not violate any provision of this Policy Manual.

Data stored on or available through Agency systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation or who otherwise have a legitimate law enforcement or Agency business-related purpose to access such data. Any exceptions to this Policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to Agency use and that shall not be intentionally accessed includes, but is not limited to, adult forums, pornography, chat rooms and similar or related websites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files. No copyrighted and/or unlicensed software program files may be downloaded without authorization of the Information Technology (IT) Department or, when related to criminal investigations, the Chief of Police or the authorized designee.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.

#### 342.6.1 ELECTRONIC MESSAGING

(a) Transmission of electronic messages and information on communications media provided for employees shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence. Electronic messaging is a less formal means of communicating, yet this less stringent standard does not mean that messages should contain inappropriate language or content. Although a limited amount of



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personal messaging will be allowed, personal messages which are unlawful, discriminatory, harassing, pornographic, obscene, sexually explicit, excessive, disruptive, unprofessional, or otherwise a violation of the public trust are not allowed. Supervisors may restrict or prohibit an employee's personal messaging if, in the supervisor's judgment, an employee's use is excessive or affects the performance of the employee or others or is otherwise in violation of this Policy.

(b) Accessing or transmitting materials (other than that required for official business) that involves the use of obscene language, images, inappropriate jokes, sexually explicit materials, or messages that disparage any person, group, or classification of individual is prohibited whether or not a recipient has consented to or requested such material.

(c) Confidential, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the following:

1. Transmittal of personnel information, such as performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related employee information.
2. Criminal history information and confidential informant master files, identification files, or related information.
3. Intelligence files and information containing sensitive tactical and undercover information.

(d) No employee shall allow unauthorized users to access any file or database unless that person has a need and a right to such information. Employees are strongly encouraged to log off any computer or network terminal that has access to the Agency's computer network, electronic mail systems, the Internet, or sensitive information whenever they leave their workstation. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.

(e) Employees do not have an expectation of privacy in the materials sent or received through Agency electronic devices. All information sent or received on Agency computers or other Agency devices is deemed to be Agency property and subject to inspection and copying by supervisors and other Agency officials with or without notice or consent. Directed or random monitoring may be done at the direction of the Information Services Deputy Chief. Managers and supervisors will be responsible for reviewing the results of monitoring and appropriate follow-up.

### 342.7 INTRODUCTION OF SOFTWARE

Introduction of software by users should only occur as a part of the automated maintenance or update process of Agency- or City-approved or installed programs by the original manufacturer, producer or developer of the software. Any other introduction of software requires prior



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authorization by the IT Department. iPad and iPhone applications which are to be purchased with City funds are to be approved by the unit supervisor. Applications which are free or personally purchased are allowed as long as the application doesn't violate other policy provisions of this manual.

### 342.8 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care and maintenance of the system.

Employees shall ensure information on Agency computers and access terminals is not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information and other individual security data, protocols and procedures are confidential information and are not to be shared. Employees should not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor. Password length, format, structure and content shall meet the prescribed standards required by IT and shall be changed at intervals as directed.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.



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# Report Preparation

## 344.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

### 344.1.1 REPORT PREPARATION

(a) Employees should ensure that their reports are sufficiently detailed for their purpose and reasonably free of errors prior to submission.

(b) Handwritten reports or forms must be prepared legibly. If the report is not prepared legibly, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this Policy.

(c) All reports shall accurately reflect the identity of the persons involved, witnesses, all pertinent information seen, heard or assimilated by any other sense and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

### 344.1.2 RESTRICTIONS

(a) Original paperwork associated with a case will not be kept by any employee. It will be turned in as soon as possible to Records, or if it qualifies as evidence, turned in to Property and Evidence as directed by Policy 804 - Property and Evidence.

(b) No employee will archive case information or paperwork on their computers, PCD's, at their desks, in their cars, or at home.

(c) If an employee wishes to maintain a 'working copy' of a case report, all copies must have a distinctive watermark indicating they are copies. Once the court case has reached a disposition and all appeals have been exhausted, the employee must dispose of the working copy by either entering the material into evidence under the appropriate case, shredding, permanently deleting from their computer, iPad or other electronic device, or depositing in a security bin.

## 344.2 REQUIRED REPORTING

Police reports are required in all of the following situations on the appropriate Agency-approved form unless otherwise approved by a supervisor.



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### 344.2.1 CRIMINAL ACTIVITY REPORTING

When an employee responds to a call for service, or when a crime has been reported, or as a result of self-initiated activity an employee becomes aware of any activity where a crime has occurred, the employee is required to document the activity in a police report. The fact that a victim does not desire prosecution is not an exception to documentation. The following are examples of incidents that require police reports:

(a) In every instance where a crime has been observed by an employee or when an employee determines a crime has occurred, the documentation shall take the form of a police report.

(b) In every instance where the victim desires a report.

(c) In every case where a reportable use of force is used against any person by an employee.

(d) All incidents involving reports of domestic violence.

(e) All arrests other than for traffic offenses.

(f) If any action is taken or people are contacted in situations which are likely to reoccur or where documentation of the incident may be needed by this Agency or other organizations (i.e., Social Services, Poudre School District), a case number shall be assigned and a report shall be completed.

(g) Assists to other agencies if the incident assisted meets our criteria for a case number.

(h) Any incident where the complainant is obviously upset or requests that a report be made.

(i) Any other situation where the Agency has issued a Directive requiring a report.

### 344.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using a police report:

(a) Any reportable use of force by an employee (see Policy 301 - Response to Resistance Reporting and Review.)

(b) Any firearm discharge other than for training or qualification purposes.

(c) Anytime a person is reported missing (regardless of jurisdiction) (see Policy 332 - Missing Adults and Children.)

(d) Any found property or found evidence.

(e) Any traffic collisions above the minimum reporting level (see the Policy 502 - Accident Response and Reporting.)

(f) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.

(g) All protective custody detentions.

(h) Suspicious incidents that may place the public or others at risk.

(i) Suicide attempts.



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(j) Criminal or Municipal Code violations in licensed liquor establishments.

(k) Whenever an employee enters a business or residence and the owner or responsible party is not present or does not respond to the scene, such as an alarm, open door, etc.

344.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy 360 - Death Investigation. An employee handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

344.2.4 INJURY OR DAMAGE BY CITY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a City employee. Reports also shall be taken when there is damage to City property or City equipment.

344.2.5 MISCELLANEOUS INJURIES

(a) Any injury that is reported to this Agency shall require a report when:

1. The injury is a result of a drug overdose.
2. There is an attempted suicide.
3. The injury is major or serious, whereas death is the likely result.
4. The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event.

(b) The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

## 344.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable.

(a) Reports will be completed prior to an employee's end of shift.



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(b) Reports for cases involving acts of violence (robbery, sex assault, DV, assault, etc.), and in which an investigation is ongoing or will reasonably begin prior to an employee's return to work, shall not be unnecessarily delayed or deferred for later completion.

1. In the event an employee cannot complete such a report prior to the end their shift because of extreme officer fatigue or onset of sickness, they shall communicate an account of their actions and observations to their supervisor who will ensure the information is made available for an ongoing investigation either verbally or through an email.

(c) When an employee takes action or receives information regarding an ongoing investigation or previously reported incident, he or she will promptly supplement the appropriate police report(s).

344.3.1 FORMAT

(a) Employees are expected to remain current with report criteria and style. If changes in format of reports, summonses or forms are necessary for court or procedural reasons, compliance with new instructions is required.

(b) Employees are expected to make whatever preparations are necessary to organize their dictation or report writing in a manner consistent with the typing format. The narrative portion of the report should be dictated or typed in chronological order without repetitive or rambling sentences.

(c) Employees will utilize any notes they may have taken during an investigation to assist them in completing incident reports. The relevant facts contained in those notes shall be incorporated into the incident reports. Once those reports have been dictated or entered into ARS and approved, the original notes will be destroyed. However, upon receipt of a court order requiring the preservation and disclosure of employee notes, the employee will preserve and make available to the prosecuting attorney all case notes in existence at the time of, and subsequent to the court order. Additionally, upon receipt of a litigation hold from the City's Risk Manager, the employee will preserve all case notes in existence at the time of and subsequent to the receipt of the litigation hold until such time as the litigation hold is removed.

344.3.2 CONTENT

(a) All reports shall be accurate, detailed and complete. The required information fields in ARS are to be completed fully when information is available.

(b) Follow-through is expected in report preparation. For example, if witnesses are interviewed, a synopsis of the witness' oral statement and their information is to be included in the report. If written statement forms are left with citizens for completion, it is the employee's responsibility to assure the forms are later collected and included in the original report. When



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an employee collects a written statement for an incident other than a routine traffic accident, the employee shall include a synopsis of the written statement in their narrative report.

(c) All action taken should be documented. Even if action taken does not lead to expected results, there should be documentation of the action taken to prevent duplication of efforts. When leads are exhausted and no charges are filed, a supplemental report will be completed to inactivate the case.

(d) An employee must make an immediate verbal report to the on duty patrol supervisor and the employee's immediate supervisor of any duty related or off duty incident that involves the discharge of a firearm (with the exception of firearms training, range practice, sporting events or recreational purposes). This verbal report shall consist of information necessary to secure the scene, ascertain whether medical care is needed, whether all suspects are in custody or their last know location and route of travel, the location of evidence and the location of potential witnesses.

(e) If action taken by an employee involves a reportable use of force, the employee must document the application of such force in their reports and, at a minimum, the documentation must include the resistance offered or threat made by the suspect, description of the force used by the employee and the result of that application.

### 344.3.3 REPORT COMPLETION

(a) Supervisors have the discretion to exempt employees from completing a written report if the supervisor deems it necessary during the investigation of a critical incident. In these circumstances, an audio and/or video statement will suffice as a police report.

(b) Complicated accident reports, requiring extensive diagramming, may be an exception to the above standard. In these situations, cover sheets must be completed and turned in at the end of the shift. Supervisor permission is necessary for the delay in completing the report.

(c) Employees conducting follow up or filing of charges with the District Attorney shall complete a supplementary report indicating that charges were either accepted or rejected.

(d) Red tag cases are defined as all cases referred to the Criminal Investigations Division and all cases where an arrest (include misdemeanor summons issuance) has been made. If dictated, these cases will be red tagged and will be transcribed within 24 hours.

(e) Reports may be taken by Records personnel in the Differential Police Reporting Unit (DPR).

(f) Guidelines are outlined in "DPR Procedure Manual".

### 344.3.4 CASE MANAGEMENT/CLOSURE

(a) It is the responsibility of every employee to identify a case closure for all cases. The closure codes to be used are:

1. "Open," should be used when the case is still open. This includes cases that are actively being investigated, or still pending information or documentation.



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2. "Closed," should be used when the case is inactive, suspended, non-criminal, referred to other department.
3. "Unfounded," should be used when it is determined that the reported crime never occurred.
4. "Exceptionally Cleared," should be used when the case meets the following four conditions:
    (a) The investigation must have clearly and definitely established the identity of at least one offender.
    (b) Sufficient probable cause must have been developed to support arresting, charging and prosecuting the offender.
    (c) The exact location of the offender must be known so that an arrest could be made.
    (d) There must be a reason outside the control of law enforcement which prevents the arrest, i.e. 1 through 5, below:
        1. Death of Offender
        2. Prosecution Declined (by the prosecutor for other than lack of probable cause)
        3. Extradition Denied
        4. Victim Refused to Cooperate (in the prosecution)
        5. Juvenile/No Custody (the handling of a juvenile without taking him/her into custody, but rather by oral or written notice given to the parents or legal guardian in a case involving a minor offense, such as petty theft.)
5. "Charges Filed", should be used when the case has been filed and accepted for prosecution.

### 344.4 EMPLOYEE AND SUPERVISOR REVIEW AND APPROVAL OF REPORTS

Report approvals shall be completed within a specified number of working days, which are days employees and supervisors are working in their normal assignments.

(a) Employees

1. All felony arrest reports and felony-filing reports are to be owner (employee) approved within one working day after the report is entered/typed into ARS.
2. Priority case reports and all other reports are to be approved within three working days of the reports being entered/typed into ARS.

(b) Supervisors



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1. Supervisors are to approve all felony arrest reports and felony-filing reports within one working day after the report is entered/typed into ARS.
2. Supervisors are expected to review and approve priority reports from their employees within three working days from the date the officer approved the report.
3. Supervisors are expected to approve all other reports within twelve working days of the reports being owner approved.
4. Supervisors on vacation or extended leave shall make arrangements through their unit manager to ensure that timely report approval occurs during their absence (i.e. Acting Supervisors, etc.)
5. If a report remains in the "In Progress (IP)", "Owner Approved (OA)", or "Unapproved (UA)" status for more than seven days, a message will be sent to the supervisor indicating the report needs to be processed/approved. If the report is not processed/approved within the next seven days, the Records Manager may follow up with the appropriate Division Deputy Chief to assist in getting the report approved.



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# News Media Relations

## 346.1 PURPOSE AND SCOPE

Establishing and maintaining an effective relationship with the news media is crucial in gaining community support. This Policy provides guidelines regarding media relations, media releases, the release of information to the public through the news media, and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

### 346.1.1 POLICY

(a) It is the Policy of this Agency to cooperate with the news media and to maintain an atmosphere of open communication, within the bounds of the law. A positive working relationship with the media is mutually beneficial. To this end, information will be released to the news media in an impartial, accurate and timely fashion. It is the responsibility of each employee to abide by this philosophy of cooperation.

(b) No employee shall release any information that would jeopardize an active investigation, prejudice an accused's right to a fair trial, or violate any law.

### 346.1.2 ALTERNATIVE METHODS TO DISSEMINATE INFORMATION:

(a) It is the Policy of this Agency to consider alternative methods of disseminating information directly to the public. These may include social media, community newsletters, government access cable television shows, public appearances by employees, public area bulletin boards and others.

## 346.2 RESPONSIBILITIES

(a) The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. The Chief of Police may delegate some portion of that responsibility to others where, in the Chief's sole discretion, a situation does not warrant immediate notice to the Chief and in situations where the Chief has given prior approval, then Assistant Chief, Deputy Chiefs, Lieutenants, Sergeants, any designee thereof, and the designated Public Information Officer (PIO) may prepare and release information to the media in accordance with this Policy and applicable law.

(b) The Chief of Police may assign personnel as contact points for news media, the designated Agency media representatives are:

1. The Public Information Officer shall be the primary contact for the news media.
2. Supervisors may be secondary contact for news media in the absence of the PIO.
3. Other employees as directed by the Chief of Police, PIO, or a supervisor.



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346.2.1 MEDIA REQUEST

(a) Any media request for information or access to a law enforcement situation shall be referred to the designated Agency media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

1. At no time shall any employee make any comment or release any official information to the media without prior approval from a supervisor or the designated Agency media representative.
2. In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved department prior to the release of any information by this Agency.
3. Under no circumstance should any employee make any comments to the media regarding any law enforcement incident not involving this Agency without prior approval of the Chief of Police.

346.2.2 MEDIA RIDE-ALONGS

(a) Media ride-alongs allow members of the media to accompany law enforcement officers as they perform their duties. Although media ride-alongs are generally restricted, all requests for media ride-alongs shall be channeled through the PIO and may occasionally be approved when determined to be beneficial to the Agency. If approved, employees shall not permit members of the media to accompany them onto private property where other citizens are not allowed nor will they assist in securing permission for access from property owners.

346.2.3 MEETINGS WITH THE MEDIA

(a) Reaffirming this Agency's commitment to positive media relations, the Chief of Police and PIO may meet on a regular basis with media representatives to discuss issues of mutual interest or concern.

## 346.3 MEDIA ACCESS

(a) Authorized members of the media should be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities. Access by the media is subject to the following conditions:

1. The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.
2. Media representatives may be prevented from interfering with emergency operations and criminal investigations.



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(a) Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

3. No employee shall be required to submit to media visits or interviews without the consent of the involved employee.

4. Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Chief of Police and the express written consent of the person in custody.

(b) A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Employees shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the PIO.

346.3.1 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident. It should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR § 91.137).

346.3.2 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

## 346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

(a) The Agency will maintain a daily incident log of significant enforcement activities that shall be made available, upon request, to media representatives through the Records Unit. This log will consist of data classified as public and may generally contain:

1. The date, time, location, case number, and type of crime.



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2. The daily arrest log will be prepared and provided to the news media by the Larimer County Jail and will include the date, arrest location, arresting officer, name, birth date and charges for each person arrested by this Agency.

(b) At no time shall identifying information pertaining to a juvenile arrestee be publicly released without prior approval of a competent court or as permitted by state law.

(c) At no time shall identifying information pertaining to a juvenile victim be publicly released without prior approval of a competent court when access to the data would reveal the identity of a victim or alleged victim.

(d) At no time shall identifying information pertaining to a juvenile witness be publicly released without prior approval of a competent court when this Agency has determined that the identity of a juvenile witness reasonably requires protection.

(e) Information concerning incidents involving persons whose identities are classified as private or confidential under state law shall be restricted from disclosure, for instance persons defined as being 'at-risk' individuals and victims of sexual assaults. Further detail is available in the Policy 810, Security and Release of Records.

(f) Identifying information concerning deceased individuals will be released to the news media by the Larimer County Coroner or designee when the decedent's identity has been verified and the decedent's family has been notified when feasible.

(g) Any requests for copies of reports or additional information not contained in this Policy shall be referred to the designated media representative, the custodian of records, or if either of these individuals are unavailable, to the Watch Commander. Such requests will be processed in accordance with Policy and state law.

### 346.4.1 STATE RESTRICTED INFORMATION

It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this Agency (See the Release of Records Policy and the Personnel Files Policy). When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) The identities of involved officers when the release hinders a law enforcement purpose or reveals the identity of an undercover law enforcement officer or as otherwise required by law.

(b) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) Information pertaining to pending litigation involving this Agency or the City.

(d) Information obtained in confidence or that uniquely describes stolen, lost, confiscated or recovered property.

(e) Any information that is otherwise privileged or restricted under state or federal law.



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## 346.5 PROCEDURES

(a) Media Inquiries

1. The Agency will respond to all media inquiries in a timely and professional manner that complies with applicable law. During normal business hours, media inquiries shall be directed to the PIO. After normal business hours, media inquiries will be directed to the on-duty Patrol Sergeant or Lieutenant, or acting PIO.

(b) Interviews

1. The PIO is responsible for assisting the news media by conducting interviews him/herself or coordinating interviews with other qualified Agency personnel. Employees contacted directly by the media shall notify the PIO of any interview requests. All conversations with members of the news media should be considered "on the record" and subject to being quoted.

(c) News Releases

1. News releases shall be written and disseminated to the media and within the Agency on major incidents and events of community interest or concern. News releases will be reviewed and approved in advance of dissemination by a supervisor or the PIO, with a copy given to the PIO.

(d) News Conferences

1. News conferences will be held only in connection with major events of concern to the community. The Chief of Police will be informed of all news conferences. The PIO will facilitate the news conference, which may include the Chief of Police or his/her designee.

(e) Joint Investigations/Other Agency Involvement

1. In a multi-jurisdictional investigation, the lead investigative Agency is responsible for providing or coordinating the release of public information. The PIO or designee for the lead Agency will share that information with all involved agencies in advance of public dissemination.

## 346.6 PROFESSIONAL ASSOCIATIONS

(a) Associations with other PIOs:

1. This Agency is committed to ensuring the PIO function is part of mutual aid support that law enforcement agencies provide to each other. To that end, the PIO will participate in and support professional associations and organizations comprised of PIOs from other public and private agencies.

(b) Law Enforcement/Media Associations:



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1. This Agency will participate in regional law enforcement/media associations to further understanding between the two professions.



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# Court Appearance and Subpoenas

## 348.1 PURPOSE AND SCOPE

This Policy has been established to provide for the acceptance of subpoenas and court notices and to ensure that employees appear in court when requested and present a professional appearance.

## 348.2 COURT SUBPOENAS

Agency employees who could receive subpoenas or court notices related to their employment with this Agency are subject to the provisions of this Policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed or properly notified. This Policy applies to civil and criminal subpoenas and notices. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

### 348.2.1 VALID SUBPOENAS

No subpoena or court notice shall be accepted for an employee of this department unless it has been properly served.

### 348.2.2 ACCEPTANCE OF SUBPOENA

(a) Only the employee named in a subpoena shall be authorized to accept service of a subpoena.

### 348.2.3 REFUSAL OF SUBPOENA

Training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, the employee shall, as soon as reasonably possible, inform their supervisor of the expected absence. It is the responsibility of the subpoenaed employee to notify the issuing department of the employee's unavailability to appear. If the named employee is unable to make the notification due to the injury or illness, the supervisor shall make the notification.

If a process server attempts to present a subpoena at the Agency and the employee is not on-duty, an authorized employee shall inform the process server of the employee's next available working day.

### 348.2.4 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for off-duty actions not related to their employment with the Agency shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their appearance. Arrangements for time off shall be coordinated through their supervisor.



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348.2.5 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court-imposed civil and/or criminal sanctions for contempt of court.

## 348.3 CIVIL SUBPOENAS NOT INVOLVING A GOVERNMENT PARTY

The Agency will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by Policy 1038 - Work Periods and Overtime.

Except when acting as a witness for a government party, the Agency will receive reimbursement for the employee's compensation through the civil attorney of record who called the employee as a witness. Any reimbursement received directly by the employee shall be promptly turned over to the Agency.

348.3.1 PROCEDURE
To ensure that the employee is able to appear when required, is compensated for such appearance and to protect the Agency's right to reimbursement, employees shall follow established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the employee or the Agency is not a party without properly posted fees pursuant to applicable law (CRCP Rule 45).

## 348.4 OVERTIME APPEARANCES

If the employee appears on his/her off-duty time, he/she will be compensated in accordance with Policy 1038 -Overtime Payment Requests.

## 348.5 COURTROOM PROTOCOL

Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.

348.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed employee shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.

348.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or business attire as described in Policy 1044 - Personal Appearance Standards.

## 348.6 COURTHOUSE DECORUM

Employees shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.



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### 348.7 TESTIFYING AGAINST THE INTEREST OF THE STATE

Any employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of, or at the request of any party other than the State of Colorado, a county, city, other unit of government or any of its officers and employees in which any of those entities are parties, will notify his/her immediate supervisor without delay. The supervisor will then notify the Chief of Police, the City Attorney, and the appropriate prosecuting attorney. The Chief of Police, in consultation with the City Attorney, will determine if additional legal support is necessary

This includes, but is not limited to, the following situations:

(a) Providing testimony or information for the plaintiff in a civil proceeding against any county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.

(b) Providing testimony or information on behalf of or at the request of any party other than a county, city, other unit of government or any government official or its officers and employees, including, but not limited to, personnel and/or disciplinary matters.



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# Mutual Aid and Outside Agency Assistance

## 352.1 PURPOSE AND SCOPE

This Policy provides guidance to officers in the request of or answering the request for assistance from another law enforcement department.

It is the Policy of this Agency to provide assistance whenever reasonably possible. Assistance shall be consistent with the applicable laws and Policies of this Agency when another law enforcement department requests assistance with an arrest or detention of any person. This Agency may also request an outside department to provide assistance (CRS § 29-5-104).

The Agency may at the discretion of the Chief of Police establish an agreement for reciprocal law enforcement with another department, including those of neighboring states, provided those agreements meet statutory requirements pursuant to CRS § 29-1-206. An agreement may include:

(a) Assisting other peace officers in the line of their duties and within the course of their employment.

(b) Exchanging Agency peace officers with peace officers of another department on a temporary basis.

## 352.2 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are received via radio transmission and are routed to the Watch Commander or patrol supervisor for approval. Any such response to assist an outside department should be considered for authorization pursuant to law or an established mutual aid plan (see generally CRS § 24-33.5-713).

(a) When an authorized employee of an outside department requests the assistance of this Agency in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a patrol supervisor. Arrestees may be temporarily detained by this Agency until arrangements for transportation are made by the outside department. A police report will be completed to report action taken by Agency personnel when:

1. An Agency police officer arrests a person;
2. When the use of force is necessary to effect or assist in any arrest;
3. At the request of the department asking for assistance; and
4. When directed by a supervisor.

## 352.3 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another department, the employee requesting assistance shall first notify a supervisor of his/her intentions. The supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.



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The supervisor may request Dispatch to assign a mutual aid radio frequency for use by all involved agencies so that communication can be coordinated as needed.

If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

In the event of circumstances requiring federal law enforcement assistance, the Chief of Police or his or her designee will be responsible for contacting the appropriate federal agency.

An additional resource to consider when obtaining mutual aid assistance is the Colorado State Emergency Resource Mobilization Plan (CSERMP) available from https://mobilization.state.co.us/documents/CSERMP.pdf.

### 352.4 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants with contingent sharing requirements should be documented and updated as necessary by the Patrol Administrative Lieutenant. The conditions relative to sharing, the training requirements connected to the use of the supplies and equipment, and those trained in the use of the supplies and equipment should be included in the documentation.



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# Registered Sex Offender Information

## 356.1 PURPOSE AND SCOPE

This Policy establishes guidelines by which the Agency will address issues associated with certain offenders who are residing in the jurisdiction and how the Agency will disseminate information and respond to public inquiries for information about registered sex offenders.

## 356.2 POLICY

It is the Policy of the Agency to identify and monitor registered sex offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose. This Policy establishes the roles and responsibilities of Agency personnel in the registration of registered sex offenders, and to ensure that the Agency establishes and maintains a clear process to facilitate compliance with registration requirements. It will be the responsibility of the Criminal Impact Unit to ensure the following:

(a) All assigned employees receive appropriate training regarding the sex offender registration process.

(b) A system is established and maintained that will reasonably accommodate registrants as they seek to register.

(c) An information dissemination process is established and maintained to provide Agency employees with timely updates regarding new registrants or registrants who have relocated.

(d) A process is established and maintained to legally verify that a registrant remains in compliance with his/her registration requirements after the initial registration.

## 356.3 REGISTRATION

The Criminal Investigations Division Lieutenant shall establish a process that complies with state law (CRS § 16-22-109). The Investigations Lieutenant may consider a process that would rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders will receive appropriate training regarding the registration process and state law.

Upon conclusion of the registration process, the Investigations Lieutenant shall ensure that the registration information is provided to the Colorado Bureau of Investigation (CRS § 16-22-109; CRS § 16-22-110; CRS § 16-13-903).

The refusal of a registrant to provide any of the required information or complete the process will initiate a criminal investigation for failure to register.



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Any person required to register per state law as a sex offender and who resides in the City of Fort Collins, upon initial registration, shall register with this Agency consistent with the following guidelines:

(a) As part of the registration process, each registrant that registers will have background information prepared to include, but not limited to, past registration activity, warrants, and criminal histories.

(b) A determination will be made based on Colorado Bureau of Investigation guidelines as to the registration status of the offender (annual or quarterly).

(c) This Agency shall comply with the duties and use the standardized forms as provided by the Colorado Bureau of Investigation (CRS § 16-22-109).

(d) Photographs will be taken of registrants upon initial registration and will be updated annually on the registrant's birthday (CRS 16-22-108(6)).

(e) Fingerprints will be taken of registrants upon initial registration and submitted to CBI. Fingerprints will be taken annually thereafter on the registrant's birthday and be maintained by the Agency (CRS 16-22-108(6)).

(f) Registrants who come in to re-register on their quarterly or annual dates need only complete the required forms as prescribed by the Colorado Bureau of Investigation (CRS § 16-22-109). Photographs and Fingerprints will typically only be obtained per the above guidelines.

356.3.1 CONTENTS OF REGISTRATION

The registrant shall be required to complete the registration form provided by CBI.

Registration by a person who lacks a fixed residence shall be accepted unless it includes a location that would violate state law or local ordinance. The registrant shall be advised of any such violation and allowed five days to secure an alternate location (CRS 16-22-108).

## 356.4 MONITORING OF REGISTERED OFFENDERS

The Sergeant of the Criminal Impact Unit (CIU) should establish a system to verify, at least once annually, that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence by physically responding to residence in an attempt to speak with offender or offender's house mate (if applicable).

(b) Review of information on the state website.

(c) Contact with a registrant's parole or probation officer.

Any discrepancies should be reported to the Criminal Impact Unit Sergeant.

The CIU Sergeant should also establish a procedure to routinely disseminate information regarding registered offenders to Agency personnel, including timely updates regarding new or relocated registrants.



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356.4.1 MANDATORY CONFIRMATION
Following a registrant's first registration with the Agency, the residence verification referenced above shall occur as soon as possible after the first registration and at least annually thereafter.

Residence confirmation shall occur quarterly if the registrant is a sexually violent predator (CRS § 16-22-109).

## 356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police or an authorized designee. A determination will be made by the Chief of Police or an authorized designee, with the assistance of the City Attorney as necessary, whether such a public alert should be made.

Members of the public requesting information on registrants should be provided the websites of the Colorado Bureau of Investigation Convicted Sex Offender or the Agency's website.

The Records Manager shall release local registered offender information to residents in accordance with state law (CRS § 16-22-112; CRS § 24-72-201 et seq.) and in compliance with the Colorado Open Records Act or the Colorado Criminal Justice Records Act.

356.5.1 RELEASE NOTIFICATIONS
Sex registrant information that is released shall include the following written statement: “The Colorado sex offender registry includes only those persons who have been required by law to register and who are in compliance with the sex offender registration laws. Persons should not rely solely on the sex offender registry as a safeguard against perpetrators of sexual assault in their communities. The crime for which a person is convicted may not accurately reflect the level of risk.” (CRS § 16-22-112(5)).

356.5.2 MANDATORY DISSEMINATION
The Agency shall release local sex offender information to residents in accordance with Colorado law and the rules set forth by the CBI. Information released shall include, at a minimum, the name, address or addresses, and aliases of the registrant; the registrant’s date of birth; a photograph of the registrant, if requested and readily available; and a history of the convictions of unlawful sexual behavior resulting in the offender being required to register pursuant to this article (CRS § 16-22-110; CRS § 16-22-112). Information concerning victims shall not be released.

The Agency will also make the mandated community notifications regarding sexually violent predators. These community notifications shall only occur under the circumstances and in the manner specified by the Colorado Department of Public Safety Sex Offender Management Board (CRS § 16-13-904; CRS § 16-13-905; CRS § 16-13-906).



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356.5.3 DISCRETIONARY DISSEMINATION

The Agency may also provide local sex offender information to any other person the Agency determines warrants notification. If the Agency elects not to release registrant information to a non-resident, the Agency may submit a request from the non-resident to CBI (CRS § 16-22-112).

356.5.4 INFORMATION AVAILABLE VIA THE INTERNET

The Agency may post the following registered offender information on its website (CRS § 16-22-112):

(a) Offender information, including the offender's name or aliases, photograph, sex, height, weight, name, address and offenses committed, as allowed by law;

(b) Educational information concerning protection from sex offenders that has been developed in conjunction with the Sex Offender Management Board and a sexual assault victims' advocacy group, or a link to educational information included on the Colorado Bureau of Investigation website;

(c) A link to the national sex offender website;

(d) A link to the Colorado sex offender website; and

(e) A link to other law enforcement agencies.

## 356.6 NOTIFICATION PRIOR TO RELEASE OR DISCHARGE

Notification of a registrant's release on parole will be made by the sentencing court, the probation department, community corrections, the county jail or the Department of Corrections (CRS § 16-22-106; CRS § 16-22-107).

Prior to registrants being discharged from the Department of Corrections and pursuant to CRS § 16-22-107(4)(a), this Agency shall verify that:

The address provided by the person is a residence.

(a) The occupants or owners of the residence know of the person's history of unlawful sexual behavior.

(b) The occupants or owners of the residence have agreed to allow the person to reside at the address.

(c) If the registrant is being released on parole, the address complies with any conditions of the parole.

If any of the information required for verification is not true, the Agency shall notify the Department of Corrections that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).



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### 356.7 CONFIDENTIAL INFORMATION

The forms completed by persons required to register pursuant to Colorado law shall be confidential and shall not be open to inspection by the public or any person other than law enforcement personnel except as provided by law (CRS § 16-22-109(4)).



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# Major Incident Notifications and Tour of Duty Reports

## 358.1 PURPOSE AND SCOPE

This Policy provides guidance to employees in determining when, how and whom to notify about various incidents.

## 358.2 POLICY

The Agency recognizes that certain incidents require the attention of supervisors or other specified Agency personnel to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 358.3 MAJOR INCIDENTS

The following list of incident types is provided as a guide for notification and is not intended to be all-inclusive:

- Serious bodily injury or death of a police officer and serious bodily injury or death of a civilian due to police action;
- Homicides;
- Missing children or endangered missing adults where foul-play is suspected;
- Officer-involved shooting, whether on- or off-duty;
- Significant injury or death of an employee, whether on- or off-duty;
- Aircraft, train, boat or other transportation crashes with major damage and/or injury or death;
- Crimes of unusual violence or circumstances;
- CAD, radio, network, facility system or utility failures and incidents that are significantly affecting staffing or are posing a threat to basic police services; and
- Any other incident, which has or is likely to attract significant media attention.

## 358.4 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before making notifications, and shall attempt to make the notifications as soon as practicable. Notifications can be made by group or individuals and may include utilizing Dispatch capabilities and pre-defined notification groups.



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358.4.1 COMMAND PAGE

A Command Page shall be issued by Dispatch at the direction of a Watch Commander or authorized designee, but only after consideration of the need for the immediacy of such page for intended personnel.

Personnel included in the Command Page group are designated by the Chief of Police and may include:

(a) Executive Staff;

(b) Detective Sergeants;

(c) Victim Services Coordinator;

(d) Human Services Director;

(e) Professional Standards Sergeants and Lieutenants; and

(f) Agency Lieutenants and Managers.

## 358.5 TOUR OF DUTY REPORT

If an incident occurs that is not serious enough for immediate notification, but needs to be brought to the attention Agency employees, details shall be included in the daily Tour of Duty Report (TDR).

(a) The tour of duty report (TDR) is a consolidated report which provides timely information to employees about noteworthy incidents which required police intervention or involvement. A TDR will be supplied by each Watch at the end of the Watch. TDRs are forwarded via electronic mail to all Agency personnel and other specified persons as determined by the Chief of Police. TDRs may be followed-up by confidential supplements, when necessary, dealing with sensitive information and are disseminated with limited distribution.

(b) Watch Commanders will assure that a TDR is completed for each Watch. Other Divisions are also responsible for submission of appropriate information as it relates to noteworthy activities within their Special Units.

    1. Dispatchers are responsible for notification to the Watch Commander of incidents that come to their attention which may be appropriate to include in the TDR and of which the Watch Commander might not be aware. Examples would include calls from citizens which are not assigned or dispatched.

(c) The main TDR will consist of a synopsis containing significant line operations issues and incidents. Watch Commanders are expected to use their best judgment in determining which occurrences should be included in the TDR. Most items included in the TDR are operational in nature. They are generally items which quickly become matters of public record. Prompt information about such incidents is frequently vital to staff's ability to manage the Agency and respond to inquiries. Examples of items which should always be included in the TDRs are:

    1. Deaths from other than natural causes.

    2. Arrests related to felony narcotics possession.



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3. Incidents requiring significant tactical operations or use of the SWAT Team.
4. Incidents which lead to new felony charges or investigations.
5. Significant police/public confrontations.
6. All bias-related crimes.
7. Vehicle pursuits, including other department pursuits which enter the City.
8. On-duty employee injuries.
9. Examples of employees providing excellent customer service.
10. Injury to any person as the result of police action.
11. A significant use of force in response to resistance including the discharge of a firearm or less-lethal device.

358.5.1 CONFIDENTIAL TOUR OF DUTY REPORT

A confidential tour of duty report consists of a report to Executive Staff and other specific employees on a need-to-know basis. A confidential TDR provides rapid, accurate and confidential information about issues directly affecting the Agency and its personnel. A comprehensive list cannot be provided, but most incidents will demand confidentiality for the best interests of those involved. This information is essential to the Chief and Executive Staff to decide upon appropriate courses of action. Examples include:

(a) Conflicts between employees and representatives of other agencies, such as the Sheriff's Department, hospital, other City agencies, etc.

(b) Personnel matters needing immediate notice, attention and/or intervention.

(c) Incidents which might result in significant civil liability or adverse community relations.

(d) Incidents that may require immediate internal investigation or administrative follow-up.

(e) Incidents where public employees have been arrested.



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# Firearm Injury Reporting

## 359.1 PURPOSE AND SCOPE

Investigation of cases involving firearm injuries is important to the Agency, the City of Fort Collins, the State of Colorado and the safety of the public. Some causes of firearm injuries may not be readily apparent and some cases differ substantially from what they appeared to be initially. The Agency takes firearm injury investigations seriously and therefore employees must conduct thorough and complete investigations.

## 359.2 INVESTIGATION

(a) All bullet wounds, gunshot wounds, powder burns or any other injury arising from, or caused by, the discharge of any gun, pistol or any other firearm shall be investigated as thoroughly as reasonably possible by this Agency upon receipt of any report made pursuant to CRS § 12-36-135 or that otherwise is reported to the Agency.

(b) Employees investigating firearm injuries shall notify a supervisor as soon as reasonably possible to determine if further guidance or additional resources are necessary.

(c) All reports or investigations under this section shall be forwarded by Records to the appropriate county or state department as required.

## 359.3 HUNTING OR SPORT SHOOTING INJURIES

(a) If a firearm injury is determined to have been caused by an action connected with hunting or sport shooting, the Colorado Division of Wildlife requests notification on all hunting-related firearms injuries.

(b) The Colorado Division of Wildlife completes the International Hunter Education Association's Hunting and Hunting Related Incident Report for compiling nationwide hunting-related statistics and uses the information provided by local agencies for this purpose. The Colorado Division of Wildlife also uses this information from local agencies to determine whether to investigate or charge a violation of CRS § 33-6-122, criminal hunting in a careless manner.



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# Death Investigation

## 360.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations shall be conducted pursuant to CRS § 30-10-606.

## 360.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Officers are not authorized to pronounce death unless they are also a Coroner, a Deputy Coroner or an appointed Coroner Investigator. A supervisor shall be notified in all death investigations.

### 360.2.1 CORONER REQUEST

The Coroner shall be called as soon as practicable after the scene is safe and secure in all deaths. Investigating officers shall investigate and work in cooperation with the Coroner involving any of the following circumstances (CRS § 30-10-606(1)):

(a) The death is, or may be, unnatural, as a result of external influences, injury or violence.

1. It is due to the influence of, or is the result of, intoxication by alcohol, drugs or poison.
2. It is the result of an accident, including an accident at the workplace.
3. It involves the unexpected or unexplained death of an infant or child.

(b) There is no physician in attendance, or when the physician is at the scene but is unable to certify the cause of death.

(c) The death occurs within 24 hours of admission to a hospital.

(d) The death is the result of a criminal abortion, including any situation where such abortion may have been self-induced.

(e) It is the result of a disease that may be hazardous or contagious, or may constitute a threat to the health of the public.

(f) The death results from the action of a peace officer, or while the person was in the custody of law enforcement officials or incarcerated in a public institution.

(g) The death was sudden, and happened to a person who was in apparent good health.

(h) The body is unidentifiable, decomposed, charred or skeletonized.



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(i) The death occurs under circumstances that the Coroner determines may warrant further inquiry in order to determine the cause and manner of death, or that requires further law enforcement investigation.

In cases involving any of the above mentioned circumstances, the body of the deceased shall not be removed from the place of death prior to the arrival of the Coroner. This restriction shall not apply if the Coroner grants permission for removal or removal is necessary to identify the victim, protect property from damage, preserve evidence, or protect life, health or safety.

When the Coroner arrives at the scene, law enforcement personnel shall make all reasonable accommodations to allow him/her to collect time-sensitive information.

If a suicide note is found at the place of death, investigating officers or the Coroner shall take custody of the note based on a prior agreement. If there is no prior agreement, investigating officers have the authority to take custody of the suicide note and shall provide a copy to the Coroner.

### 360.2.2 SEARCHING DEAD BODIES

(a) The Coroner or an assistant and authorized investigators are generally the only persons permitted to move, handle or search a body. Should exigent circumstances indicate to an officer that any other search of a known dead body is warranted prior to the arrival of the Coroner, the investigating officer shall first obtain verbal consent from the Coroner when practicable.

(b) Whenever reasonably possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain nearby the scene and available to the officer pending the arrival of the Coroner. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner, a receipt shall be obtained. This receipt shall be attached to the death report.

### 360.2.3 DEATH NOTIFICATION

(a) When reasonably practicable, and if not handled by the Coroner, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned officers/deputies may need to talk to the next-of-kin.

(b) If a deceased person has been identified as a missing person, this Agency shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports and properly retained.

(c) The Victim Services Unit may be called to assist in a death notification when practicable.



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### 360.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented in a police report.

### 360.2.5 SUSPECTED HOMICIDE

(a) If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the officer shall take steps to protect the scene. The Criminal Investigations Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

(b) If the on-scene supervisor, through consultation with the patrol supervisor or on-call detective, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

(c) The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

### 360.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any employee who responds to and determines that a death, serious illness or serious injury has occurred as a result of an accident at or in connection with the victim's employment should ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.



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# Identity Theft

## 362.1 PURPOSE AND SCOPE

Identify theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This Policy provides guidelines for the reporting and investigation of such crimes.

## 362.2 REPORTING

(a) To maintain uniformity in reporting, all victims of identity theft should be referred to http://www.identitytheft.gov to begin the immediate repair of the damage caused by identity theft and the vicim should complete the following:

1. Call the companies where the fraud occurred.

    (a) Call the fraud department of the company.

    (b) Close or freeze the compromised accounts.

    (c) Change logins, passwords and PINS for the compromised accounts.

2. Place a fraud alert on your credit report and get a copy of your credit report.

    (a) Contact one of the three credit bureaus to place a fraud alert on your credit.

    (b) Review your credit reports

3. Report the identity theft to the Federal Trade Commision (FTC).

    (a) Complete the FTC's online complaint form at http://www.identitytheft.gov or contact them directly at 1-877-438-4338.

    (b) Print and save the FTC Identity Theft Affidavit.

4. File a report with the jurisdiction where the victim resides. FCPS may take a courtesy report to be forwarded to the victim's residence department or the victim should be encouraged to promptly report the identity theft to the law enforcement department where he/she resides (CRS 16-5-103(4)).

    (a) The victim must provide the following prior to being issued a case number:

        1. A copy of the FTC Identity Theft Affidavit

        2. Government issued ID with a photo

        3. Proof of address

        4. Proof of theft

(b) The victim will be provided with a copy of the police report per CRS 16-5-103(4).



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### 362.3 INVESTIGATION

(a) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this Agency should investigate and report crimes occurring within this jurisdiction that have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the fraud, usage of services or receipt of goods were acquired or occurred in this jurisdiction).

(b) If the ongoing criminal act is occurring outside the jurisdiction of FCPS, the case and the victim will be referred to the agency with jurisdiction over the criminal act (CRS 16-5-103(4)).

### 362.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can contact the FTC online at http://www.ftc.gov/bcp/menus/consumer/data/idt.shtm or by telephone at 877-ID Theft (877-438-4338). Additional information may be found at the U.S. Department of Justice website, http://www.usdoj.gov, or the FBI at http://denver.fbi.gov.



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# Private Persons Arrests

## 364.1 PURPOSE AND SCOPE

The purpose of this Policy is to provide guidance for handling private person's arrests and detentions made pursuant to CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115. It is this Agency's Policy that private persons should call for assistance from law enforcement before considering the use of statutory powers to make an arrest.

## 364.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Officers should use sound discretion in determining whether to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest, as listed below.

(b) Private individuals should be discouraged from using force to affect a private person's arrest. Absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

## 364.3 ARRESTS BY PRIVATE PERSONS

A private person may arrest another under the following circumstances (CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115):

(a) For any crime that has been or is being committed or attempted in his/her presence.

(b) When directed by any peace officer to assist a peace officer.

(c) When there is reasonable information that the accused has been charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year.

1. The accused shall be taken before a judge without unnecessary delay and a complaint must be made against the accused under oath by the private person making the arrest.

## 364.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person who has made a private person's arrest must determine whether there is probable cause to believe that such an arrest would be lawful.

(a) Should any officer determine that there is no probable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, to determine the lawfulness of the arrest and protect the public safety.



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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual. The officer must include the basis of such a determination in a related report.
2. Absent reasonable suspicion to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable suspicion to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking.
2. Release the individual upon a misdemeanor citation or pending formal charges.

### 364.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the individual must complete and sign a written witness statement or cause a statement to be recorded by a police officer. If the person fails or refuses to do so, the arrested subject shall be released unless the officer has an independent reason to take the person into custody.

In addition to the witness statement (and any other related documents, such as citations and booking forms), officers shall complete a narrative report regarding the circumstances and disposition of the incident.



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# Civil Disputes

## 365.1 PURPOSE AND SCOPE

It is the policy of Fort Collins Police Services to prevent a breach of the peace or other disturbance in civil matters. Officers called on a civil dispute are not to adjudicate or force resolution of any civil dispute or give legal advice.

## 365.2 POLICY

Employees shall notify interested parties during civil disputes that Fort Collins Police Services has no jurisdiction in civil matters and that our role is to maintain the peace and prevent disturbances. Employees shall maintain the status quo (maintain the parties and situation in the same condition as existed when the officer arrived on scene). When possible, employees should refer parties to a civil attorney.

## 365.3 PROCEDURES

(a) When an officer is called upon to perform a civil stand-by in a situation where entry into a residence, business, or vehicle is anticipated, all parties to the dispute need not be present on-scene; however, in no event shall an officer permit forcible entry into or on the premises, building, or vehicle. For the purposes of this directive, an adult may give consent to enter if present; however, a juvenile may not.

(b) If a person presents an officer on scene with a court order regarding the distribution of property, such order should be read carefully as orders generally require the parties to distribute the property and do not generally require that law enforcement ensure that the distribution takes place. If one party does not comply with the court order, the officer shall refer the other party back to the court from which the order came.

(c) The officer conducting the stand-by shall document the actions taken, parties present, and any other information pertinent to the stand-by.

### 365.3.1 ASSISTING PERSONS SUBJECT TO RESTRAINING ORDERS

Under Colorado law, in a temporary restraining order situation, the restrained party is allowed one-time access to a shared residence to obtain sufficient undisputed personal effects as are necessary for the person to maintain a normal standard of living during any period prior to a hearing concerning the order, during which police presence is required (13-14-104.5(11)(a)). The judge will make a notation on the temporary protection order of the person's ability to return to the shared residence. An officer should make all reasonable attempts at the following provisions:

(a) Verify that the protected party is advised of the civil stand-by and given an opportunity to be present.



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(b) If the protected party cannot be contacted or declines to be present, the officer may proceed with the civil stand-by. The officer will meet with the restrained party at the shared residence and allow the restrained party to non-forcibly enter the shared residence and complete the stand-by.

(c) The officer shall not permit the restrained party to use any level of force to enter a shared residence. If the residence cannot be entered without force, the restrained party must make another appointment for a civil stand-by.

(d) The officer may allow a reasonable amount of time for the restrained party to obtain sufficient personal property as necessary for health and welfare and to maintain a normal standard of living for 14 days.

(e) Anyone other than the restrained party and the officer may be refused entry onto the premises by the protected party or for safety reasons as determined by the officer.

(f) Any property disputed by the parties shall remain at the shared residence and the parties referred to the court from which the order came for resolution.

(g) The officer shall remain with the restrained party at all times while on the premises.

(h) The officer may terminate or change the conditions of the civil stand-by if the officer determines that the safety of any person at the premises is compromised. If the officer must leave the shared residence because of an emergency, the restrained party must arrange to complete the civil stand-by at another time.

### 365.4 CIVIL ACTIONS

(a) Employees shall not testify in civil cases that are in the scope of their employment unless legally subpoenaed or ordered to appear by their supervisors. Employees that receive subpoenas to testify in civil matters related to their scope of employment may seek advice from the City Attorney's Office prior to appearing in court.

(b) Employees shall not institute civil actions arising out of their official duties without first notifying the Chief of Police, Human Resources, and the City Attorney's Office.

(c) Employees shall not use their positions with Fort Collins Police Services as a means of forcing or intimidating persons with whom they are engaged in civil controversy to settle the case in their favor.

(d) Employees shall not accept anything as payment for personal injury or property damage incurred in the scope of their employment without first notifying the Chief of Police, Human Resources, and the City Attorney's Office.



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# Limited English Proficiency Services

## 368.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 368.1.1 DEFINITIONS

See Policy 107 - Definitions.

## 368.2 POLICY

It is the policy of the Fort Collins Police Services to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Agency will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 368.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Patrol Deputy Chief or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

(a) Coordinating and implementing all aspects of the Fort Collins Police Services' LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Manager. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.



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(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Agency to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Agency in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures, or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 368.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Agency will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Agency or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

## 368.5 TYPES OF LEP ASSISTANCE AVAILABLE

Fort Collins Police Services members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Agency will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Agency will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.



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Agency-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

### 368.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

Spanish is the language most likely to be encountered by Agency staff, based on population data of Fort Collins and results of employee surveys regarding languages most frequently encountered. A list of vital documents that have been translated to Spanish includes:

(a) Complaint procedures

(b) Complaint Intake forms

(c) Complainant Rights form

(d) Complaint Incident Summary form

(e) Written Statement form

(f) Advisement of Rights form

(g) Consent to Search form

(h) Photographic Display form

(i) Accident Written Statement form

(j) Domestic Violence Victim form

(k) Pre-printed Miranda advisement cards

(l) Victim services brochure

### 368.7 AUDIO RECORDINGS

The Agency may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

### 368.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the



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non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

## 368.9 AUTHORIZED INTERPRETERS

Any person designated by the Agency to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

### 368.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Agency may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Agency has a resource-sharing or other arrangement that they will interpret according to department guidelines.

### 368.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Agency to communicate with LEP individuals.



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Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

## 368.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Agency or some other identified source.

## 368.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Fort Collins Police Services will take reasonable steps and will work with Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

### 368.11.1 EMERGENCY CALLS TO 9-1-1

Agency members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Fort Collins 911, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.



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While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

### 368.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### 368.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.



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## 368.14 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

## 368.15 COMPLAINTS

The Agency shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Agency may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with Policy 1020 - Administrative Investigations. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to Policy 1020 - Administrative Investigations should be translated or otherwise communicated in a language-accessible manner.

## 368.16 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## 368.17 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Agency will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 368.17.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and



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understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.



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# Hearing Impaired/Disabled Communications

## 370.1 PURPOSE AND SCOPE

Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, and mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations, and services. In accordance with the Americans with Disabilities Act (42 USC § 12101, et seq.) and Section 504 of the Rehabilitation Act of 1973, the Agency will not discriminate against or deny any individual access to services, rights or programs based upon disabilities. It is the policy of this Agency to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees, have equal access to law enforcement services, programs and activities. Employees must make efforts to communicate effectively with individuals with disabilities.

This policy provides guidance to employees when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 370.1.1 DEFINITIONS

See Policy 107- Definitions.

## 370.2 POLICY

It is the policy of the Fort Collins Police Services to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Agency will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 370.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR § 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Chief of Police or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Fort Collins Police Services' efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Agency shift supervisor or Watch Commander. The list should include information regarding the following:



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1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

### 370.4 FACTORS TO CONSIDER

In order to be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability to the same extent as similarly situated non-disabled individuals. Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication, despite actual confusion. Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

### 370.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems. Members should exercise special care in the use of all gestures, and with verbal and written



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communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

370.5.1 NON-EMERGENCY SITUATIONS

In a non-emergency situation, when a member knows or suspects that an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless the employee can adequately demonstrate that an equally effective method of communication exists under the circumstances (28 CFR 35.160).

Factors an employee may consider when determining whether a different auxiliary aid or service will ensure equally effective communication, once the person has expressed a preference for a qualified interpreter or other particular auxiliary aid or service include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

Before deciding that a method other than providing a qualified interpreter or other particular auxiliary aid or service will ensure effective communication, the employee should try to confirm full comprehension and expression of communication by actively assessing the quality of communication. Employees should never assume effective communication is being achieved. People who are deaf or hard of hearing may appear to understand verbal or written communication, despite actual confusion. In the absence of a qualified interpreter, for instance, employees should confirm the deaf person fully comprehends the communication - by having the person repeat what is being said in his or her own words - before proceeding. It is also possible that the person with a disability can respond to and understand the employee's communication, but does not feel able to express his or her own questions or concerns in English.

To comply with the ADA, communication flowing both ways must be equally effective to communication with those in similar circumstances. For instance, if an officer is effectuating an arrest pursuant to a warrant, and probable cause has already been established, the person being arrested will generally have questions about the reason for and circumstances of the arrest and may want to inform the arresting officers about health or child care concerns; deaf persons must have the same opportunity to ask and have answered such questions or express such concerns. When there is doubt about whether effective communication is being achieved, given the ADA's mandate of "primary consideration," the employee must defer to the expressed preference of the individual.

If the person has requested a qualified interpreter, the employee will arrange for a qualified interpreter and will, in writing, notify the person who is deaf or hard of hearing that a qualified interpreter has been requested. Prior to the arrival of the interpreter, if the need for communication is imminent or initiated by the person who is deaf of hard of hearing, the employee should write



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messages to the suspect in simple language or use other resources immediately available to them to explain what is transpiring or will transpire. No other questioning, interviews or interrogations will be conducted without a qualified interpreter present unless an imminent threat or exigent circumstances requires an attempt at communication. No employee will advise the deaf or hard of hearing person who uses sign language of his or her Miranda Rights without the qualified interpreter present.

Once a qualified interpreter has arrived, the employee will use the qualified interpreter to facilitate all communication with the person who is deaf or hard of hearing, including issues related to needed medical attention, if any. The employee will explain to the person all charges filed and all procedures relating to the person's detainment and release.

370.5.2 EMERGENCY SITUATIONS

In emergency situations involving an imminent threat to the safety or welfare of any person, members will use whatever auxiliary aids and services that reasonably appear to be most effective under the circumstances to communicate with persons who are deaf or hard of hearing, consistent with an appropriate law enforcement response to the imminent threat. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

The imminent threat exception is not intended to apply to the typical and foreseeable emergency situations that are a part of the normal operations of the Agency's law enforcement and related programs, services, and activities. For example, Agency personnel may rely on an accompanying individual to interpret or facilitate communication under this paragraph only in truly exigent circumstances, i.e., where any delay in providing immediate services to the individual could have life-altering or life-ending consequences for employees of the public or personnel. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

370.5.3 REASONABLE MODIFICATION OF HANDCUFFING POLICIES

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Fort Collins Police Services, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

## 370.6 TYPES OF ASSISTANCE AVAILABLE

Fort Collins Police Services members shall never refuse to assist an individual with disabilities who is requesting assistance. The Agency will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving



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assistance. The Agency will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services at no cost or they may choose to provide their own at their own expense, or any combination thereof.

Agency-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

### 370.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Agency may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. In the absence of such a recording, members may read aloud from the appropriate form or document, for example a personnel complaint form, use a photocopier to enlarge printed forms.

### 370.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

The Fort Collins 911 will maintain a list of qualified interpreter services, to be contacted at Agency expense and upon the approval of a supervisor, to assist deaf or hearing impaired individuals. When used, notification to an interpreter should be made at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160). The interpreter should be available to respond within a reasonable time, generally not to exceed three hours.



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### 370.9 TTY AND RELAY SEARCHES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD,) relay service, or other comparable auxiliary aid. Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Agency will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162). Additional information is available in Communications SOP 300.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

### 370.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Agency to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. The Agency will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### 370.11 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations involving an imminent threat to the safety or welfare of an individual or the public when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation involving an imminent threat to the safety or welfare of an individual or the public and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.



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## 370.12 CONTACT AND REPORTING

While all contacts, services, and individual rights are important, this Agency will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where they are most needed due to the nature and importance of the particular law enforcement activity involved. Whenever any employee is otherwise required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual, such services should be noted in the related report.

### 370.12.1 REPORTS AND WRITTEN COMMUNICATIONS

Whenever any employee is required to complete a report or other documentation, and communication assistance has been provided to any individual, such services should be noted in the related report. Employees should document the type of communication services utilized and whether the individual elected to use services provided by the Agency or some other identified source. If the individual's express preference was not honored, the employee must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence under the appropriate case report number. This includes any notes exchanged with victims, witnesses, or suspects. Placement of any notes into evidence does not take the place of documenting the conversation in the narrative section of the case report. As determined to be necessary, in non-custodial interactions (e.g., traffic stops), officers are encouraged to place any written notes exchanged with the deaf or hard of hearing individual into evidence under the appropriate case report number.

### 370.12.2 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

To provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this Agency has designated its 9-1-1 lines as its top priority for assistance with such services. Agency personnel will make every reasonable effort to promptly accommodate disabled and impaired individuals utilizing 9-1-1 lines through any or all of the above resources. While 9-1-1 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information from this Agency.

For additional information please see Communications SOP 300.

## 370.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.



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The Agency recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

Officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

### 370.13.1 FIELD RESOURCES

Using the procedures set out in this document, employees shall offer and provide appropriate auxiliary aids and services. Specifically, they will preliminarily offer a qualified interpreter. If a person who is deaf or hard of hearing declines the offer of a qualified interpreter, Examples of other auxiliary aids that may be sufficient for transactions such as checking a license or giving directions to a location, or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly. Note that reliance on the effectiveness of lip reading is often misplaced; in many cases it will not provide effective communication sufficient to meet the agency's legal obligations.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

(f) Use of Teletypewriters (TTY) or Videophones (VRS).

(g) Use of family members or friends of the individual, consistent with the limitations set forth in section 370.11.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.



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370.13.2 QUALIFIED INTERPRETER REQUIRED FOR VICTIMS AND WITNESSES
An officer shall make arrangements to provide a qualified interpreter to assist in an interview or questioning of a victim or witness who is deaf or hard of hearing and uses sign language for effective communication (CRS § 13-90-204(1)(f)). If the victim or witness has requested another type of auxiliary aid or service, the employee will defer to the expressed preference unless another equally effective means of communication is available.

## 370.14 CUSTODIAL INTERROGATIONS

To ensure that the rights of disabled and impaired individuals are protected during a custodial interrogation, this Agency places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. Therefore, Agency personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

The Agency will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

370.14.1 WAIVER
Any waiver to a qualified interpreter or auxiliary service shall be in writing. The person may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication (CRS § 13-90-208).

If there is no waiver, *Miranda* warnings shall be given by the interpreter prior to any attempt to interrogate or take a statement from the person (CRS § 13-90-204(1)(d)).

## 370.15 ARRESTS AND BOOKING

An officer who arrests a person who, due to deafness or a physical speaking impairment, cannot readily understand or communicate in the English language or cannot understand the proceedings, shall inform his/her supervisor of the arrest and ensure a qualified interpreter as specified by law is available at public expense to the arrestee before an interrogation or the taking of a statement (CRS § 13-90-204(1)(d)), unless the individual indicates that he/she does not use sign language or prefers a different auxiliary aid or service.

The arresting officer shall immediately make arrangements to provide a qualified interpreter at the earliest possible time at the place of detention. The officer shall, with the assistance of the interpreter, explain all charges filed and all procedures relating to the person's detainment and



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release. The interpreter shall assist with all other communications including those relating to needed medical attention.

When gathering information during the booking process, employees should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. Medical screening questions are commonly used to elicit information regarding an individual's medical needs, suicidal inclinations, presence of contagious diseases, potential illness, symptoms of withdrawal from certain medications, or the need to segregate the arrestee from other prisoners. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important for this Agency to make every reasonable effort to provide effective communication assistance in these situations in order to obtain accurate medical screening and booking information. If necessary, employees should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

At the conclusion of the arrest, if the person who is deaf or hard of hearing is to be placed into a holding cell, any qualified interpreter who has been obtained for effective communication will be asked to accompany the officer to the holding cell to facilitate completion of the booking process.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) shall be permitted to retain them while in custody. Individuals in custody who have been allowed to retain communication devices that help them communicate with Agency members shall be allowed to use those devices for that purpose.

While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices, such as a wheelchair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services. The officer's supervisor should be contacted if such a situation arises.

### 370.16 COMPLAINTS

The Agency shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Agency may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Agency.

### 370.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue



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to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## 370.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Agency will provide periodic training in the following areas:

(a) Awareness and understanding of the importance of this policy to ensure its implementation, and awareness of related Policies, procedures, forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working effectively with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 370.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment and protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Fort Collins 911 members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur on an annual basis.



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# School Employee Arrest Reporting

## 372.1 PURPOSE AND SCOPE

The purpose of this Policy is to describe the procedures to follow when a public or private school employee, teacher or non-teacher, has been arrested under certain circumstances.

## 372.2 SCHOOL EMPLOYEE ARREST REPORTING

(a) When an employee of the Agency becomes aware a school employee is arrested for any controlled substance offense, child abuse, sexual abuse, indecent behavior, indecent exposure or any felony offense involving moral turpitude, the Chief of Police or the authorized designee may, in his sole discretion, report the arrest within 48 hours of determining the applicable occupation as follows:

1. Public school teacher - Notify the superintendent or designee of the school district employing the teacher by whatever means the Chief of Police designates.
2. Public school non-teacher employee - Notify the superintendent of the school district employing the non-teacher by whatever means the Chief of Police designates.
3. Private school or licensed day-care teacher - Notify the private school or licensed day-care employing the teacher by whatever means the Chief of Police designates.
4. Private school or licensed day-care non-teacher employee - Shall notify the private school or licensed day-care employing the non-teacher teacher by whatever means the Chief of Police designates.

(b) When an arrest of a school employee is made, the investigating officer shall make, or cause to be made, notification through his/her chain of command to the Chief of Police as soon as is practicable.



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# Pupil Arrest Reporting

## 373.1 PURPOSE AND SCOPE

The purpose of this Policy is to describe the procedures to follow when a pupil is arrested on school grounds and during school hours.

'School grounds' shall be any public, private, or charter primary and secondary school property, facility, or any event supervised by primary or secondary school employees. This would include school busses, district vehicles, playgrounds, athletic fields or venues, or off-site events such as eco-week etc.

## 373.2 PUPIL ARREST REPORTING

(a) A school resource officer or other law enforcement officer acting in their official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event, that arrests a student, issues a summons or ticket to a student must do the following:

1. If an arrest, notify the principal of the school or designee of the arrest within 24 hours.
2. If issuing a summons or ticket, notify the principal of the school or designee within 10 days.

(b) When dictating or creating a report in ARS, under the persons tab in the field labeled Employer/School, officers should list the name of the school where the conduct occurred or sponsored the activity, for example; Blevins Middle School (must contain the word 'School') in the field.

### 373.2.1 NOTIFY SCHOOL WHEN PRACTICAL

An arresting officer or his or her supervisor should notify a school administrator or the School Resource Officer and coordinate any police activity prior the arrest of a student on school grounds and during school hours. Prior notification and assistance from the school may reduce disruption to school operations and other students.

### 373.2.2 PUPIL ARREST BEFORE NOTIFICATION

(a) In some cases, based upon the circumstances of the investigation, it may be appropriate to arrest a pupil on school grounds and during school hours before the arresting officer or his supervisor notifies a school administrator. This may be appropriate if the officer reasonably believes that prior notification will impede the investigation or if notification creates additional risks to students, faculty, the officer or the public. In these cases the officer shall notify a school administrator or the School Resource Officer as soon as possible after the arrest.

(b) A supervisor should approve any attempt by an officer to take a pupil into custody or investigate a case, other than a minor offense, on public school property without the knowledge of a school administrator or assigned School Resource Officer. Examples of a minor offense would be:



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1. smoking violations
2. status offenses
3. traffic enforcement

(c) Officers working off duty assignments on school property involving after school-hour events such as sports related activities, dances, etc., will notify the appropriate school administrator or School Resource Officer as required in Section 737.2.

373.2.3 PARENTAL NOTIFICATION

Upon arrest, it is the arresting officer's responsibility to ensure the parents of the arrested pupil are properly notified. Notifications should be documented and include the charges against the pupil and information as to where the pupil will be taken.

(a) Parental notifications made by employees of a juvenile detention or processing facility will satisfy this requirement if the officer documents the notification in a police report.

(b) If, after reasonable attempts have been made, an officer cannot locate a parent or guardian of a juvenile, the officer shall notify the juvenile detention center or processing facility what attempts were made, including providing the names and numbers.

## 373.3 REQUIRED STATE REPORTING

Effective August 1, 2013, and annually thereafter, the Agency is required to report in aggregate form without personal identifying information the following data for the preceding twelve months regarding official action on school grounds, in school vehicles, at school activities or sanctioned events involving school students:

(a) Number of students investigated by police for delinquent offenses;

(b) Number of students arrested by police and the offense;

(c) Number of summonses or tickets issued by police to students; and

(d) Age, gender, school, and race or ethnicity of each student.

Records will extract the required data and prepare the annual report to comply with the stator provisions (CRS 22-32-146.)



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# DNA Samples

## 374.1 PURPOSE AND SCOPE

The purpose of this Policy is to provide guidelines for the collection of DNA evidence from those individuals required to provide such samples under Colorado law. The principal purpose of the DNA database is to assist a federal, state, or local criminal justice department in the investigation or prosecution of offenses in which biological evidence is recovered (CRS § 16-23-102).

### 374.1.1 DEFINITIONS

Definitions related to this Policy include (CRS § 18-1-1101):

**Disposed of** - Means evidence is destroyed, thrown away or returned to the owner or his/her designee.

**DNA** - Means deoxyribonucleic acid.

**DNA evidence** - Means all evidence collected in a criminal investigation, which evidence may be reasonably believed to contain DNA that is relevant to a disputed issue in the investigation and prosecution of the case.

**DNA profile** - Means an identifier obtained as a result of a specific DNA analysis.

## 374.2 PERSONS SUBJECT TO DNA COLLECTION

While the courts may order DNA samples taken in a variety of circumstances, employees are only authorized to obtain DNA samples with appropriate legal authority (e.g. consent, a court order issued pursuant to the Colorado Rules of Criminal Procedure, Rules 16 and 41.1, or a search warrant). Only those qualifying individuals whose DNA information is not currently on file with the state of Colorado Bureau of Investigation may be required to provide samples. Verification of DNA samples on file may be determined by a DNA collection flag on the individual's criminal history record or, during regular business hours, by calling the Colorado Bureau of Investigation. All DNA collection flags should be verified by contacting the Colorado Bureau of Investigation prior to the collection of the sample (CRS § 16-23-103(4)). A second DNA sample may be ordered by the court to be collected from an individual in a criminal investigation if forensic DNA evidence is necessary.

### 374.2.1 FELONY OFFENSES

As part of the booking process, or later if impractical during booking, the Agency shall collect a biological DNA sample on every adult arrested or charged with a felony on or after September 30, 2010 (CRS § 16-23-103(1) and CRS 16-23-103(3)).

## 374.3 PROCEDURE

Upon a determination that any individual is qualified and required to provide DNA samples under Colorado law, the designated trained employee or upon booking at the Larimer County Detention Center, a Deputy of the Larimer County Sheriff's Department will obtain or cause to be obtained DNA samples in accordance with the appropriate agency's Policy and proper protocol.



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374.3.1 BLOOD SAMPLES
A blood sample shall be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a paramedic, a qualified medical technician, a licensed physician or other person licensed by the state for this purpose.

374.3.2 BUCCAL SWABS
Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed approved training in the collection of buccal swabs and with the use of approved buccal swab collectors. A thumbprint shall be placed on the collector along with other required identifying information, such as the DNA Buccal Swab Database Card.

374.3.3 FULL PALM PRINTS AND PHOTOGRAPHS
If the offender has not been fingerprinted and photographed, full palm print impressions shall be obtained on the prescribed forms and the offender shall be photographed. Both the fingerprints and the photographs shall be forwarded to the Colorado Bureau of Investigation (see generally CRS § 16-21-104).

374.3.4 USE OF FORCE TO OBTAIN SAMPLES
An authorized employee may use reasonable force against an individual who is required to provide a DNA sample when and to the degree the employee reasonably believes the force is reasonably necessary to collect the sample (CRS § 16-23-103(5)).

(a) If, after a written or oral request, a qualified person refuses to provide any or all of the required DNA samples, an authorized employee of this Agency may use reasonable force to obtain such sample under the following conditions:

    1. Prior to the use of reasonable force, the authorized employee shall take and document reasonable steps to secure voluntary compliance.

    2. Prior to the use of reasonable force, the authorized employee shall obtain written authorization from a Watch Commander, which shall minimally include that the individual was asked to provide the sample and refused.

    3. If the authorized use of reasonable force includes a cell extraction, such extraction shall be recorded on video.

(b) If the circumstances appear that the force required to obtain the sample may be excessive or unnecessary and is therefore unreasonable, the employee should stop the attempt and promptly complete an information report on the effort (CRS § 16-23-103(3)). In the report, he/she should at a minimum:

    1. Identify the persons present.

    2. Provide a description of the effort to obtain the DNA sample and the behaviors of the subject that prevented acquisition of the sample.

    3. Submit the report to a supervisor.



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The Watch Commander should, no later than the next business day, forward the report to the prosecuting attorney with a cover letter requesting that the court order the subject to submit to the acquisition process, thereby making any subsequent noncompliance in contempt of the court. This letter is a request for authorization from the court to employ an alternative method of sampling that will allow officers/deputies to obtain a sample with no or minimal force, including but not limited to, sedation and sampling by a medical professional. For the purpose of this Policy, the "use of reasonable force" shall be defined as the force that an objective, reasonable, trained and competent authorized employee faced with similar facts and circumstances would consider necessary and reasonable to gain compliance.

## 374.4 PROCESSING DNA SAMPLES

All DNA samples and related materials shall be promptly forwarded to the Colorado Bureau of Investigation or accredited DNA laboratory using the Colorado Bureau of Investigation mailing tubes, labels and instructions for prompt analysis (CRS § 16-23-103(6), CRS § 16-23-104).

### 374.4.1 SUFFICIENT SAMPLE

DNA evidence that is subject to preservation pursuant to CRS § 18-1-1103 shall be preserved in an amount and manner sufficient to develop a DNA profile, based on the best scientific practices at the time of collection, from the biological material contained in or included on the evidence (CRS § 18-1-1104(2)).

If DNA evidence is of such a size, bulk or physical character as to render retention impracticable, the property and evidence technician shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

### 374.4.2 NOTICE OF A REJECTED SAMPLE

In the event the Colorado Bureau of Investigation notifies the Agency that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Agency shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these samples as required.

### 374.4.3 FOLLOW-UP NOTICE TO THE BUREAU OF INVESTIGATION

Within two years of submitting any DNA specimen, this Agency shall notify the Colorado Bureau of Investigation whether the individual remains a suspect in a criminal investigation. It shall be the responsibility of the Colorado Bureau of Investigation to thereafter purge samples of any individual who is no longer a suspect in any criminal investigation from the DNA database.



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374.4.4 RECORDS, RETENTION AND PRESERVATION

The Agency shall maintain a DNA record for the statutory period of a DNA specimen collection from an eligible individual from the date of collection.

(a) DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).

(b) Except as provided in CRS § 18-1-1105, CRS § 18-1-1106 and CRS § 18-1-1107, the Agency shall preserve the DNA evidence for the life of a defendant who is convicted, if the sample was collected in a criminal investigation that resulted in a conviction listed in CRS § 18-1-1102(1) and CRS § 18-1-1103(2).

(c) A court may order the Agency to preserve existing biological evidence for DNA testing at the request of a defendant (CRS § 18-1-414(2)).

## 374.5 RECORD SECURITY

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes.

## 374.6 LITIGATION

The Chief of Police or the authorized designee shall immediately notify the Colorado Bureau of Investigation's DNA Legal Unit in the event this Agency is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.

## 374.7 EXPUNGEMENT OF DNA EVIDENCE

A person may qualify for expungement and destruction of DNA evidence. This Agency will destroy DNA evidence after written notice is received from the Colorado Bureau of Investigation (CRS § 16-23-105).

## 374.8 DISPOSITION OF DNA EVIDENCE

In cases described in CRS § 18-1-1102(1)(c) and CRS § 18-1-1102(1)(d), the Agency may seek to dispose of DNA evidence by providing notice to the District Attorney who prosecuted the charges (CRS § 18-1-1105(2)).

If the District Attorney determines that the DNA evidence should not be disposed of, the District Attorney will provide notice. Upon receipt of the notice, the Agency shall preserve the DNA evidence until such time that a court order is obtained to dispose of the DNA evidence (CRS § 18-1-1105(4)).

If the Agency does not receive notice from the District Attorney within a reasonable amount of time, the Agency may file a motion with the court that entered the conviction in the case, asking for a court order to dispose of the DNA evidence.



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The Agency may not request permission to dispose of DNA evidence in cases described in CRS § 18-1-1102(1)(a) and CRS § 18-1-1102(1)(b) (CRS § 18-1-1105(1)).

374.8.1 DISPOSITION OF VICTIM DNA EVIDENCE
If DNA evidence is being held that is the property of the victim, the victim may request the District Attorney to review whether the DNA evidence may be returned. If the District Attorney determines the DNA evidence may be returned, the District Attorney may file a petition with the court for the return of the DNA evidence. Upon proper receipt, the Agency will release DNA evidence belonging to the victim (CRS § 18-1-1107).

## 374.9 TRAINING

All officers are required to complete DNA training, such as that provided by the Colorado Peace Officer Standards and Training (POST) online training module (CRS § 24-31-311).



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# Child and Dependent Adult Safety

## 380.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department.

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse Policy and the Abuse of At-Risk Adults Policy.

## 380.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when a parent or caregiver is arrested. The Fort Collins Police Services will endeavor to create a strong cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

## 380.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.



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### 380.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    2. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(b) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(c) Notify the Department of Human Services, if appropriate.

(d) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependents. The result of such actions should be documented in the associated report.

### 380.3.2 DURING THE BOOKING PROCESS

During the booking process, the arrestee should be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law.

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.



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380.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. How, where and with whom or which agency the child was placed

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

380.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

## 380.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should consider contacting the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate.

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility or taken into formal protective custody.

Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

## 380.5 TRAINING

The Training Sergeant is responsible to ensure that all members of this department who may be involved in arrests affecting children or dependent adults receive approved training on effective safety measures when a parent, guardian or caregiver is arrested.



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# Volunteer Program

## 384.1 PURPOSE AND SCOPE

It is the Policy of this Agency to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Agency, provide educational opportunities through internships and improve the delivery of responsive services to the community. Volunteers are intended to supplement and support, rather than supplant, Agency employees. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. In addition, volunteers bring new skills and expertise to the Agency and prompt new enthusiasm.

### 384.1.1 VOLUNTEER ELIGIBILITY

Requirements for participation as an Agency volunteer vary and are specific to each volunteer opportunity and are established by the Training Sergeant in cooperation with the Human Resources Department:

(a) The Chief of Police may make exceptions for eligibility based on organizational needs and the unique qualifications of a particular individual.

## 384.2 VOLUNTEER MANAGEMENT

### 384.2.1 VOLUNTEER COORDINATOR

The Training Unit Sergeant is the designated Volunteer Coordinator for the Agency. The Victim Services Supervisor and the Restorative Justice Coordinator may perform certain duties of the Volunteer Coordinator as authorized. The Volunteer Coordinator is the central coordinating point for effective volunteer management within the Agency, and directs and assists staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator or authorized designee shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions;

(b) Maintaining records for each volunteer;

(c) Tracking and evaluating the contribution of volunteers;

(d) Outlining expectations and responsibilities for all volunteers;

(e) Creating Policies for all volunteers;

(f) Maintaining a record of volunteer schedules and work hours;

(g) Completing and disseminating as appropriate of all necessary paperwork and information;

(h) Planning periodic recognition events;

(i) Administering discipline when warranted; and

(j) Maintaining liaison with other community volunteer programs and assisting in community-wide efforts to recognize and promote volunteering.



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### 384.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis in accordance with Agency and City Policy on equal opportunity, non-discriminatory employment.

Requests for volunteers should be submitted in writing by interested employees to the Volunteer Coordinator through the chain of command. A complete position description and a requested time frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 384.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or the authorized designee should conduct a face-to-face interview with the applicant.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Review of application and personal history statement;

(b) Interview;

(c) Integrity and CVSA (truth verification exam) interviews;

(d) Background investigation; and

(e) Pre-employment drug test.

A volunteer whose assignment requires the use of, access to or places him/her in the vicinity of criminal histories, investigative files or information portals shall require submission of fingerprints and clearance through the Colorado Bureau of Investigation.

### 384.2.4 SELECTION AND PLACEMENT

Service as a volunteer shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Agency, who will normally be the Volunteer Coordinator. No volunteer should begin performance of any position until he/she has been officially accepted for that position and completed all necessary screening and documentation.

At the time of final acceptance, each volunteer should complete all necessary enrollment documentation and will receive a copy of the job description and agreement of service with the Agency. All volunteers shall be required to sign a City-approved volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and match the needs of the Agency.

Auxiliary Unit volunteers are generally assigned to assist staffing special events.



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### 384.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Agency, personnel, Policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Pursuant to Colorado Peace Officer Standards and Training (POST) rules and regulations, the Agency may establish training, licensing and continuing education requirements for its auxiliary officers.

Training should reinforce to volunteers that they should not represent themselves as, or by omission infer, that they are police officers or employees of the Agency. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and Directives, either oral or written, issued by the Agency. Whenever a rule, regulation or guideline in this Manual refers to an employee, it shall also apply to a volunteer, unless by its nature it is inapplicable.

### 384.2.6 FITNESS FOR DUTY

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license;

(b) Medical condition;

(c) Arrests;

(d) Criminal investigations; and

(e) All law enforcement contacts.

All volunteers shall adhere to the guidelines set forth by this Agency regarding drug and alcohol use.

### 384.2.7 DRESS CODE

As representatives of the Agency, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by certified officers. No volunteer shall wear his/her uniform or identifiable parts of that uniform while off-duty.

Volunteers shall be required to return any issued uniform or Agency property upon the request of the Agency.



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## 384.3 SUPERVISION OF VOLUNTEERS

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as, and act as, a supervisor of other volunteers, provided the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and the necessary office supplies.

(c) Make sure the work is challenging.

(d) Train the volunteers on the applicable policies and procedures appropriate to their service to the department.

## 384.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to private and confidential information, such as criminal histories or investigative files. Unless otherwise directed by a supervisor, the duties of the position, or Agency Policy all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by Agency Policy and supervisory personnel.

Each volunteer will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the Agency. Subsequent unauthorized disclosure of any private or confidential information, verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Agency, or maintain that they represent the Agency in such matters without permission from the proper Agency personnel.

## 384.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn and visible at all times while on-duty. Any fixed and portable equipment issued by the Agency shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Agency.

### 384.5.1 VEHICLE USE

Volunteers assigned to duties that require the use of a vehicle must first complete the following:



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(a) A driving safety briefing;

(b) Verification that the volunteer possesses a valid driver's license; and

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating an Agency vehicle, volunteers shall obey all rules of the road, including seat belt requirements, and successfully participate in the Agency-approved driving training class every two years.

Volunteers shall only operate unmarked Agency vehicles or vehicles clearly marked with "Auxiliary" decals. Volunteers are not authorized to operate an Agency vehicle for any patrol operations or under emergency conditions (lights and siren).

384.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete state and federal database access training and radio procedures training prior to using the law enforcement radio or MDC and shall comply with all related provisions. The Volunteer Coordinator should ensure that radio and database access training is provided for volunteers whenever necessary.

## 384.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police, the volunteer's supervisor or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a name clearing hearing. The hearing shall be limited to a single appearance before the Chief of Police or an authorized designee.

Volunteers may discontinue from volunteer service with this Agency at any time. Volunteers who intend to discontinue should provide advance notice of their departure and a reason for their decision.

384.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Agency.

## 384.7 EVALUATION

An evaluation of the overall volunteer program will be conducted every two years by the Volunteer Coordinator. Yearly evaluations should be conducted with volunteers to ensure the best use of human resources, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of volunteers.



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### 384.8 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall develop a plan outlining an emergency call-out procedure for volunteer personnel.



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# Off-Duty Law Enforcement Actions

## 388.1 PURPOSE AND SCOPE

The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This Policy is intended to provide guidelines for Agency officers with respect to taking law enforcement action while off-duty.

## 388.2 POLICY

A police officer who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death or significant property damage may take reasonable action to minimize the threat.

## 388.3 FIREARMS

Agency officers may carry firearms while off-duty in accordance with federal regulations, state law and Policy 312 - Firearms. All firearms and ammunition must meet guidelines as described in Policy 312 - Firearms. When carrying firearms while off-duty, officers shall also carry their Agency-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who is impaired.

## 388.4 DECISION TO INTERVENE

When officers decide to take law enforcement action while off-duty they must evaluate whether the action is necessary or desirable and should take into consideration:

(a) The tactical disadvantage of being alone and that there may be multiple or hidden suspects;

(b) Communication with responding units;

(c) The availability of equipment, such as handcuffs, Oleoresin capsicum (OC) spray or a baton;

(d) The availability of cover;

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene;

(f) Familiarity with the surroundings; and

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive and gather as much accurate intelligence as possible.



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388.4.1 INCIDENTS OF PERSONAL INTEREST
Officers should refrain from handling incidents of personal interest (e.g., family or neighbor disputes) and should remain neutral. In such circumstances, officers should call the responsible department to handle the matter.

388.4.2 RESPONSIBILITIES
Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

**388.5 REPORTING**
Any officer, prior to taking any off-duty enforcement action, shall notify and receive approval of an Agency supervisor (or other applicable law enforcement authority if acting outside the jurisdiction of the Agency). If prior contact is not reasonably possible, an officer shall notify the applicable local law enforcement department as soon as reasonably practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the department having jurisdiction in providing statements or reports as requested or as appropriate.



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# Illness and Injury Prevention Program

## 390.1 PURPOSE AND SCOPE

The health and safety of the employees of the Agency is important and is critical to the delivery of services to the community.

The purpose of this Policy is to establish an ongoing and effective Injury and Illness Prevention Program (IIPP) for the Agency. This Policy specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid. Though this Policy provides the essential framework required for an IIPP, it may be supplemented by procedures outside the Policy Manual.

The IIPP guidelines are to be followed and adopted by all personnel. Supervisory and management personnel are charged with ensuring these guidelines and Directives are implemented.

## 390.2 RESPONSIBILITY

The Patrol Administrative Lieutenant, acting as the IIPP administrator and safety manager for the Agency, has the authority and responsibility for implementing the provisions of this Policy and the IIPP. Supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering questions from employees about the IIPP.

## 390.3 COMPLIANCE

The Patrol Administrative Lieutenant is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. The Patrol Administrative Lieutenant should take reasonable steps using resources including supervisors, the Training Unit, and City Risk Management office to ensure that all workers comply with safety rules and maintain a safe work environment, including, but not limited to:

(a) Informing workers of the provisions of the IIPP.

(b) Recognizing employees who perform safe work practices.

(c) Ensuring that the employee's performance evaluation includes the employee's safety performance.

(d) Ensuring the compliance of this Agency with safety rules regarding:

1. Protection from blood borne pathogens
2. Protection from airborne transmissible diseases
3. Prevention of heat-related illness
4. Respiratory protection



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Supervisors are responsible for training, counseling, instructing or making informal verbal admonishments anytime safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Policy 1020 - Administrative Investigations.

All employees should use safe work practices, follow all Directives and Policies and assist in maintaining a safe work environment.

## 390.4 COMMUNICATION

Supervisors shall establish and maintain communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.

(a) The Patrol Administrative Lieutenant and the Training Unit will ensure that a system of communication is in place which facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:

1. New worker orientation, including a discussion of safety and health policies and procedures.
2. Regular employee review of the IIPP.
3. Workplace safety and health training programs.
4. Posted or distributed safety information.
5. A system for workers to inform management about workplace hazards.
6. Review periodic scheduled inspections.
7. Review investigations of accidents and exposures.
8. Make suggestions to management for the prevention of future incidents.
9. Assess the effectiveness of the efforts made by the Agency to address the following issues
    (a) Protection from bloodborne pathogens
    (b) Protection from airborne transmissible diseases
    (c) Prevention of heat-related illness

## 390.5 HAZARD ASSESSMENT

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and should utilize an applicable Hazard Assessment Checklist to ensure a thorough inspection.

### 390.5.1 INSPECTION DUTIES

The Patrol Administrative Lieutenant shall ensure that an applicable Identified Hazard and Correction Record Form is completed for each inspection.



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390.5.2 PATROL OFFICERS INSPECTION DUTIES
Officers are charged with weekly vehicle inspection of their assigned vehicle and of personal protective equipment prior to working in the field. Officers shall complete a Service Request form if an unsafe condition cannot be immediately corrected. Officers should forward this report to their supervisor. An appointment for vehicle service should immediately be scheduled if appropriate.

390.5.3 SUPERVISOR ASSESSMENT DUTIES
Supervisors should inform the Patrol Administrative Lieutenant when the following occurs:

- New substances, processes, procedures or equipment that present potential new hazards are introduced into the work environment.
- New, previously unidentified hazards are recognized.
- Occupational injuries and illnesses occur.
- Whenever workplace conditions warrant an inspection.

The Patrol Administrative Lieutenant will take appropriate action to ensure the IIPP addresses potential hazards upon such notification.

## 390.6 ACCIDENT/EXPOSURE INVESTIGATIONS
Employees must report all injuries that are a result of a workplace accident and any hazardous substance exposure to a supervisor. A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- A visit to the accident scene as soon as possible.
- An interview of the injured worker and witnesses.
- An examination of the workplace for factors associated with the accident/exposure.
- Determination of the cause of the accident/exposure.
- Corrective action to prevent the accident/exposure from reoccurring.
- A record of the findings and corrective actions taken.

## 390.7 HAZARD CORRECTION
All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisor).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner based on the severity of the hazards. Hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed workers from the area or item, except those necessary to correct the existing condition.



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Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on an Identified Hazard and Correction Record Form. This should be forwarded to the Patrol Administrative Lieutenant via the chain of command.

## 390.8 TRAINING AND INSTRUCTION

The Patrol Administrative Lieutenant will work with the Training Sergeant to ensure all workers, including supervisors, are trained on general and job-specific workplace safety and health practices.

(a) Training shall be provided:

1. To all new employees for those tasks that were not sufficiently covered by previous training from an academy or another training provider.
2. To all workers given new job assignments for which training has not previously been provided.
3. Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.
4. Whenever the Agency is made aware of a new or previously unrecognized hazard.
5. To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
6. To all workers with respect to hazards that are specific to each employee's job assignment.

(b) The Agency IIPP training shall include:

1. An explanation of the IIPP, the emergency action plan and fire prevention plan; measures for reporting any unsafe conditions, work practices and injuries; and informing a supervisor when additional instruction is needed.
2. The use of appropriate clothing, including gloves, footwear and personal protective equipment.
3. Information about chemical hazards to which employees could be exposed.
4. The availability of toilet, hand-washing and drinking-water facilities.
5. Provisions for medical services and first aid, including emergency procedures.
6. Steps to prevent heat-related illness.

## 390.9 RECORD KEEPING

The Patrol Administrative Lieutenant will do the following to implement and maintain IIPP records:



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(a) Make available the Risk Management Incident to document inspections, any unsafe condition or work practice, and actions taken to correct unsafe conditions and work practices.

(b) Make available the Investigation/Corrective Action Report to document individual incidents or accidents.

(c) Direct the Professional Standards Unit to develop a Worker Training and Instruction Form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training and training providers.

(d) Retain inspection records and training documentation for a minimum of one year.

(e) Forward all infection control and exposure related reports to the Infection Control Officer.

## 390.10 TRAINING SUBJECTS

The Patrol Administrative Lieutenant should work with the Training Sergeant to ensure training is provided on the following topics:

- Driver safety
- Safe procedures for handling, cleaning and/or storing weapons
- Good housekeeping and fire prevention
- Back exercises/stretches and proper lifting techniques
- Lock-out/tag-out procedures
- Hazardous materials
- Building searches
- Slips and falls
- Ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods
- Personal protective equipment
- Respiratory equipment
- Hazardous chemical exposures
- Hazard communication
- Physical hazards, such as heat/cold stress, noise, and ionizing and non-ionizing radiation
- Blood borne pathogens and other biological hazards
- Other job-specific hazards

## 390.11 SECTION TITLE



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# Personnel Recall

## 391.1 PURPOSE AND SCOPE

There are occasions when it becomes necessary to call Agency personnel to work during scheduled time off. There may be a variety of reasons for this to occur and it is essential to have procedures in place to facilitate a personnel recall.

## 391.2 PROCEDURES

(a) The on-duty patrol supervisor has the responsibility and authority to make an initial determination as to whether additional assistance and equipment will be required.

(b) The initial assessment of an event will include a determination of what resources (personnel and equipment) are needed, as well as the anticipated length of the event. This information is critical in order to determine what group(s) of employees will be recalled.

(c) During large-scale events, employees and civilians frequently volunteer to assist. The supervisor or incident commander will determine how to best utilize volunteers. The use of a staging area is recommended if there are no immediate assignments. Once it has been established that additional assistance is not needed, volunteers will be released from the scene.

(d) During short or long-term events, individuals will be contacted by text messages or phone calls. If a shift or specific group of employees is activated, the corresponding supervisor will contact the requesting employee or Fort Collins 911 for instructions on how to deploy his/her resources unless otherwise directed.

### 391.2.1 SHORT-TERM EVENTS
(Typically 2-3 hours in length):

Shifts coming on duty or ending a tour of duty can be utilized, along with off-duty Patrol personnel, to handle short-term events. However, if possible, employees should not work for longer than 15 hours in one shift. Some short-term events may necessitate the recall of all personnel (i.e., hailstorm at City Park during 4th of July events, civil disobedience, etc.) The on-duty supervisor will make the determination that an event is classified as "short-term."

### 391.2.2 LONG-TERM EVENTS
(Typically 4 - 24 hours in length):

Off-duty personnel, including Administration and Criminal Investigations Division personnel, will be utilized during these events. The assignment of personnel to the event should NOT affect normal shift strength. The Patrol and Criminal Investigations Division Deputy Chiefs will make a determination that an event is classified as "long-term."



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391.2.3 CATASTROPHIC EVENT
(Typically 24 hours+ in length): All personnel will be utilized in order to cover both the normal activities and those associated with the event. It is recommended that during the duration of the event ALL personnel, including Records and Dispatch personnel, utilize a 12-on/12-off shift. Shift assignments will be pre-determined based upon current position or assignment. Only the Chief of Police or a Deputy Chief in the Chief's absence or unavailability can make a determination that an event is classified as "Catastrophic."

(a) When an event is determined to be catastrophic, a text message or phone call will be made to Agency personnel advising of the situation and any initial assignments. Employees in support staff positions (Patrol, Criminal Investigations Division and Administration) will assist in calling additional people as needed. Unless it is the only available option, it is preferred that Dispatch and Records personnel not be utilized to make phone calls or page large groups of people.

## 391.3 CONTACTING EMPLOYEES

(a) Method of Contacting Employees:

1. Per Policy 702 - As condition of employment, any employee who is issued a PCD is required to have the device with them; to have the device turned on; and the employee must respond as soon as reasonably possible upon receipt of Department-transmitted text message that requires deployment or an action outlined in that text message, except during such times as the employee is on an approved leave of one work week or longer.

2. Per Policy 702 - Personal Communication Devices, all employees are required to have a secondary telephone device separate from the Department-provided communication device and to provide their current telephone numbers to Fort Collins Police Services.

(b) Information for employees.

1. The following information (determined by the supervisor or incident commander prior to the notification) will be provided to recalled personnel:

   (a) Reporting place (specific place, patrol district or staging area)

   (b) Specific assignment (if known)

   (c) Appropriate attire (i.e. special duty uniform)

   (d) Anticipated ending time of the assignment

   (e) Employee's supervisor in the incident

   (f) Radio channel assignment for the event

   (g) Equipment needed



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391.3.1 EMPLOYEE RECALL BY GROUP OR ASSIGNMENT
Employees may be recalled in groups based on their primary assignment or work schedule.

(a) The Information Services Division Deputy Chief or designee shall maintain recall lists which allow for the notification or recall of groups of employees. These recall lists shall be maintained in a manner to provide the electronic notification (generally through Agency-issued personal communication devices) of one or several groups of employees using a single message.

## 391.4 IMMEDIATE CALL TO DUTY

Immediate Call to Duty is defined as the right of the City to require an employee to immediately respond to duty at a time other than the employee's normally scheduled shift in response to an emergency situation as defined in the sole discretion of the City:

(a) Except when ill or otherwise unfit for duty, Agency employees who are off-duty shall report for duty immediately upon receipt of orders to do so.

(b) For an Immediate Call To Duty, compensable time shall commence at the time the employee is given notice of Immediate Call To Duty and will end when a supervisor or designee releases the employee from duty. Employees who have been placed On-call or on Standby shall not be eligible for Immediate Call to Duty pay.

(c) No employee shall receive Immediate Call To Duty compensation if the reason the employee is called back to rectify a situation that is the result of the employee's failure to complete a normally accepted routine shift task as determined by the employee's supervisor. Examples of routine shift tasks are: completion of necessary documents, securing of special equipment, or completion of reports.



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# Chapter 4 - Patrol Operations



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# Patrol Function

## 400.1 PURPOSE AND SCOPE

The purpose of this Policy is to define the functions of the Patrol Division of the Agency to ensure intraorganizational cooperation and information sharing.

### 400.1.1 FUNCTION

Officers will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of Fort Collins, identify community needs, provide support and assistance to the community, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours a day seven days a week.

Patrol will generally provide the following services within the limits of available resources:

(a) The prevention of criminal acts, traffic-law enforcement and the investigation of traffic collisions, the maintenance of public order and the discovery of hazardous situations or conditions.

(b) Crime prevention activities such as community presentations.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal and non-criminal acts.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between the Patrol and other divisions within the Agency, as well as other government agencies, where allowed by law and authorized by Agency Policy and procedures.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

(i) Response to disasters, civil unrest and natural emergencies.

### 400.1.2 TERRORISM

The Office of Preparedness and Security (OPS) coordinates Colorado's response to terrorism (CRS § 24-33.5-1601(1)(g); CRS § 24-33.5-1606).

It is the goal of Fort Collins Police Services to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI).

The supervisor should ensure that all terrorism-related reports and FIs are forwarded to the Criminal Investigations Division supervisor in a timely fashion.



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The Criminal Investigations Division supervisor should forward the information as soon as practicable to the OPS Colorado Information Analysis Center.

## 400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of Fort Collins Police Services.

### 400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit will be the central unit for information exchange. Criminal information and reports can be disseminated to the Agency by the Crime Analysis Unit or other authorized personnel.

### 400.2.2 CRIME REPORTS

A crime report may be completed by any employee who receives criminal information. The report will be processed and forwarded to the appropriate personnel for retention or follow-up investigation.

### 400.2.3 PATROL BRIEFINGS

Patrol supervisors, investigative sergeants and special unit sergeants are encouraged to share information as much as reasonably possible. All supervisors and/or officers will be provided an opportunity to share information through daily patrol briefings, as time permits.

### 400.2.4 THE BOARD

Information related to daily patrol activity will be maintained on the City's Intranet under "The Board". This information will be avaliable for review by officers from all divisions within the Agency.

## 400.3 CROWDS, EVENTS AND GATHERINGS

(a) Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

(b) Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action. Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

(c) Officers should consider enforcement of applicable state and local laws when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.



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# Racial- or Bias-Based Profiling

## 402.1 PURPOSE AND SCOPE

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of Fort Collins Police Services do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

## 402.2 POLICY

Fort Collins Police Services is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law (CRS § 24-31-309).

## 402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

## 402.4 MEMBER RESPONSIBILITY

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

Officers shall provide, without being asked, a business card to any person who was detained in a traffic stop and was not cited or arrested. The business card shall include identifying information including, but not limited to, the officer's name, division, and badge or other identification number and a telephone number that may be used, if necessary, to report any comments, either positive or negative, regarding the traffic stop (CRS § 24-31-309(4)(a)).

### 402.4.1 REASON FOR DETENTION

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual’s membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer’s reasonable suspicion or probable cause for the detention, as applicable.



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Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### 402.5 SUPERVISOR RESPONSIBILITY

The Agency will maintain educational pamphlets for public distribution at the front desk regarding the complaint process. This policy shall be made available to the public for inspection during business hours (CRS § 24-31-309(6)).

Fort Collins Police Services will investigate all complaints of alleged racial- or bias-based profiling against its members as any other complaint is investigated. The identity of the reporting person and the report shall initially be kept confidential to the extent permitted by law, unless further processing is required (CRS § 24-31-309(4)(a)).

Supervisors may monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with Policy 340 - Expectations of Conduct.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors may review MDC data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.

    1. Supervisors will document these reviews when they occur.

    2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

### 402.6 PUBLIC REPORTING

The Agency shall compile, on at least an annual basis, any information derived from complaints received due to the distribution of business cards, as provided in this policy that allege profiling. The information shall be made available to the public but shall not include the names of officers or the names of persons alleging profiling (CRS § 24 31 309(4)(c)).

### 402.7 ADMINISTRATION

Each year, the Patrol Administrative Lieutenant shall review the efforts of the Agency to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.



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Supervisors shall review the information compiled from complaints, as provided in this policy and the annual report, and discuss the results with those they are assigned to supervise.

### 402.8 TRAINING

Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Training Unit.

All certified members will attend regular training on the subject of racial- or bias-based profiling (CRS § 24-31-309). All newly employed officers shall receive a copy of this policy and initial training on the subject of racial- or bias-based profiling.



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# Shift Briefing

## 404.1 PURPOSE AND SCOPE

Shift Briefing is generally conducted at the beginning of each patrol shift. Shift Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct shift briefing. However, officers may conduct shift briefing for training purposes with supervisor approval.

Shift Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles and major investigations.

(b) Notifying officers of changes in schedules and assignments.

(c) Notifying officers of new Policies, Departmental Directives or Special Directives.

(d) Reviewing recent incidents for training purposes.

(e) Providing training on a variety of subjects, with supervisor approval.

## 404.2 TRAINING DURING SHIFT BRIEFING

Shift Briefing may incorporate short training segments on a variety of subjects and may include:

(a) Presentation and discussion of the proper application of existing Policy to routine daily activities.

(b) Reviewing recent incidents for training purposes.

(c) Review of Daily Training Bulletins from Lexipol.

## 404.3 PREPARATION OF MATERIALS

The supervisor conducting shift briefing, or an officer if the supervisor is unable to participate, is responsible for collection and preparation of the materials necessary for a constructive briefing and training.



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# Crime and Disaster Scene Integrity

## 406.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

## 406.2 CRIME SCENE RESPONSIBILITIES

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue the assignment until relieved by a supervisor.

### 406.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive or in sequential order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still in the area.

(b) Broadcast emergency information, including all requests for additional assistance.

(c) Provide first aid to injured parties if it can be done safely.

(d) Evacuate the location as required.

(e) Identify hazards or dangerous conditions to responding personnel.

(f) Secure the inner and outer perimeter if needed.

(g) Protect items of apparent evidentiary value.

(h) Identify potential witnesses.

(i) Start a chronological log noting critical times and personnel allowed access.

(j) Prevent unauthorized access of personnel, the media or the public.

### 406.2.2 EXECUTION OF HEALTH ORDERS

At the direction of the Chief of Police or an authorized designee, employees of the Agency are authorized to enforce all lawful orders from federal, state and local health authorities regarding contagious, infectious or communicable diseases.

## 406.3 SEARCHES AT CRIME OR DISASTER SCENES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and to determine if suspects are present and pose a threat. Once



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officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

### 406.3.1 CONSENT

Officers should obtain consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations it may be prudent to obtain a search warrant. If desired, consent may be sought even in cases where a search warrant has been granted.

### 406.3.2 PROTECTIVE SWEEP

If an arrest occurs in a home, areas immediately adjoining the place of arrest from which an attack could be immediately launched may be searched without a warrant (494 U.S. 325, 334 (1990)). This is known as a "protective search for dangerous persons" or a "protective sweep" of the residence. Such search is to be limited to a cursory visual inspection of those places in which a person could be hiding, and may last only as long as necessary to dispel the reasonable suspicion of danger, or to complete the arrest and depart the premises.



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# SWAT Team

## 408.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish the governing regulation in the organization, use, selection, and training of the Special Weapons and Tactics (SWAT) Team. This Policy is supplemented by the SWAT Team Standard Operating Procedures Manual which is approved by the Chief of Police. In the event of a conflict between this Policy and the SWAT Team SOP, the provisions of this Policy shall control.

### 408.1.1 POLICY

It is the Policy of the Agency to utilize a SWAT Team with alternative weapon capabilities to resolve high risk incidents while minimizing the potential for injury or death to those involved. The SWAT Team will receive special training and equipment to enhance its ability to bring high risk incidents to a successful conclusion. The mission of the SWAT Unit is to save lives by attempting to reduce the risk of injury and loss of life to hostages, innocent citizens, law enforcement officers, and suspects.

### 408.1.2 DEFINITIONS

See Policy 107 - Definitions.

### 408.1.3 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to the Agency. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or an authorized designee.

## 408.2 ORGANIZATION

The SWAT Team is under the direction of the Patrol Deputy Chief who will specify the authorized number of officers to be assigned to the Team.

### 408.2.1 SWAT TEAM COMMANDER

The SWAT Team shall be supervised by the SWAT Team Commander ("Team Commander"). His/her duties and responsibilities shall include:

(a) Overall administration, supervision and command of the SWAT Team.

(b) Coordination of SWAT Team activities.

(c) Establishment and maintenance of efficient and effective interaction with other Agency teams and outside organizations.

(d) Those additional duties and responsibilities as set forth in the SWAT Team SOP.

### 408.2.2 SUB-SPECIALTIES

The SWAT Team shall be composed of the following three teams, each of which shall be supervised by a Team Leader (Sergeant):



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(a) Tactical Team.

(b) Crisis Negotiator Team (CNT).

(c) Precision Rifle Team.

Each team may be divided into two or more groups, each of which may be supervised by a Group Leader. A Group Leader is a Sergeant or senior officer who assists in team deployment during an operation.

- The Team Leaders and Group Leaders shall have those duties and responsibilities as set forth in the SWAT Team SOP.
- A Team Leader is responsible for deployment and tactical mission planning of the operation.

Special team members may be assigned to the SWAT Team to provide a specific support function. These special team members shall report to the Team Commander or his or her designee, and may include, without limitation:

- The Tactical Emergency Medical Support Team ("TEMS") of the Poudre Valley Hospital Ambulance Service, which is made up of specially trained paramedics and EMTs who work in coordination with the SWAT Team.
- A designated person to drive and maintain the SWAT van or other vehicle.
- A designated person to serve as a police dispatcher for the command post.

408.2.3 TEAM SUPERVISORS

The Crisis Negotiations Team (CNT), Precision Rifle Team and Tactical Team will be supervised by a Team Supervisor. The Team Supervisor shall be selected by the Chief of Police upon specific recommendation by the Team Commander. The Team Supervisor's primary responsibility is to supervise the operations of the team, which will include deployment, training, first-line participation, and other duties as directed by the Team Commander.

## 408.3 TRAINING

(a) SWAT Team members will receive special training in addition to their normal job training, and therefore they should develop an expertise and have additional tools and skills for use in their daily job performance.

(b) The Team Commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and Agency Policy.

(c) The Tactical Team, the Precision Rifle Team, and the Crisis Negotiator Team shall train together in at least two training sessions in any calendar year.

408.3.1 INITIAL TRAINING

(a) Upon appointment to the SWAT Team, members of the Tactical Team and the Precision Rifle Team shall be scheduled as soon as practicable for and shall successfully complete



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a basic SWAT school as approved by the Team Commander. Team members who have not yet completed the SWAT school may serve on their respective teams on a temporary deployment basis only as approved by the Team Commander.

(b) Members of the Crisis Negotiator Team shall attend basic intern training conducted by the Crisis Negotiator Team, and when practicable attend a basic SWAT school. Their deployment, after appointment, will be determined and assigned by the Crisis Negotiator Team Leader.

(c) Any SWAT Team member assigned to a chemical munitions position shall successfully complete a chemical munitions training course approved by the Team Commander prior to the operational discharge of a chemical munition.

(d) Members of the Crisis Negotiator Team shall participate in a minimum Basic Crisis Negotiators School.

408.3.2 ONGOING TRAINING AND QUALIFICATION

(a) Members of the Tactical Team and the Precision Rifle Team shall participate in training an average of 20 hours per month as determined on a calendar year basis and an annual 40-hour certification course. The subject of such training may include, but is not limited to, the following:

1. Specialty skills such as firearms, precision rifle, explosive breaching and control devices and techniques
2. Containment strategies.
3. Firearms control and discipline.
4. Observation techniques and scouting techniques.
5. Communications.
6. Arrest control, self defense, police baton.
7. Entry techniques.
8. Practical exercises.
9. Legal issues, deadly force, and Policy issues relating to SWAT activities.
10. Mock deployment as arranged by the Team Commander or his or her designee.
11. Basic crisis negotiation.

(b) Members of the Precision Rifle Team shall qualify with their precision rifle at least once per month, with a minimum score of 100%. Members of this Team who fail to qualify on the first attempt will be provided a second attempt within two weeks of the initial failure to qualify. Should the member fail to qualify on the second attempt, the member will be scheduled for remedial training as soon as practicable. During the interim, the member will not be allowed



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to deploy as a Precision Rifle Operator. Failure to qualify following remedial training may result in removal from the Team, at the discretion of the Team Commander.

1. Each Precision Rifle Team member shall maintain a log of each shot fired from their assigned rifle, which contains, at minimum, the following information: the lot and description of the ammunition, date of firing, weather conditions at time of firing, and any other pertinent information. The Precision Rifle Team Leader shall conduct periodic inspections of the log book and assigned rifles.

(c) Members of the Tactical Team and the Precision Rifle Team are required to successfully complete the following training/testing:

1. Firearms qualifications as described in Policy 312 - Firearms.
2. SWAT Team qualification shooting tests 12 times per calendar year with a minimum score of 85% for each weapon assigned to the member, one of which shall be a low light qualification. Members of the Precision Rifle Team must qualify with a score of 100% as required in Subsection B above. Should the member fail to qualify, the member will be scheduled for remedial training as soon as practicable. Failure to qualify following remedial training may result in removal from the Team, at the discretion of the Team Commander. During the interim, the member may not be allowed to operationally deploy at the discretion of the Team Commander. Members may not miss three consecutive monthly qualifications and remain operational.
3. Maintain a physical fitness level (based on current Agency-approved test and standards) of not less than the 60th percentile. All Team members are required to test twice per year (spring and fall). Failure of any phase of the testing will result in a Team member being directed to an Agency fitness instructor for remedial training, with a complete retest (all aspects) to be completed within a three week period. Failure to comply within the three week period shall result in a suspension from the Team and possible removal from the Team. Team members unable to test due to injury or illness must provide a report from a doctor indicating the nature of the injury and applicable work restrictions. Following release from a doctor, a Team member will have not more than 60 days within which to make up the test.

(d) Members of the Crisis Negotiator Team shall participate in a minimum of 40 hours of training in any calendar year. (They are not required to attend the monthly tactical training, but are encouraged to do so.) The subject of their training may include, but is not limited to, the following:

1. Suspect profiling.
2. Psychology of a hostage taker.
3. Communications systems and throw phones.
4. Negotiation techniques.



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5. Practical exercises.
6. Legal and Policy issues relating to SWAT activities.
7. Basic tactical training.

408.3.3 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

408.3.4 SCENARIO-BASED TRAINING
SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

408.3.5 TRAINING DOCUMENTATION
Each SWAT Team member is responsible to ensure that the training the member receives is documented in files maintained by the Team Commander or his or her designee. The documentation shall include the following information: date, location, training content, instructor, course outline, and number of hours attended. Individual and team training shall be documented and records maintained by the Team Commander. The documentation shall also be maintained in each member's individual training file. A separate Agency SWAT training file shall be maintained with documentation and records of all team training, the yearly SWAT training plan and the monthly training records and qualifcations will be turned into the Training Unit. Training files shall be maintained for not less than ten years from the date the training occurred.

## 408.4 UNIFORMS, EQUIPMENT AND FIREARMS

(a) Each SWAT Team member will be issued and assigned equipment and weapons described in the SWAT Team SOP and shall be responsible for maintaining the issued equipment and weapons in a clean and serviceable condition. Each SWAT Team member shall report damaged, lost, or stolen equipment and weapons to the member's Team Leader as soon as possible.

(b) The Team Commander shall ensure that all SWAT Team equipment and weapons are inventoried each calendar year.

408.4.1 UNIFORMS
SWAT teams from this Agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

408.4.2 EQUIPMENT
SWAT teams from this Agency should be adequately equipped to meet the specific mission identified by the Agency.



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408.4.3 FIREARMS

(a) SWAT Team members shall only deploy with Agency-owned firearms.

(b) SWAT Team members shall use only Agency-issued ammunition.

(c) SWAT Team members shall maintain their assigned rifles in their possession or in a SWAT Team designated vehicle so their assigned rifles are readily accessible in the event of deployment.

408.4.4 OPERATIONAL READINESS INSPECTION

The Commander shall perform an operational readiness inspection of all Team equipment at least quarterly. The inspection will include personal equipment issued to members of the Team as well as special use equipment maintained for periodic or occasional use in the SWAT inventory.

## 408.5 SELECTION OF MEMBERS

Assignment to the SWAT Team is voluntary. SWAT Team members will not receive a pay differential for serving on the SWAT Team. The selection of members shall occur as follows:

(a) The Team Commander shall be appointed by and at the discretion of the Patrol Deputy Chief with the consent of the Chief of Police, with consideration given to training, experience, and the needs of the Agency and the Team.

(b) Members, including Special Team members, shall be appointed to the SWAT Team by the Team Commander with the consent of the Patrol Deputy Chief. Team Leaders and Group Leaders shall be appointed by the Team Commander with the consent of the Patrol Deputy Chief.

(c) In making SWAT Team appointment decisions, the Team Commander and the Patrol Deputy Chief may utilize such evaluative processes as they deem necessary, which may include, but are not limited to, oral interviews, written examinations, evaluative panels, and supervisory feedback.

408.5.1 SELECTION OF TACTICAL TEAM MEMBERS

(a) Officers applying to the Tactical Team and the Precision Rifle Team must have the following minimum qualifications at the time of appointment:

1. At least two years of continuous employment as a police officer with the City of Fort Collins.

2. In general, Sergeants will not fill line officer positions on the Team; exceptions may be made dependent upon the needs of the Team.

3. Applicants for supervisory positions on the team shall have the minimum qualifications as set forth in this subsection.



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4. Record of satisfactory job performance as a police officer in present and previous assignments, including a demonstrated ability to satisfactorily handle stressful job-related situations.
5. Attain at least an 85th percentile shooting proficiency score with assigned duty weapons.
6. Attain a physical fitness level (based on current Agency approved test and standards) of at least the 60th percentile for at least six months prior to appointment.
7. Successful completion of the SWAT Team agility test as determined by standards set in the SWAT Team SOP.
8. Complete the SWAT Team's testing process.
9. Complete the Agency's Psychological Fitness Exam.

408.5.2 SELECTION OF CRISIS NEGOTIATOR TEAM MEMBERS

Officers applying to the Crisis Negotiator Team must have the following minimum qualifications at the time of appointment:

(a) At least two years of continuous employment as a police officer with the City of Fort Collins.

(b) In general, rank no higher than Sergeant; exceptions made dependent upon needs of the Agency and approval by the Patrol Deputy Chief and the Chief of Police.

(c) Record of satisfactory job performance as a police officer in present and previous assignments, including a demonstrated ability to satisfactorily handle stressful job-related situations.

(d) Participate in the current Agency approved fitness test at least twice per year.

(e) Be capable of performing the functions and duties of a Crisis Negotiator Team member as evidenced by successful completion of a post-conditional appointment psychological fitness examination by a psychologist designated by the Agency.

(f) Persons appointed as Special Team members shall have those qualifications as determined by the Team Commander or his or her designee.

408.5.3 RETENTION OF TEAM MEMBERS

(a) Appointment to the SWAT Team is for an indefinite period and a Team member may be suspended or removed from the Team at any time, without advance notice, and with or without cause, by the Team Commander with the consent of the Patrol Deputy Chief. The Team Commander may be suspended or removed from the Team at any time, without advance notice, and with or without cause, by the Patrol Deputy Chief with the consent of the Chief of Police. A Team member shall not be entitled to any type of due process or hearing prior to or following suspension or removal from the Team.



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(b) In addition to suspension or removal without cause, a SWAT Team member may be suspended or removed from the Team by the Team Commander with the consent of the Patrol Deputy Chief for any of the following reasons:

1. Failure to participate in, successfully complete, or document the successful completion of required training/testing, whether or not such training/testing is related to the SWAT Team or any other Agency training.
2. Failure to maintain the minimum Qualifications for Selection set forth in this Policy.
3. Failure to adequately perform the duties and responsibilities required of a Team member, as outlined in the SWAT Team SOP Manual.
4. Failure to adequately perform the duties and responsibilities of a member of the Agency.
5. Any other Agency related reason, such as, but not limited to, a reduction in the size of the Team, reallocation of Team personnel resources, and reassignment based on Agency needs.

### 408.6 SWAT TEAM APPLICATIONS

(a) The SWAT Team will support other units and divisions of the Agency and, upon approval of the Chief of Police or an authorized designee, other requesting law enforcement agencies with a tactical response to critical incidents. Although the SWAT Team is a support operation, once on scene of a critical incident, it assumes primary tactical responsibility and command of the critical incident. Examples of critical incidents include, but are not limited to, the following:

1. Hostage situations: The holding of any person(s) against their will by an armed person or a person reasonably believed to be armed.
2. Barricade situations: The stand-off created in any location by a person who is armed or reasonably believed to be armed, whether or not fortified, and who is refusing to comply with police demands for surrender.
3. Sniper situations: The firing upon persons by an armed suspect, whether stationary or mobile.
4. *High risk apprehension situations: The arrest or apprehension of a suspect who is armed or reasonably believed to be armed where the likelihood of armed resistance is high.
5. *High risk warrant service situations: The service of search or arrest warrants where the potential for violence or resistance exists based upon the crime involved, criminal history, or any other factors which would indicate a potential for violence or resistance.



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6. Personal protection situations: The security of special persons, such as VIPs, witnesses, or suspects, based on a threat or potential threat to the well-being of those persons.
7. The Team will work in conjunction with Mobile Field Force in crowd and/or riot control situations: The control or movement of unruly persons causing public disturbance or riot conditions.
8. Special assignment situations: any assignment, approved by the Team Commander, based upon the personnel, training, experience, or equipment of the Team.
9. Any situation which the Agency shift supervisor or Watch Commander determines may be a time-intensive situation or in which special equipment or weapons are necessary.
10. Crime suppression patrol situations: Utilization of the Team as an additional resource in patrol situations when special tactics or equipment are necessary.
11. Rapid deployment situations: Officers first on the scene of a critical incident work to stabilize the situation as soon as possible.

*Based upon the profile criteria and numbering/ranking system currently utilized by SWAT and more fully described in the SWAT SOP.

408.6.1 DEPLOYMENT PROCEDURES

(a) Upon a determination that a critical incident exists or is likely to arise, a supervisor shall, as soon as practical, notify a Swat supervisor (through the use of the Tactical Consult Page) or the SWAT Team Commander of the situation. The team supervisor or the Commander shall then determine whether or not the SWAT Team will be deployed. The Commander shall notify the Patrol Deputy Chief as soon as practical following the decision to activate deployment of the SWAT Team. The Patrol Deputy Chief shall then notify the Chief of Police as soon as practical.

(b) In the event a supervisor determines an immediate response is necessary due to the exigency of the situation, the supervisor may activate deployment of the SWAT Team and notify the Team Commander as soon as practical thereafter. The Team Commander will notify, or cause to be notified, the Patrol Deputy Chief as soon as practical.

1. This does not prohibit the rapid deployment of SWAT officers who are on duty or readily available to deploy prior to the shift supervisor making contact with the Team Commander.

(c) Activation of a SWAT Team deployment at the request of an outside organization or for a critical incident occurring outside the city limits of the City of Fort Collins shall only occur following approval from the Chief of Police or his/her designee.



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(d) SWAT Team members shall be notified of deployment by way of the pager system which, if possible, will include response instructions and the nature of the situation.

(e) The first two members of the SWAT Team arriving at the initial deployment location shall commence rapid deployment tactics if the situation requires such an immediate response. These members shall also coordinate immediate Team response until the Team Commander or a Team or Group Leader arrives at the scene.

(f) The Team Commander or a Team Leader may deploy less than the entire SWAT Team to an incident. This smaller group will be supervised and directed by the Team Commander, a Team Leader, or a Group Leader, as determined by the Team Commander.

1. Small Team deployments may not require an after-action report depending on the size and scope of the operation.

(g) SWAT Team members shall notify their Team Leader or Team Commander as soon as practical upon determining that they will not be available for deployment for any period of time of 24 contiguous hours or greater.

### 408.6.2 OPERATIONAL REQUIREMENTS, GUIDELINES, AND USE OF FORCE

(a) Operational requirements and guidelines intended to provide mandates and guidance for SWAT Team members during deployment at critical incidents are set forth in the SWAT Team SOP. SWAT Team members should utilize their training and experience in applying the operational guidelines to any specific situation.

(b) SWAT Team members shall comply with Policy 300 - Response to Resistance.

### 408.6.3 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT Team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, collective bargaining agreements or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the Agency's SWAT Team shall operate under the Policies, procedures, and command of this Agency when working in a multi-agency situation.

### 408.6.4 MOBILIZATION OF SWAT TEAM

A supervisor shall make a request for the SWAT Team to respond. If unavailable, a Team Supervisor shall be notified. The supervisor shall also notify the Patrol Deputy Chief as soon as practicable.

The supervisor should brief the SWAT commander with the following information if available:

(a) The number of suspects, known weapons and resources;

(b) If the suspect is in control of hostages;



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(c) If the suspect is barricaded;

(d) The type of crime involved;

(e) If the suspect has threatened or attempted suicide;

(f) The location and safe approach to the command post;

(g) The extent of any perimeter and the number of officers involved; and

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender.

The Team Commander or Team Supervisor shall then call selected officers to respond.

408.6.5 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish a patrol emergency/arrest response team prior to SWAT arrival. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a lethal threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communications with the suspect. Once the SWAT Team has arrived, all negotiations should generally be halted to allow the SWAT Team time to set up.

(f) Be prepared to brief the Team Commander on the situation.

(g) Plan for and stage anticipated resources.

408.6.6 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team, the Incident Commander shall brief the Team Commander and team supervisors. Upon review, it will be the Incident Commander's decision, with input from the Team Commander, whether to deploy the SWAT Team. Once the Incident Commander authorizes deployment, the Team Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and support for the SWAT Team. The Incident Commander and the Team Commander or the authorized designee shall maintain communications at all times.



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408.6.7 COMMUNICATION WITH SWAT TEAM PERSONNEL

All persons who are non-SWAT Team personnel should refrain from any non-emergency contact or from interference with any SWAT Team member during active negotiations. Operations require the utmost in concentration by involved personnel. No-one should interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the CNT sergeant or the authorized designee.

408.6.8 ALCOHOL, DRUGS, AND MEDICATION

(a) SWAT Team members shall not report for work or be at work within four hours following the use of intoxicants, including alcohol, or when the employee's abilities are impaired to any degree.

(b) All SWAT Team members responding to a deployment notification shall report to his/her Team Leader or Team Commander any consumption of alcohol occurring within the past eight hours, and over-the-counter medicine or prescription drug consumption which may have an effect on his/her performance or fitness for duty. Failure to disclose such consumption may subject the member to dismissal from the Team, at the discretion of the Team Commander. Additionally, the member may be subject to disciplinary action.

(c) Upon reporting for a deployment and providing that the Team Commander determines that it can be done without interfering with the operational objectives of the deployment, three of the reporting Team members shall be required to submit to a portable breath test. Those required to submit to the test shall be selected in a random method and each reporting Team member shall have an equal chance of being selected each time a random selection is made. In the event a portable breath test provides a positive reading to the presence of alcohol, the Team member shall be immediately removed from the SWAT activity and, if the member did not report the consumption of alcohol as required in subparagraph (b) above, or if the portable breath test result is not consistent with the reported consumption, the Team member shall be directed to obtain an alcohol test conducted by a Breath Alcohol Technician using an Evidential Breath Testing Device. Refusal to submit to any required test may result in the imposition of discipline up to and including termination of employment. It shall be considered to be a refusal to submit to a required test if a Team member does not provide sufficient quantities of specimen to be tested without a valid medical explanation, or if the Team member tampers with or attempts to adulterate the specimen or collection procedure, or does not report to the collection site as soon as practicable.

(d) The provisions of Policy 1012 - Alcohol and Drug Use concerning use of alcoholic beverages or drugs/medication remain applicable to all SWAT Team members.

(e) All SWAT Team members responding to a deployment shall, if practicable prior to deployment, report to the Team Leader or Team Commander the number of hours of sleep they have had in the last 24 hours so the supervisor will be aware of any need for adequate rest and the need to provide relief officers.



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### 408.6.9 AFTER-ACTION REPORTS

(a) As soon as practical after the conclusion of a SWAT Team deployment (mock deployments excluded), the Team Commander will ensure that an After-Action Report is completed concerning the deployment. This report must be completed within 30 days of the incident; any extension beyond that time frame must have approval from the Patrol Deputy Chief.

1. The After-Action Report shall consist of a critique of all phases of the deployment, including, but not limited to, training, supervision, individual member action, and tactics used during the deployment.
2. All members of the SWAT Team participating in a deployment shall be required to document their actions during the deployment by completing an incident report or supplement pursuant to Agency guidelines concerning reporting.

(b) The After-Action Report shall be maintained by the Professional Standards Unit.



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# Ride-Along Program

## 410.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for persons to experience the law enforcement function firsthand. Therefore, it is the Policy of Fort Collins Police Services to encourage and facilitate citizens to ride along with our officers. This Policy provides the requirements, approval process and hours of operation for the Ride-Along Program.

### 410.1.1 ELIGIBILITY

Reasonable efforts should be made to accommodate interested persons, whom shall complete an application and release of liability waiver provided by the Agency. Any applicant may be disqualified without cause from participating in the program.

Factors that may be considered in considering a Ride-Along Program request include, but are not limited to:

(a) Age restrictions:

1. Participants under the age of 21 may not accompany officers on bar checks and will not be assigned to officers who are expected to spend a considerable amount of time doing bar checks.
2. Participants under the age of 18 must have the written consent of a parent or legal custodian to participate in the Ride-Along Program. Consent forms must be signed in the presence of an Agency employee or notarized.
3. Participants under the age of 16 are restricted to riding on Day Shift only.
4. Participants under the age of 14 must have the written consent of the Chief of Police to participate in the Ride-Along Program.

(b) Prior criminal history.

(c) Pending criminal action.

(d) Pending lawsuit against the Agency.

(e) Denial by any supervisor.

## 410.2 APPLICATION

(a) Generally, Ride-Along Program requests will be processed by the Patrol Administrative Assistant. The participant will complete and sign an application and release of liability waiver. Information requested will include a valid driver's license, address and telephone number. If the participant is under 18 years of age, a parent or guardian must be present to complete the application.



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1. The Patrol Administrative Assistant shall be responsible for completing a criminal history records check on the applicant, to include CCIC and NCIC criminal history records and local "in-house" records.
    (a) If a criminal record is found or if the applicant is a known associate of those with a criminal history that may be of concern, the Patrol Administrative Assistant shall forward the application to the Patrol Administrative Lieutenant for approval or denial. If the application is denied, it is the responsibility of that Lieutenant to so advise the applicant, including the reason(s) for denial.

(b) The Patrol Administrative Assistant will schedule a date, based on availability, at least one week after the date of application. Participants will be scheduled for a two to four hour ride-along. If approved, a copy of the application and release of liability waiver will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.
    (a) A shift supervisor will assign the participant to a specific officer.
    (b) To minimize inconvenience to individual officers, and to allow officers to plan their shift, whenever possible a participant will not be assigned to an officer with less than two working days' notice.

410.2.1 PROCESS EXCEPTIONS

(a) In exceptional circumstances, the restrictions in this Policy may be waived by a Deputy Chief or the Chief of Police.

(b) Participants such as friends, relatives, and City employees who are invited to ride by an officer will not be required to follow the application process. However, their ride must be approved by the officer's supervisor in advance.
    1. Participants assigned through the application process will take priority over all non-assigned participants.
    2. All invited participants, to include spouses, civil union partners, domestic partners, and immediate family members are required to sign a release of liability waiver and include their name and emergency contact information. The waiver will be given to the officer's supervisor or Watch Commander prior to the start of the first ride-along. The supervisor will leave the form with the Patrol Administrative Assistant to be recorded and kept on file.
    3. Fort Collins Police Explorers and Auxiliaries will follow their policies, procedures and SOP's related to ride-alongs.

410.2.2 SUITABLE ATTIRE

(a) Ride-Along Program participants are required to be suitably dressed in a collared shirt, blouse or jacket, slacks or blue jeans and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police



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vehicle. A Watch Commander or shift supervisor may excuse a participant from the Ride-Along Program if he or she is not properly dressed.

(b) At the end of the ride-along, the Ride-Along Application shall be forwarded to the Patrol Administrative Assistant.

410.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty employees or any other law enforcement department employees will not be permitted to accompany on-duty officers without the express consent of a Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent himself or herself as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

410.2.4 LIMITATIONS

(a) The duration of a ride is generally two to four hours and may go to a maximum of eight hours when mutually agreed upon by the rider and officer.

1. If the Ride-Along Program participant behaves inappropriately, or if there is a conflict, the officer shall contact the shift supervisor for a disposition of the issue.

(a) Should a ride-along be terminated for cause, the shift supervisor will direct an informational e-mail to the Patrol Administrative Lieutenant detailing the infraction which led to the termination of the ride-along. If the ride-along was terminated for a safety concern, the concern will be noted on the Ride-Along Application and returned to the Patrol Administrative Assistant.

(b) All participants, whether invited or assigned, are limited to two rides per calendar year, with the following exceptions:

1. Officers' spouses and civil union partners may ride once per month, or as deemed appropriate by the officer in consultation with his or her shift supervisor.

2. Civilian employees may participate once per month unless training or job description requires additional time.

3. Visiting relatives may participate as often as an officer requests, subject to approval of the shift supervisor.

4. Community Service Officers may participate as often as they wish, subject to approval of the shift supervisor.

5. Auxiliaries, Explorer Scouts, interns, and other volunteers may participate in accordance with the Policies and Directives of their respective organizations or programs.

(a) Auxiliaries and Explorer Scouts shall not ride more than once per week.



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6. It is the responsibility of the shift supervisor to actively monitor the frequency with which officers on their shift have non-assigned riders and to ensure that officers comply with the limitations outlined in this section.

(c) The number of riders per shift shall be established by the Watch Commander with the approval of the Patrol Division Deputy Chief.

1. Shift supervisors and Watch Commanders are expected to occasionally take assigned riders.

### 410.3 OFFICER'S RESPONSIBILITIES

(a) When the program participant arrives at the Agency, the shift supervisor shall be notified and will advise the assigned officer to pick up the rider.

(b) The officer shall advise the dispatcher that a Ride-Along Program participant is present in the vehicle before going into service. Officer shall note in their unit history the first and last name of the rider.

(c) Officers shall consider the safety of the participant at all times.

(d) A clip-on Ride-Along Participant identification badge shall be provided to each rider to be worn throughout the duration of the ride.

(e) Officers should use sound discretion when encountering a potentially dangerous situation, such as a vehicle pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

(f) In order to eliminate problems concerning disposition of an assigned participant during a meal break when the officer usually does not eat in a restaurant, the Agency will reimburse up to the standard City per diem for the officer's meal in a restaurant.

1. This reimbursement provision applies only when the participant was assigned, and does not include the rider's meal.

2. The request for reimbursement, accompanied by a receipt from the restaurant, shall be submitted for approval to a shift supervisor.

### 410.4 CONSIDERATIONS

The assigned officer shall maintain control over the program participant at all times and instruct him or her in the conditions that necessarily limit participation. These instructions should include the following:

(a) Participants will follow the directions of the officer.



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(b) Participants will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any police equipment.

(c) Participants may ask to end their participation in the Ride-A-Long Program at any time and the officer may return the rider to his or her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the officer's duties.

(d) Participants may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(e) Officers will not allow any program participant to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(f) Under no circumstance shall a participant be permitted to enter a private residence with an officer without the express consent of the resident or other authorized person.

(g) After the ride-along is completed, participants will be provided with an opportunity to complete a questionnaire about the program.



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# Hazardous Material Response

## 412.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the Policy of this Agency.

### 412.1.1 HAZARDOUS MATERIAL DEFINED

**Hazardous material** - A substance which by its nature, containment and reactivity, has the capability of inflicting harm to people, other living organisms, property or the environment during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, explosive, oxidizing, asphyxiating, pathogenic, allergenic, biohazardous, or radioactive and pose a threat to health when improperly managed.

## 412.2 HAZARDOUS MATERIAL RESPONSE

Officers may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When officers come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The Poudre Fire Authority is trained and equipped to properly respond and mitigate most hazardous materials and biohazards. As a result, Poudre Fire Authority personnel are the preferred individuals to assess the risks of a particular hazardous material response.

Officers should not perform tasks or use equipment without proper training.

An officer entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Notify the Poudre Fire Authority. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(b) Provide first aid to injured parties if it can be done safely and without contamination.

(c) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

  1. The identity of the material.
  2. How to secure and contain the material.
  3. Any other information to protect the safety of those present, the community and the environment.

(d) Make the initial assessment of a potential hazardous material from a safe distance.



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(e) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(f) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(g) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver's statements or shipping documents from the person transporting the material.
3. Information obtained from any involved person with knowledge regarding the hazardous material.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Contact the local Colorado State Patrol Dispatch to request assistance from the Colorado State Patrol Hazardous Materials Unit, if appropriate.

(l) If available, activate reverse 9-1-1 calling to the affected area.

## 412.3 REPORTING EXPOSURE

Agency employees who believe they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an Incident/Exposure Report, which shall be forwarded via chain of command to the Patrol Administrative Lieutenant and the Infection Control Officer as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the Incident/Exposure Report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness, in addition to a police report.

### 412.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.



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412.3.2 INCIDENT COMMANDER RESPONSIBILITIES

The Incident Commander, in cooperation with other agencies, is charged with making an immediate appraisal of the situation and its potential. The Incident Commander should consider the following tasks:

(a) Establish scene management.

(b) Detect the presence of hazardous materials.

(c) Begin identification of hazardous materials.

(d) Begin evacuation or direct in-place sheltering.

(e) Consider personal protection/decontamination.

(f) Isolate the incident and identify zones of activity.

(g) Contain the incident without risking exposure.

(h) Perform firefighting, rescue, emergency medical and other critical life-saving response activities in accordance with the City Emergency Operations Plan.

(i) Contact the local Colorado State Patrol dispatch and request support if it occurs on any federal, state or county highway located outside of municipal city limits.

(j) Seek additional resources if the event exceeds, or is expected to exceed, the capability of local resources, including mutual aid and state or federal assistance. When requesting local, state or federal assistance, this Agency should clarify if it is requesting assistance only or requesting to transfer incident command to another department.



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# Hostage and Barricade Incidents

## 414.1 PURPOSE AND SCOPE

Hostage situations and barricaded persons present unique problems for law enforcement. The protection of the public and law enforcement personnel is of the utmost importance. Proper planning and training will tend to reduce the risks involved with these incidents.

## 414.2 BARRICADED PERSON NEGOTIATIONS

Trained crisis negotiators, due to their experience and training, will be permitted to exercise flexibility in each situation consistent with their training and based upon the circumstances presented.

Personnel involved in barricaded/hostage situations are urged to follow the Priorities of Life when making tactical decisions on the scene of a barricaded person or hostage incident; which are:

(a) Hostages;

(b) Innocent Citizens;

(c) Police; and

(d) Suspect.

The use of deadly force against any armed suspect will be governed by the Policy 300 - Response to Resistance with due regard for the safety of hostages.

## 414.3 COMMUNICATION

Upon determining that a hostage/barricaded-person situation exists, the first responder shall immediately request that a supervisor respond and shall provide the supervisor with an overview of the situation. If a supervisor is unavailable, the first responder shall assume the duties of the supervisor.

Until the supervisor arrives, the first officer on the scene of an actual or potential hostage/barricade situation shall, if practicable:

(a) Attempt to avoid confrontation in favor of controlling and containing the situation until the arrival of additional personnel and the SWAT Team, to include the Crisis Negotiations Team.

(b) Evacuate and provide medical treatment to the injured if they can be reached.

(c) Determine the immediate threat area.

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Establish an inner and outer perimeter.

(f) Establish a Command Post location.

(g) Evacuate bystanders, residents and businesses.



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(h) Notify tactical and crisis negotiation personnel.

(i) Notify appropriate personnel per Policy 358 - Major Incident Notifications

(j) Request fire and ambulance personnel.

(k) Establish contact team prior to SWAT arrival. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.
3. Coordinate pursuit/surveillance vehicles and control of travel routes.

### 414.4 SUPERVISOR RESPONSIBILITIES

(a) Upon being notified that a hostage/barricaded-person situation exists, the Watch Commander shall immediately respond to the scene and upon arrival:

1. Rapidly evaluate and assess the situation, including being briefed by the initial responders.
2. Assume the role of Incident Commander and retain this role until relieved.
3. Assume and complete any outstanding first responder responsibilities and designate assistants as required.
4. Notify the SWAT Team, if appropriate.
   (a) A patrol supervisor or Watch Commander should advise the SWAT supervisor with as much of the following information as is available at the time:
      1. The number of persons, known weapons and resources;
      2. If the person is in control of hostages;
      3. If the person is barricaded;
      4. The type of crime involved;
      5. If the person has threatened or attempted suicide;
      6. The location of the Command Post and a safe approach path;
      7. The extent of any perimeter and the number of officers involved; and
      8. Any other important facts critical to the immediate situation and whether the person has refused an order to surrender.

### 414.5 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the SWAT Team at the scene, the Incident Commander shall brief the SWAT Team supervisors about the situation. The onscene SWAT supervisor will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the



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Command Post operation, outer perimeter security and support for the SWAT Team. The Incident Commander and the SWAT supervisor or an authorized designee shall maintain communications at all times.

## 414.6 TELEPHONE COMMUNICATIONS

In an emergency where it is believed that an armed and barricaded suspect or a person holding a hostage is committing a crime, the supervisor may order a designated telephone company security official to cut or otherwise control telephone lines to prevent telephone communication by the armed suspect or the hostage holder with a person other than a peace officer or person authorized by law enforcement (CRS § 18-9-312).

Any department member supervising a hostage or barricade situation may also order a telecommunication provider to disclose location information of any hostage's or other named person's telecommunications device if the supervising member reasonably believes that the time required to obtain a court order would increase the risk of death or serious bodily injury to the hostage or any person with the named person (CRS § 18 -9-312). The supervising member shall ensure that a court order is obtained within 48 hours of the initial request for the location information (CRS § 18-9-312).

### 414.6.1 REPORTING

Unless otherwise relieved by a supervisor, the initial officer at the scene is responsible for completion of reports or coordination of reports for the hostage/barricade incident.



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# Response to Bomb Calls

## 416.1 PURPOSE AND SCOPE

These guidelines have been prepared to assist officers in their initial response to incidents involving explosives, explosive devices, suspected explosive devices, suspicious packages or explosion/bombing incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety shall always be the primary consideration.

## 416.2 FOUND EXPLOSIVES/SUSPECT DEVICES

When an officer responds to a call of a suspected explosive device, the following guidelines shall be followed:

(a) The device should not be touched or transported to any other location.

(b) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The Northern Colorado Bomb Squad ("Bomb Squad") or other appropriate bomb squad should be summoned for assistance.

(c) A perimeter should be secured for a minimum of 300 feet around the location, or an otherwise safe distance depending on the surrounding physical environment and allowing for an entrance for support personnel, including, but not limited to, paramedics and fire department personnel.

(d) As much initial information as possible should be relayed to the Watch Commander without touching the device, including:

1. The stated threat.
2. Exact comments.
3. Time of discovery.
4. Exact location of the device.
5. Full description (e.g., size, shape, markings, construction).

(e) Employees should not transmit on any equipment that produces radio frequency energy within 300 feet of the device.

(f) Consideration should be given to the possibility of evacuation if a device is located within a building.

(g) An additional perimeter should be secured around any suspected device.

(h) Officers should advise additional support personnel such as paramedics and fire department personnel of the route of safe travel to and from the incident.

(i) A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area.



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(j) Explosive or military ordnance of any type should be handled only by the Bomb Squad.

## 416.3 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multiple considerations that may confront an officer. As in other catastrophic incidents, a rapid response will help to minimize further injury to victims, contamination of the scene by gathering crowds, additional damage from resulting fires or unstable structures.

Whether the explosion was the result of an accident or a criminal act, the officer should consider the following concerns:

- Injury to victims.
- Existence of additional or secondary device.
- First aid.
- Evacuation of victims.

### 416.3.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

(a) Patrol supervisor;

(b) Watch Commander;

(c) Additional officers;

(d) Fire department;

(e) Bomb Squad;

(f) Criminal Investigations Division;

(g) Forensic Services;

(h) Colorado Bureau of Investigation (CBI);

(i) Bureau of Alcohol, Tobacco, Firearms and Explosives (BATF).

### 416.3.2 CROWD CONTROL

Scene access should be restricted to those with a legitimate public safety purpose.

### 416.3.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a wide area in addition to the 300-foot inner-perimeter. Evidence may be imbedded in nearby structures or hanging in trees and bushes.



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## 416.4 BOMB THREATS AT POLICE FACILITY

This procedure shall be followed should a bomb threat be received at a police facility and a search initiated for a suspected destructive device.

### 416.4.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions shall be asked if a call of a bomb threat is received at a police facility:

- When is the bomb going to explode?
- When did you place the bomb?
- What would cause the bomb to explode?
- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Where are you?
- Who are you?

To avoid possible termination of the call, the following questions should be asked only after the preceding questions. Attempt to keep the caller on the line as long as possible and obtain expanded answers to the prior questions. During this time, document the following:

- Time of the call;
- Exact words of the person as accurately as possible ;
- Estimated age and gender of the caller;
- Speech patterns and/or accents; and
- Background noises.

If the threat is received at a police facility on a recorded line, steps should be taken to ensure that the recording is preserved in accordance with current Agency evidence procedures.

### 416.4.2 RESPONSIBILITIES

As soon as a bomb threat has been received, the Watch Commander will be advised and fully informed of the details. The Watch Commander will then direct and assign field supervisors and officers as required for coordinating a general building search or evacuation as deemed appropriate.

## 416.5 BOMB THREATS AT PUBLIC OR PRIVATE FACILITY

This procedure shall be followed should a bomb threat occur at a private facility or another public facility and the Agency is informed of the threat.



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### 416.5.1 BOMB THREAT RESPONSE OPTIONS

The options available to the person in charge of the facility are generally:

(a) No search and no evacuation.

(b) Search without evacuation.

(c) Evacuation without search.

(d) Evacuation and search.

### 416.5.2 REQUEST FOR ASSISTANCE

Should the person in charge of the facility request assistance, the Watch Commander shall be notified and will make the decision whether the Agency renders assistance and to what level. Should the information and circumstances indicate a reasonably apparent imminent threat to safety, a more active approach, including law enforcement control over the facility, may be considered.

### 416.5.3 EVACUATION OR SEARCH ASSISTANCE

Should the Watch Commander determine that the Agency will assist or control a bomb threat incident, the next step is to determine:

(a) The level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search.

(d) The appropriate support necessary.

Considerations regarding the involvement of the facility staff in searching and evacuating are important. A search or evacuation can be difficult without a working familiarity of the facility. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search. The safety of all participants is the paramount concern.

Consideration for additional support resources should include notification and response, or standby notice, for fire, medical and ambulance.

### 416.5.4 BOMB THREATS AT A FEDERAL BUILDING OR PROPERTY

A bomb threat incident at a federal building or property shall be reported to the Federal Protective Service (877-437-7411). The Federal Protective Service will provide a uniformed police response, which may include use of its Explosive Detector Dog Teams.

### 416.5.5 BOMB THREATS TO POUDRE SCHOOL DISTRICT SCHOOLS (PSD) IN THE CITY

(a) Notification

1. Bomb threats received from 0600 to 1530 hours on school days will be routed to the School Resource Officer (SRO) assigned to that school as well as the SRO Sergeant via phone notification from the Dispatch.



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2. In the event the primary SRO is not available, the next SRO on the Fort Collins 911 list will be contacted. The caller's exact quote and circumstances of the call will be given to the SRO.
3. Fort Collins 911 will enter a call into Computer Aided Dispatch (CAD) noting which SRO is assigned. Then Dispatch will BOLO the call to on duty units via their Mobile Digital Computer (MDT). On-duty units in a position to apprehend suspects or secure sites for evidence may assist. If no officer safety concerns are present, all communications will be by phone not over the police radio. Any unit assisting will call the assigned SRO by phone to coordinate.
4. Fort Collins 911 will advise Poudre Fire Authority (PFA) on fire channel 2 of the call. The assigned engine company should respond silently and routinely to the area and stage out of sight until notified otherwise by the assigned SRO.

(b) SRO responsibilities

1. The assigned SRO will immediately contact the appropriate PSD site based manager as well as the PSD security manager and inform them of the threat.
2. The assigned SRO will initiate incident command with PSD Officials and collaborate in the threat assessment- action plan discussions that follow. The assigned SRO will utilize other SRO resources as needed.
3. The assigned SRO will notify the street sergeant of the threat assessment and action plan and request on-duty units if needed.
4. The assigned SRO will request the Northern Colorado Bomb Squad if a suspicious device is located. The SRO will release or deploy the assigned PFA engine as needed. The assigned SRO will coordinate reverse 9-1-1 notifications through dispatch as needed.



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# Civil Commitments

## 418.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may place an individual under protective custody for civil commitment (CRS § 27-65-105).

## 418.2 POLICY

It is the policy of the Fort Collins Police Services to protect the public and individuals through legal and appropriate use of the civil commitment process.

## 418.3 AUTHORITY

An officer who has probable cause to believe that a person is either gravely disabled or an imminent danger to him/herself or others may take the person into custody and transport him/her to a facility designated by the local mental health authority for a 72-hour treatment and evaluation (CRS § 27-65-105).

### 418.3.1 DETENTION

Detention of a person under this policy does not constitute an arrest. When a person is taken into custody, that person shall not be detained in the jail unless no other suitable place of confinement for treatment and evaluation is readily available. In such a situation, the person shall be detained separately from all other inmates for a period not to exceed 24 hours, excluding Saturdays, Sundays and holidays, after which time he/she shall be transferred to the appropriate facility (CRS § 27-65-105(2)(a)).

If the person being temporarily detained for a mental illness evaluation is a juvenile, the juvenile shall be placed in a setting that is non-secure and physically segregated by sight and sound from the adult offenders and inmates (CRS § 27-65-105(2)(a)).

If there is no nurse or physician present to monitor and examine an adult or juvenile detained while awaiting transfer to a mental health facility, an officer who is trained to conduct these examinations shall check on such adult or juvenile at least every 12 hours and seek appropriate medical care as reasonably appears necessary (CRS § 27-65-105(2)(a)).

### 418.3.2 VOLUNTARY EVALUATION

If officers encounter an individual who may qualify for a civil commitment, they may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the individual so desires, the officers should:

(a) Transport the individual to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a voluntary application.

(b) If at any point the individual changes his/her mind regarding voluntary evaluation, officers should proceed with the civil commitment, if appropriate.



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(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

### 418.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a civil commitment should consider, as time and circumstances reasonably permit:

(a) Available information that might assist in determining the cause and nature of the individual's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Civil commitments should be preferred over arrest for people who have mental health issues and are suspected of committing minor crimes or creating other public safety issues.

### 418.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting officer should have the Fort Collins 911 center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

### 418.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a civil commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.



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### 418.7 DOCUMENTATION

The officer shall complete an application for emergency admission, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report (CRS § 27-65-105).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

### 418.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken into custody for a civil commitment should resolve the criminal matter by issuing a warning or a citation, as appropriate.

When an individual who may qualify for a civil commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the civil commitment.

(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a civil commitment.

In the supervisor's judgment, the individual may be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, and the ability of department personnel to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

### 418.9 FIREARMS AND OTHER WEAPONS

Whenever an individual is taken into custody for a civil commitment, the handling officers should seek to determine if the individual owns or has access to any firearm or other deadly weapon. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before seizing weapons or entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent).

The handling officers should further advise the individual of the procedure for the return of any firearm or other weapon that has been taken into custody. If a firearm is seized the officer will advise the owner of the firearm of the need for a background check pursuant to Standard Operating Procedure 319 in order for the item to be returned. Family members will be encouraged to keep firearms for safekeeping if there is no lawful need for seizure by officers.



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## 418.10 TRAINING

This department will endeavor to provide department-approved training on interaction with mentally disabled persons, civil commitments and crisis intervention.



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# Citation/Summons and Release

## 420.1 PURPOSE AND SCOPE

State and local law permits law enforcement agencies to use citation/summons release or a penalty assessment notice procedure in lieu of taking a person into custody and before a judge for traffic, misdemeanor or petty offenses, with certain exceptions.

## 420.2 STATUTORY REQUIREMENTS

This Agency authorizes citation releases for certain traffic, misdemeanor or petty offenses. Release by citation with a promise to appear can be accomplished by issuing a notice to appear from a citation book or an electronic device (CRS §§ 16-3-105, 42-4-1707, 13-10-111). In addition, for a Class 2 petty offense and certain parking violations, an officer may give the offender a penalty assessment notice and release the offender upon its terms (CRS § 16-2-201, §§ 19-48, 19-49 of the Code of the City of Fort Collins, and § 1707 of the Fort Collins Traffic Code). The penalty assessment notice is required to be a summons and complaint containing :

(a) The identification of the alleged offender.

(b) Specifications of the offense and applicable fine.

(c) A requirement that the offender pay the fine or appear to answer the charge at a specified time and place.

(d) Other details reasonably necessary to meet the requirements of law.

### 420.2.1 DISCRETION TO ARREST

While this Agency recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this Agency, except in cases of hot or fresh pursuit, while following up on crimes committed within the City, when acting under a joint powers agreement or mutual aid agreement, or while assisting another department. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances reasonably permit, consider contacting the department having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement department with primary jurisdiction. In such situations, the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings in lieu of arrest or citation to resolve minor traffic and criminal violations when appropriate.

## 420.3 AGENCY PROCEDURE

The following procedure will be followed to comply with the law.



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420.3.1 FIELD CITATIONS

Upon obtaining satisfactory identification and verifying that there are no outstanding warrants for the individual, officers may issue citations for misdemeanors to all persons 18 years of age or older. The officer may also release subjects who were taken into custody on a private person's arrest whenever appropriate (CRS § 16-3-105 and CRS § 42-4-1707).

420.3.2 DISQUALIFYING CIRCUMSTANCES

A person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present:

(a) There is a reasonable likelihood that the offense or offenses would continue or resume or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(b) There is reason to believe that the person would not appear at the time and place specified in the notice to appear.

(c) The person does not have adequate proof of identification to verify their identity to be issued a citation.

(d) The crime involves domestic violence (CRS § 16-3-105(1.5)).

(e) The crime involves violence or dangerous weapons/firearms.

420.3.3 OTHER REASONS FOR NON-RELEASE

If the person arrested is not released for one or more of the reasons specified in this Policy, the officer should state in a report the reason for non-release. Such reasons for non-release may include:

(a) Previous failure to appear is on record.

(b) The person lacks ties to the area, such as a residence, job or family.

(c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation.

420.3.4 PENALTY ASSESSMENTS

A decision to use the penalty assessment procedure shall be based upon circumstances which reasonably persuade the officer that the offender is likely to comply with the terms of the penalty assessment notice (CRS § 16-2-201(1)).

## 420.4 JUVENILE CITATIONS

(a) Completion of citations for juveniles is generally only appropriate for misdemeanor traffic violations and Municipal Ordinance violations.

(b) All citations, except traffic summons and summonses issued to juveniles, shall be documented with a case number.



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### 420.5 REQUESTING CASE NUMBERS

All citations written for non-traffic misdemeanor offenses will be documented through the use of an Agency case number. Traffic situations and parking violations can be documented on the reverse side of the records copy of the citation. However, most state statute sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.



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# Diplomatic and Consular Contacts

## 422.1 PURPOSE AND SCOPE

The Vienna Convention on Consular Relations sets forth certain rights of foreign nationals from member countries when they are arrested, detained or imprisoned by law enforcement officials in this country. This Policy provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person requests that his/her consulate be notified. The list of specific countries that the United States is obligated to notify can be found on the U.S. Department of State (DOS) website, http://www.travel.state.gov.

## 422.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity by violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

## 422.3 LEVELS OF IMMUNITY

The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

### 422.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities.

### 422.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts, who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court of jurisdiction, and its validity determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity. However, any family member who has a higher level of immunity is issued an identification card by DOS enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.



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422.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained. Limited immunity for official acts may be available as a subsequent defense. Family members have no immunity.

## 422.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered and issued distinctive identification cards by the DOS Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and on the reverse side, a brief description of the bearer's immunity status. These identification cards are not always promptly issued by DOS. In addition to the DOS identification card, Foreign Service personnel should have a driver's license issued by the DOS Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state (22 USC § 4301).

422.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with DOS OFM, and display distinctive red, white and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words "diplomat" or "consul." Vehicles owned by honorary consuls are not issued OFM license plates but may have Colorado license plates with an "honorary consul" label. A driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating "U.S." as the state, if the officer has reason to question the legitimate possession of the license plate.

## 422.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals.

422.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current DOS guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the issuing officer:

(a) Identification documents are to be requested of the claimant.

(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the notice to appear for later reference. Do not include this information on the face of the notice to appear.

(c) Verified diplomatic agents and consular officers, including the staff and family members from countries with which the U.S. has special agreements, are not required to sign the notice



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to appear. The word "Refused" shall be entered in the signature box and the violator shall be released.

(d) Claimants other than verified diplomatic agents and consular officers shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established.

(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the notice to appear. But a signature shall not be required if the immunity status is uncertain.

(f) All other claimants are subject to the provisions of Policy and procedures outlined here.

(g) The violator shall be provided with the appropriate copy of the notice to appear.

422.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention unless they have no identification and the detention is to verify their diplomatic status. Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in this Policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim, unless restraint is necessary for the protection of the officer or others. A supervisor shall be promptly notified and should respond to the scene when reasonably possible. Field verification of the claimant's identity is to be attempted as follows:

(a) An identification card issued by the DOS Protocol Office is the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered) and Official (green bordered). The DOS identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Newly arrived members of diplomatic or consular missions may not yet have official DOS identity documents. Verify immunity by telephone with the DOS any time an individual claims immunity and cannot present satisfactory identification, if the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Agency personnel should use the following numbers in order of preference:

Office of Foreign Missions, Chicago, IL

(312) 353-5762 (0800-1645 CST)

or

Office of Foreign Missions, Diplomatic Motor Vehicle Office

Washington D.C.

(202) 895-3521 (Driver's License Verification) or (202) 895-3532 (Registration Verification)

(202) 895-3533 FAX (0815-1700 EST)



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or

Department of State, Diplomatic Security Service

Command Center, Washington D.C.

(202) 647-7277

(202) 647-1512 (Available 24 hours)

(202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by the Colorado Consular Corps, local law enforcement agencies, the foreign embassy or consulate, a driver's license issued by DOS, and DOS license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained before the official is released. A supervisor's approval for the release shall be obtained whenever reasonably possible. The necessary release documents and/or a Certificate of Release Form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever reasonably possible. However, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever reasonably possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest - Investigation Report, and/or any other relevant report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued if the violator is either stopped or issued a notice to appear for a violation while operating a motor vehicle. The officer shall either complete a notice to appear or a written report documenting the incident.

This Agency shall then contact DOS as soon as practicable to verify the violator's status and immunity. Within five working days of the stop, this Agency shall send to the Bureau of Diplomatic Security, OFM of the DOS, a copy of the notice to appear and any collision or other written report documenting the incident. The DOS will take appropriate sanctions against errant Foreign Service personnel, even where prosecution is not undertaken by the Agency.



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## 422.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a DOS OFM Diplomatic Driver License, issued by the DMVO, shall have “D” coded in the license “class” box of the Traffic Accident Report. The actual driver's license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant’s title, country and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in this policy.

### 422.6.1 VEHICLES

Vehicles which are owned by subjects with full immunity may not be searched, stored or impounded without the owner's permission. Such permission may be assumed if the vehicle has been stolen. These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

### 422.6.2 REPORTS

A photocopy of each Traffic Accident Report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours, regardless of whether the claim is verified. The words "Immunity Claim" shall be marked on the photocopy, together with a notation of the claimant's title, country and type of identification presented, if applicable. In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to DOS for further action. The supervisor or Watch Commander apprised of the incident/collision shall also send a copy of all documents and reports submitted by the investigating officer, along with any supervisor's notes, materials and/or logs, to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure the notification of DOS and all necessary follow-up occurs.

## 422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These Policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest.

(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law or a local ordinance.

(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence.

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that



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undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. If the individual wants his/her government notified, the officer shall begin the notification process.

### 422.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact Fort Collins 911 as soon as practicable and request the appropriate embassy/consulate be notified. Officers shall provide Fort Collins 911 with the following information concerning the individual:

- Country of citizenship
- Full name of the individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence
- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention, if the place of detention is different from the Agency itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide Fort Collins 911 with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the DOS website, http://www.travel.state.gov.

### 422.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate arrest or investigation report the date and time Fort Collins 911 was notified of the foreign national's arrest/detention and his/her claimed nationality.



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# Rapid Response and Deployment

## 424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. This Policy provides guidelines and factors that will assist officers in implementing a rapid response to such situations.

## 424.2 POLICY

The Policy of this Agency in dealing with a crisis situation shall be:

(a) To obtain and attempt to maintain complete operational control of the incident using unified command concepts.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location and suspect in the incident.

(c) To attempt to attain any tactical advantage over the suspect.

(d) To attempt, whenever practicable, a negotiated surrender of the suspect and release of the hostages.

Nothing in this Policy shall preclude the use of necessary force, deadly or otherwise, by employees of this Agency in protecting others or themselves from death or injury.

## 424.3 PROCEDURE

When violent acts by the suspect continue or lives are in imminent danger, a decision to advance on the suspect may be made by the officers at the scene. This decision should include the following considerations:

(a) It is highly recommended that any advance on a suspect be made in teams of two or more officers. However, if an officer is alone, it is within his/her discretion whether to advance.

(b) The development and implementation of immediate and planned tactics, medical aid measures and communicating those plans to others in the field, Dispatch, supervisors, EMS and FIRE for medical assistance and causalty collection points..

(c) The potential deployment of rifles, shields/ARV, control devices and any other appropriate tools that will provide a tactical advantage.

### 424.3.1 DECISION TO ADVANCE ON A SUSPECT

On-scene first responders shall make the decision whether to advance on the suspect. The multitude of variables in such a circumstance requires a rapid assessment of the situation and a decision as to the best tactics to implement and the timely action necessary to resolve the incident.



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The following factors individually and collectively should be considered in deciding whether to advance on a suspect:

(a) The suspect's actions are or may be causing death or serious bodily injury.

(b) The incident is not contained and there continues to be an immediate risk of death or serious injury to law enforcement and others.

(c) The suspect is in a position of tactical advantage and has access to more innocent citizens if not stopped or contained.

(d) The suspect is armed and has displayed or threatened violence.

(e) A hostage situation exists.

(f) The suspect refuses to submit to arrest.

Examples of circumstances and possible decisions may include the following:

- If there is a barricaded suspect with no hostages, the officers should incident transition and should wait for additional assistance, including possible SWAT response, unless the incident is resolved in a timely manner.
- If there is a barricaded suspect with hostages and no harm done to the hostages, the officer should wait for additional assistance or SWAT response.
- If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity that may result in death to hostages or others in the area, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect, while calling for additional resources and assistance to render aid and provide medical assistance to the injured.



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# Mobile Field Force and Civil Disobedience

## 425.1 PURPOSE AND SCOPE

It is the Policy of the Agency to respond to critical incidents and potential or actual civil disturbances in order to maintain or restore a safe and secure environment for the benefit of the community and its citizens. In order to manage a civil disturbance effectively and attempt to minimize its scope, intensity, and duration while protecting lives, property, and ensuring the community's right to peaceable assembly, the Agency will react rapidly with an organized Mobile Field Force response.

### 425.1.1 BALANCING PUBLIC SAFETY AND CONSTITUTIONAL RIGHTS

The Agency will enforce applicable State and local laws when individuals physically bar entrance to or exit from a facility or location to allow businesses and occupants to engage in lawful activity, even when those individuals are participating in a non-violent demonstration. However, the Agency also recognizes that non-violent demonstrations may be protected as First Amendment speech and as such, protesters have the right to get their message out. It is the role of the Agency to maintain the rights of both sides, remain a neutral party, and to ensure that public safety is maintained. The Agency, as provided in Policy 300 - Response to Resistance, prohibits the use of excessive force against individuals engage in non-violent demonstrations.

Examples of non-violent demonstrations may include, but are not limited to, picketing, sit-ins, and other forms of non-violent protesting.

### 425.1.2 AGENCY RESPONSE

While most protest and protestors remain peaceful, the Agency can expect to receive phone calls and questions about our role in the protest and what protestors can legally do. While nuances of the law exist in the case of labor union protest and abortion clinic protest, others carry some general rules as follows:

(a) A Police Services supervisor should establish, if possible, a spokesperson or leader of the protesters and work directly with that person to help ensure that protestors will follow agreed upon activities. Working proactively with this spokesperson can resolve many potential issues. A supervisor should meet with the protestor and assure them that the Agency will remain neutral and which actions are permitted and which action may result in criminal charges.

(b) Protesters can picket on public property but can be arrested for trespassing if on private property.

(c) In locations such as churches and private residences, property owners may request protesters to leave their property.

(d) Sidewalks in the public right-of-way are not private property. Protesters have a legal right to be on the public sidewalks; however, they are not allowed to block entrances to the facilities they are protesting.



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(e) Protesters have the legal right to yell as long as they are not violating any noise ordinance.

(f) Protesters cannot block or interfere with vehicular or pedestrian traffic.

(g) Protestors can hold or carry posters (even if they are offensive to some people).

(h) The "Bubble Zone" law protects clients entering clinics. The state statute is CRS § 18-9-122, "Preventing passage to and from a health care facility - engaging in prohibited activities near facility." This law states there is an eight-foot bubble zone within a 100-foot radius of any door of the facility preventing anyone from approaching a person entering the health care facility.

The number of participants, potential for confrontation, physical surroundings, and other relevant criteria should be considered when determining if a call for the Mobile Field Force should be made.

## 425.2 APPLICATIONS

The Mobile Field Force (MFF) concept can be used in a wide variety of situations. Most commonly, MFF concepts and tactics are used in civil disturbances and critical incidents; however, they can be used in any circumstance or incident where a large contingency of officers is used to manage an incident. The department enforces applicable state and local laws pertaining to non-violent protests (see SOP 316 - Responding to Non-Violent Protestors and/or Demonstrators Within the City.)

### 425.2.1 AUTHORIZATION AND ACTIVATION

(a) Based on a request from another department, notification of a civil disturbance or critical incident, or other appropriate incident, the following have the authority to activate and/or request a deployment of the MFF:

1. Chief of Police
2. Division Deputy Chief
3. MFF Commander
4. SWAT Commander (if not the MFF Commander)
5. On-duty Watch Commander or his/her designee

(b) The requesting authority will notify the MFF Commander or his/her designee to deploy and/or activate the MFF.

After notification, the MFF Commander or his/her designee will notify Dispatch and request a call-out of specific work units to form the MFF. The MFF Commander or his/her designee will determine which units will be notified to respond. The notifications will be handled by Fort Collins 911 according to their approved procedures.

### 425.2.2 CHAIN OF COMMAND

In most instances, the MFF will be deployed to assist Agency personnel with Agency events or incidents. The MFF may be deployed to assist another department or as part of a multi-jurisdictional command with the approval of the Chief of Police. Under these circumstances, the



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Chief of Police or his/her designee will approve the MFF to work in the command structure of that department or command. During the Agency's MFF activations, and in keeping with Incident Command concepts, the following chain of command will be in effect:

(a) Chief of Police or an authorized designee

(b) Division Deputy Chief or designee responsible for the incident

(c) Watch Commander or Lieutenant responsible for the incident

(d) Incident Commander

(e) Field Commander

(f) Team Leader

## 425.3 PERSONNEL

(a) A Mobile Field Force is a contingent of MFF trained officers and sergeants led by a Field Commander. The MFF may be supplemented by other units such as SWAT and K-9.

(b) The MFF Field Commander is responsible for the overall tactical operation of the MFF.

(c) Officers from the SWAT team will be assigned as the primary chemical agent operators and lethal force cover operators. These officers are specially trained and equipped for these roles. They will be under the direction of a SWAT Team Leader. Other officers with specialty training (such as K-9) will also report to the SWAT Team Leader. The SWAT Team Leader will report to the Field Commander.

(d) A MFF Team is the basic element of a MFF. Each team will typically be led by a Team Leader (sergeant or senior officer). The number of officers assigned to a team will vary depending on the mission of the team. The number and mission of the teams will be decided by the Field Commander.

(e) Officers and sergeants deployed as part of a MFF should be equipped and trained for their particular assignment prior to deployment.

(f) Approved uniform for the particular mission will be at the MFF Commander's discretion. This information should be included in the MFF mobilization message sent by Fort Collins 911. The standard patrol uniform or black BDU pants and shirt is acceptable if no information is provided to the contrary.

(g) Officers should wear the appropriate safety equipment issued by the Agency.

### 425.3.1 TRAINING

(a) At a minimum, MFF training is mandatory for all sworn officers annually. Training will include but is not limited to the following:

1. MFF tactics and deployment,
2. Team and skirmish line movement, and



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3. Team Leader and MFF Commander responsibilities.

425.3.2 PROGRESSION OF FORCE

A patrol supervisor or Watch Commander has a great deal of discretion when trying to address a large crowd. When making a decision on whether to activate the MFF for a large crowd response, the patrol supervisor or Watch Commander should consider the following three-tiered response decision-making matrix. This matrix is based on the Safety Priorities and provides for an appropriate response with contingencies built in for officer safety.

(a) Tier One:

1. Non-riotous, non-violent crowd that the patrol supervisor or Watch Commander feels can be impacted with the use of small-team tactics. It is not necessary to activate a MFF to handle this type of crowd unless the patrol supervisor or Watch Commander feels the additional personnel would be helpful. Appropriate tools for use for this type of crowd might be individual OC dispensers, the PepperBall, or other individual target specific tools.

    (a) Note: The use of pyrotechnic chemical agents is not appropriate for this tier.

(b) Tier Two

1. Large riotous and violent crowd absent an immediate concern that SBI or death is occurring. In this tier, the patrol supervisor should contain the area as best as possible and initiate a MFF call-out. An emergency team should be formed in the event that an immediate rescue is needed. This crowd should be monitored but no action should be taken to disperse the crowd until a MFF can be organized and deployed.

(c) Tier Three

1. Large riotous and violent crowd that has created an immediate concern that SBI or death may be occurring in the crowd. The patrol supervisor or Watch Commander is authorized to deploy pyrotechnic chemical agents, if appropriate, and intercede with an emergency team to rescue the victim(s). Once the rescue has been completed, the officers should return to containments positions and wait for the organization and deployment of the MFF.



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# Extraterritorial Jurisdiction

## 426.1 PURPOSE AND SCOPE

The Agency recognizes that situations may occur which warrant compelling and immediate police action by Agency officers while outside Agency jurisdiction. Therefore, in addition to other authority granted to officers by Policy, Directives and by law, an officer is authorized to take police action in an on-duty or off-duty status outside the Agency's jurisdiction in any situation in which a felony or misdemeanor has been or is being committed in the officer's presence within the State of Colorado.

### 426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an outside department to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from a patrol supervisor or Watch Commander and shall respond to the request as outlined in Policy 352 - Mutual Aid and Outside Agency Assistance. If the request is of an emergency nature, the officer shall notify Dispatch before responding and thereafter notify an on-duty supervisor as soon as practicable.

### 426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

(a) Pursuant to Colorado Revised Statute (CRS) § 16-3-110, this Policy grants officers the authority to take police action when outside the Agency's jurisdiction but within the State of Colorado.

  1. Such authority, however, is granted only to those officers who are certified as peace officers pursuant to CRS § 24-31-305; this does not include Community Service Officers or other employees of the Agency.

  2. Such authority is granted only regarding felonies and misdemeanors committed in the officer's presence; it does not include traffic infractions, petty offenses, and crimes not committed in the officer's presence.

(b) An officer who intervenes in a criminal act under the provisions of this Policy shall make prudent decisions based on the totality of the circumstances, and shall adhere to Agency Policies relating to the use of force.

(c) When practical, an officer acting under the provisions of this Policy shall identify himself/herself as a police officer prior to taking police action.

(d) Officers are discouraged from initiating or engaging in motor vehicle pursuits outside Agency jurisdiction except under circumstances which are clearly life-threatening.

(e) An officer should not intervene in a criminal act under the provisions of this Policy if the officer has consumed an alcoholic beverage or medication which alters mood, skills, or judgment.



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### 426.1.3 REPORTING

(a) Pursuant to CRS § 16-3-110(2), if an officer makes an arrest of any person while acting outside Agency jurisdiction, the officer shall immediately notify the law enforcement department having jurisdiction of the arrest, and any person arrested by the officer shall be released to the custody of that law enforcement department as soon as practical.

(b) If an officer is involved in any type of police action while outside Agency jurisdiction, whether on or off duty, he/she must inform the on-duty Watch Commander of the incident as soon as possible.

1. If the Watch Commander determines that the incident warrants immediate attention, he/she shall immediately notify the officer's Division Deputy Chief.
2. The Division Deputy Chief is responsible for notifying the Chief of Police.

(c) The involved officer must complete a police report as soon as practical.

### 426.1.4 EXCEPTION

An officer duly assigned to another department or task force shall follow the operational and reporting procedures established by that entity when taking police action outside Agency jurisdiction.

### 426.1.5 LIABILITY AND WORKER'S COMPENSATION

(a) For purposes of the Colorado Governmental Immunity Act (CRS § 24-10-101, et seq.), any acts or omissions of an officer taking police action in accordance with this Policy, whether on-duty or off-duty, shall be deemed to have occurred during the performance of their duties and within the scope of their employment with the Agency.

(b) For purposes of the Colorado Workers' Compensation Act (CRS § 8-40-101, et seq.), and the Public Safety Officers' Benefit Act (42 U.S.C. Section 3796, et seq.), if an officer is injured or killed as a result of taking police action in accordance with this Policy, his/her resulting injuries or death shall be deemed to have occurred while on-duty and arising out of and in the course of his/her employment with the Agency.

(c) The Agency and the City of Fort Collins do not intend and are not agreeing by this Policy to provide to any officer acting in accordance with this Policy any insurance coverage, compensation, or other benefits in excess of or in addition to those legally available to the officer under the above-mentioned statutes or any other laws.



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# Immigration Violations

## 428.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to employees of Fort Collins Police Services in reporting, investigating and enforcing immigration laws. It is incumbent upon all employees of this Agency to make a personal commitment to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of the Agency in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their immigration status.

## 428.2 FORT COLLINS POLICE SERVICES IMMIGRATION VIOLATION POLICY

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code (USC) dealing with illegal entry. When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of Title 8, USC §§ 1304, 1324, 1325 and 1326, this Agency may assist in the enforcement of federal immigration laws.

## 428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS

Persons wishing to report immigration violations should be referred to the local office of ICE. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, USC.

### 428.3.1 BASIS FOR CONTACT

Officers must make legitimate contact with and have reasonable suspicion that an individual is an undocumented alien prior to investigating immigration status. The fact that an individual is suspected of being an undocumented alien should generally not be the sole basis for contact, detention or arrest.

### 428.3.2 IDENTIFICATION

Whenever an individual is reasonably suspected of a criminal violation (e.g., infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the individual's identity through valid identification or other reliable sources. If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

### 428.3.3 ARRESTS

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation if there is a substantial likelihood that the individual will not show up at a later date. A field supervisor shall approve all such arrests.



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428.3.4 BOOKING

If there is a substantial likelihood that a person will not show up at a later date because he/she cannot reasonably establish his/her true identity, the individual may, upon approval of a supervisor, be booked into jail for the suspected criminal violation and held for bail.

428.3.5 DETENTION

A person detained exclusively for a traffic violation or misdemeanor should not be detained longer than necessary for the purpose of establishing his/her true identity.

## 428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE

Fort Collins Police Services is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any persons. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members of this Agency should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information or otherwise abrogate the duty to cooperate with federal, state or local government entities (8 USC § 1373; 8 USC § 1644).

428.4.1 U-VISA/T-VISA NON-IMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U and T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. Department of Homeland Security (DHS) Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Criminal Investigations Division supervisor assigned to supervise the handling of any related case. The Criminal Investigations Division supervisor should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Form I-918/I-914 may be found on the U.S. DHS website.



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(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.

(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.

(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed certification in the case file.



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# Emergency Utility Service

## 430.1 PURPOSE AND SCOPE

The Fort Collins Utilities Department has personnel available to handle emergency calls 24 hours a day, seven days a week.

Police officers encountering disruptions or hazards in utility services shall notify Dispatch. Citizens reporting disruptions during non-business hours frequently contact Dispatch as well. Requests for such service received by this Agency should be handled consistent with this Policy.

### 430.1.1 BROKEN WATER LINES

The City's responsibility for servicing clean water infrastructure ends at a residential or commercial water meter. Any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. The Utility Department can only turn off the valve at the meter. A citizen may accomplish this to prevent water from flowing.

If a break occurs on the City side of the meter, the Utility Department or on-call emergency utility worker should be called as soon as practicable by Dispatch.

### 430.1.2 ELECTRICAL LINES

Disruptions in electrical service, including downed power lines, can present a significant safety hazard for police officers and citizens.

When a power line or other electrical service disruption poses a hazard, an officer should be dispatched to protect against injuries to officers and citizens, and the Utility Department or on-call utility worker should be promptly notified.

### 430.1.3 STREET FLOODING

The Utility Department maintains reservoirs and public water equipment, as well as underpass and other street drainage systems. In the event of flooding or equipment malfunctions, the Utility Department or the on-call utility worker should be called as soon as possible.

### 430.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies will be maintained by Dispatch.

## 430.2 TRAFFIC CONTROL DEVICES

The City of Fort Collins maintains all traffic signals within the City, other than those maintained by the Colorado Department of Transportation (CDOT).

### 430.2.1 OFFICER'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning traffic control device, the officer will advise Dispatch of the location and problem with the device. The dispatcher should make the necessary notification to the Streets Department.



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If a traffic control device disruption causes an obvious safety hazard for citizens, officers will respond to the intersection and assist traffic flow until the safety hazard is resolved.



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# Agency-Issued Rifles

## 432.1 PURPOSE AND SCOPE

To more effectively and accurately address the increasing level of firepower and body armor utilized by criminal suspects, the Agency will make patrol rifles available to qualified officers as an additional and more immediate tactical resource.

The rifle is a precision firearm deployed when it becomes necessary to engage a threat that is utilizing a barricade, equipped with body armor, at a distance that prohibits other weapon systems or any other situation where a high velocity precision firearm is needed.

## 432.2 POLICY

(a) This Policy is subordinate to Policy 312 - Firearms.

(b) All sworn officers below the rank of lieutenant shall carry an Agency-issued rifle and shall successfully complete an Agency approved training class as outlined in this Policy. Sworn officers shall qualify on an approved qualification course and by the standards set forth in this Policy prior to approval to carry the rifle. Lieutenants who choose to carry an Agency-issued rifle must adhere to the same standards of training and qualification as all other officers.

1. Only Agency-issued rifles shall be carried in an official capacity.
2. Make, type, caliber, sights, accessories and all other options for the rifle will be determined by the Agency.
3. Agency-issued rifles shall not be altered from factory specifications, nor accessories added to any rifle issued by the Agency, except as authorized in writing by the Firearms Training Unit (FTU) Coordinator.
4. Only Agency-issued magazines shall be used with the Agency-issued rifle during any deployment or official Agency training or qualification.

### 432.2.1 DEFINITIONS

See Policy 107 - Definitions.

## 432.3 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of Agency-issued rifles shall fall on the officer to whom the rifle is assigned.

(b) Each patrol officer carrying an Agency-issued rifle is required to field strip and clean the assigned rifle as needed.

(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned Agency-issued rifle to a supervisor and the Firearms Training Unit.



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(d) Any Agency-issued rifle found to be defective or outside of operational standards shall also be clearly identified as non-serviceable, including details regarding the problem condition.

(e) Each Agency-issued rifle shall be subject to inspection by a supervisor or a Firearms Instructor at any time.

(f) All rifles that are the property of the Agency shall be repaired or modified only by an Agency armorer for that system.

### 432.4 TRAINING AND QUALIFICATION

(a) All police officers assigned an Agency-issued rifle will receive a minimum of 40 hours of training prior to being authorized to carry it. This training will be provided by the Firearms Training Unit.

(b) The FTU will offer ongoing, live-fire, in-service training to all police officers at least three times per year on their issued rifle. This training will be in addition to any simulated ammunition exercises or non-firing manipulation training that officers receive during the year. This training is mandatory for all sworn officers that are issued a rifle unless excused by their immediate supervisor.

(c) The Firearms Training Unit shall keep on file lesson plans, instructor and student manuals and syllabuses for all approved rifle training including Skills Academy, initial training on rifles, in-service training, and remedial training currently in use by the Agency.

(d) All rifle operators will conform to Policy 312 - Firearms regarding qualification and non-qualification.

### 432.5 DEPLOYMENT OF THE AGENCY-ISSUED RIFLE

(a) Use of the Agency-issued rifle at a tactical situation is at the discretion of the officer and in accordance with approved department training. The rifle is also deployed at the discretion of the incident supervisor who may control the deployment of rifles as dictated by the situation. Whenever possible, officers deploying a rifle will notify other officers and supervisors on scene of the deployment.

### 432.6 DISCHARGE OF THE AGENCY-ISSUED RIFLE

The discharge of the Agency-issued rifle shall be governed by Policy 312 - Firearms and Policy 301 - Response to Resistance Reporting and Review.

### 432.7 CRUISER READY

Any qualified officer carrying an Agency-issued rifle in the field shall maintain the weapon in a cruiser ready condition until deployed. A rifle is considered in a cruiser ready condition when it has been inspected by the assigned officer, and is prepared as follows:



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(a) Chamber empty,

(b) Action closed,

(c) Safety on,

(d) Magazine loaded with department-approved ammunition, and

(e) Sight system turned off.

### 432.8 RIFLE STORAGE

(a) When carried in an Agency vehicle, the rifle shall be stored in a rifle lock in a Cruiser Ready Condition.

(b) If a rifle lock is unavailable, the rifle must be carried in a hard side case, it shall be made cruiser ready, and the case shall be:

1. Secured in an Agency-approved method to include rifle locks, vaults or hard side cases. Hard side cases must be securely attached to the vehicle in the cargo area of a van or SUV or inside the trunk of a sedan.
2. In the case of a van, SUV or similar vehicle, the hard side rifle case must be secured to the inside of the vehicle by the use of a cable, chain or other secure attachment.
3. When the rifle is removed from the vehicle, it shall remain in the possession of an officer at all times.
4. A loaded rifle shall not be stored outside the rifle lock or hard side case as described above, unless in an Agency approved area or manner.
5. For the purposes of transportation of firearms, an FTU member may transport one or more firearms in a case(s) in an Agency vehicle without having the cases secured by cable, chain, etc. The firearms must never be left unattended in the vehicle and will remain cleared of any and all ammunition throughout the transportation

(c) When not assigned, Agency-issued rifles will be stored in the Agency armory in rifle racks.

(d) The rifle shall be removed from the vehicle when the vehicle is delivered to the Service Center or any other facility for service or repair.

(e) An Agency-issued rifle shall not be stored outside of a rifle lock or hard side case as described above, unless in an Agency approved area or manner.



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# Field Training Officer Program

## 436.1 PURPOSE AND SCOPE

The Field Training Officer (FTO) Program is intended to provide a standardized program to facilitate an officer's transition from the academic setting to the actual performance of general law enforcement duties of the Agency.

It is the Policy of this Agency to assign all new police officers to a structured FTO Program that is designed to prepare the new officer to perform in a patrol assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

## 436.2 FIELD TRAINING OFFICER

The FTO is an experienced officer trained in supervising, training and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills.

### 436.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO;

(b) Level 5 officer with a minimum of three years of police experience on solo patrol, two of which must be with this Agency;

(c) Demonstrated ability as a positive role model;

(d) Participate in and pass an internal testing and oral interview Panel selection process;

(e) Evaluation by FTO supervisors and current FTOs;

(f) Possess a Colorado Peace Officer Standards and Training (POST) Basic Certificate;

(g) Acknowledge that being an FTO is a Special Duty Assignment, as defined in Policy 1005 - Transfer and Rotation, and that they may be removed at any time with or without cause by the FTO Coordinator; and

(h) Ability and willingness to attend an industry accepted and recognized forty-hour training officer program that includes a component on teaching the adult learner.

## 436.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The Patrol Deputy Chief will designate a patrol Lieutenant as the FTO Coordinator. The Coordinator will designate FTO Program supervisors.

An FTO Program supervisor will be selected from the rank of sergeant.

The responsibilities of an FTO Program supervisor include the following:

(a) Assign trainees to FTOs.

(b) Conduct FTO meetings.



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(c) Maintain and ensure FTO/trainee performance evaluations are completed.

(d) Maintain, update and issue the Field Training Manual to each trainee.

(e) Monitor individual FTO performance.

(f) Monitor the FTO Trainees.

(g) Schedule and administer phase training scenarios.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTOs.

(j) Other duties as designated by the FTO Coordinator.

## 436.4 TRAINEE DEFINED

**Trainee** - Any entry level or lateral police officer newly appointed to the Agency, who has successfully completed a POST-approved basic academy and possesses a Colorado POST Basic Certificate. For the purposes of this Policy, "newly appointed" means an officer with one year or less of employment as a police officer with the Agency, or as the Chief otherwise determines. Officers at this level are generally considered Level 2 Recruit Officers as described in Policy 201 - Police Officer Classification and Salary.

## 436.5 REQUIRED TRAINING

(a) Entry level officers shall be required to successfully complete all components of the FTO Program.

(b) The required training will take place on at least two different shifts and with at least two different FTOs if reasonably possible.

(c) The training will consist of three separate training and evaluation phases and one phase of solo officer evaluation (checkout).

### 436.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and skills necessary to properly function as an officer with the Fort Collins Police Services. The officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules and regulations of the Fort Collins Police Services.

## 436.6 EVALUATIONS

Evaluations are an important component of the FTO Program and shall be completed as outlined below.



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436.6.1 FIELD TRAINING OFFICER

(a) FTOs shall complete and submit a written evaluation on the performance of their assigned trainee and distribute the evaluation as required by the FTO Coordinator.

(b) FTOs shall review the Daily Observation Reports with the trainee each day.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO at the end of each phase of training and distributed as required by the FTO Coordinator.

(d) FTOs shall be responsible for signing off on all completed topics contained in the Field Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

436.6.2 APPROVALS

DOR approval will be completed by the FTO supervisor(s).

436.6.3 FIELD TRAINING COORDINATOR

The FTO Program Coordinator shall:

(a) Review and approve the Daily Observation Reports submitted by the FTOs.

(b) Attend meetings during training cycles with all FTOs to ensure compliance with the requirements of the program and discuss any changes needed in the FTO Program.

(c) Monitor the overall FTO Program and communicate any necessary information to the Patrol Deputy Chief.

(d) Make recommendations to the Patrol Deputy Chief reference retention/termination of trainees as appropriate.

436.6.4 TRAINEE

After reviewing the DOR with their FTO, the trainee will complete the activity log and DOR score log.

At the completion of the FTO Program, the trainee may be asked to complete a debrief of his/her FTOs and of the Field Training Program.

## 436.7 DOCUMENTATION

All documentation of the FTO Program will be retained in the officer's training files and will consist of the following:

(a) Daily Observation Reports and activity logs and DOR score logs;

(b) End of phase evaluations; and

(c) Any documentation of remedial efforts or additional training outside the scope of the FTO Program the trainee has received during the FTO Program.



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# Detentions, Contacts and Photographing Detainees

## 440.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish guidelines for conducting field interviews (FI), pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available at the time of the detention.

## 440.2 FIELD INTERVIEWS

Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to:

(a) The appearance or demeanor of an individual that suggests he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect that suggest he/she is engaged in a criminal activity.

(c) Whether the hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

### 440.2.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this Policy is intended to discourage consensual contacts. Fort Collins Police Services encourages its officers to make frequent and random casual contacts with consenting individuals to strengthen community involvement, community awareness, and problem identification.

### 440.2.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the



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case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Agency personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in an Agency vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

440.2.3 DURATION OF DETENTION

A subject may be detained to conduct an FI only for the period reasonably necessary to determine the individual's identity and resolve the officer's suspicions. The interview should not extend beyond the immediate vicinity of the place of detention unless the detainee consents to further contact or is arrested.

## 440.3 CONSENSUAL SEARCHES

An officer may conduct a consensual search of a person who is not under arrest, and any effects of the person or a vehicle as follows (CRS § 16-3-310):

(a) The person has apparent or actual authority to provide permission to search the vehicle or effects, if any.

(b) The person is informed that he/she is being asked to voluntarily consent to a search.

(c) The person is informed that he/she has the right to refuse the request to search.

(d) The person voluntarily provides consent.

When asking for consent, officers should explain the scope of the search. Officers should stop a consent search if the person withdraws consent.

Officers should, whenever practicable, obtain written consent. If a written consent form is not readily available, the officer should record any verbal consent, if possible.

## 440.4 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever an officer reasonably believes the person may possess an object that can be utilized as an offensive weapon or



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whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to, the following (see also CRS § 16-3-103(2)):

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or area where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The appearance and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

### 440.5 DISPOSITION OF PHOTOGRAPHS TAKEN IN THE FIELD

All detainee photographs must be adequately labeled and associated with either an associated FI card or a report number. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the officer who collected the photograph should forward the photograph to one of the following locations:

(a) If the photograph and associated FI or memorandum is relevant to criminal gang enforcement, the officer will forward the photo and documents to the Criminal Impact Unit supervisor. That supervisor will ensure the photograph and supporting documents are retained as prescribed in the Policy 442 - Criminal Street Gangs.

(b) Photographs that do not qualify for retention in Policy 442 - Criminal Street Gangs or that are not evidence in an investigation will be destroyed.

(c) When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file in the Records Division. All other photographs will be kept in compliance with the Agency's records retention schedule,

(d) When a photograph of a child is taken in association with a particular case, before filing a complaint regarding the offense, the photograph may only be used in the investigation of the original offense and may only be released to the court.

### 440.6 PHOTO REVIEW POLICY

Any person who has been the subject of a field photograph or an FI by this Agency during any contact other than an arrest may file a written request within 30 days of the contact, requesting a



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review of the status of the photograph or FI. The request shall be directed to the Chief of Police, who will ensure that the status of the photograph or FI is properly reviewed according to this Policy as described below. Upon a verbal request, the Agency shall send a request form to the requesting party along with a copy of this Policy.

### 440.6.1 REVIEW PROCESS

Upon receipt of such a written request, the Chief of Police or an authorized designee will permit a person of whom the Agency retains a photograph or record of a field interview (FI) appear in person and review that photograph or FI. Any minor must be accompanied by a parent or legal guardian for a review of the status of the photograph or FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing.

After carefully considering the information available, the Chief of Police or an authorized designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Fort Collins Police Services Policy and whether there is any ongoing legitimate law enforcement interest in retaining the photograph or FI.

If the Chief of Police or an authorized designee determines that the photograph/FI was obtained in accordance with existing law and Agency Policy and there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph or FI shall be retained according to this Policy and applicable law.

If the Chief of Police or an authorized designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph or FI card no longer exists or that it was obtained in violation of existing law or Fort Collins Police Service Policy, the original photograph or FI card shall be purged and disposed in compliance with the organization's records retention schedule. All other associated reports or documents, however, will be retained according to Agency Policy and applicable law.

If the Chief of Police or the authorized designee determines that any involved Fort Collins Police Services personnel violated existing law or Agency Policy, the Chief of Police or an authorized designee shall initiate a separate administrative investigation that may result in additional training, discipline or other appropriate action for the involved employee.

The person photographed or who was the subject of an FI will be informed in writing within 30 days of the Chief of Police's determination whether the photograph or FI will be retained. This does



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not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.



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# Criminal Street Gangs

## 442.1 PURPOSE AND SCOPE

It is the Policy of this Agency to establish a procedure for identifying criminal street gangs, participants of criminal street gangs and patterns of criminal or delinquent activity. The intent of this Policy is to establish a procedure that will be used to develop and maintain a file of information used for enhancing criminal prosecution of criminal street gang participants.

## 442.2 DEFINITIONS

See Policy 107 - Definitions.

## 442.3 GANG INDENTIFICATION AND DOCUMENTATION PROCEDURES

All sworn personnel shall be authorized to collect information on individuals who are suspected of participating in criminal street gangs and groups that are suspected of being criminal street gangs. A criminal gang is definied as:

(a) Any ongoing organization, association, or group of three or more persons, whether formal or informal:

1. Which has as one of its primary objectives or activities the commission of one or more predicate criminal acts; and
2. Whose members individually or collectively engage in or have engaged in a pattern of criminal or gang activity.

As individual may be designated, after review and approval of the Criminal Impact Unit Sergeant, as a participant ina criminal street gang when:

(a) The proclaim or admit his/hers associations, affiliation, membership, or allegiance with an identified gang, or

(b) They commit a gang motivated crime as defined in this Policy, or

(c) They have been identified as a gang member by other law enforcement agencies using identical or more restrictive criteria outlined in this Policy, or

(d) An individual exhibits two or more of the following:

1. Wears clothing or has tattoos other than a part of a fashion trend which are known to be associated to a gang or gang activities.
2. Displays mannerisms which are particularly described and recognized regionally or nationally as being indicative of gang membership and which are consistent with mannerisms identified with a gang, gang activities or gang membership locally.
3. Admits to the use of a moniker consistent with those used by gang members.
4. Authors graffiti which is known to be associated with a gang or gang activity.
5. Admits to detailed knowledge of a gang or gang activity.



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6. Has been identified as a gang member by a previously reliable, documented informant.

442.3.1 SYSTEM ENTRIES

It is the designated supervisor's responsibility to approve the entry of any information from a report, FI, photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records. Any supporting documentation for an entry shall be retained by the Records in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records are appropriately marked as intelligence information. The Records Manager may not purge such documents without the approval of the designated supervisor.

## 442.4 CRIMINAL STREET GANG TEMPORARY FILE

The Criminal Impact Unit may maintain a temporary file of reports and field interviews (FI system) that is separate from any criminal gang intelligence database when an individual or group has been identified as a suspected street gang participant or a suspected street gang, but does not meet the criteria for entry into a criminal gang intelligence database.

Inclusion in a temporary file may be done only if there is a reasonable likelihood that, within two years of the contact, the individual or group will meet the criteria for entry into a criminal gang intelligence database approved by the Agency. A temporary file of street gang participants shall include the following:

(a) Names, aliases, monikers, addresses, and other relevant identifying information.

(b) Associated gang name.

(c) Information/incidents used to identify an individual as a criminal street gang associate.

(d) Vehicles known to be used.

(e) Cross references to other identified gangs or gang members.

Temporary files should not be retained longer than two years. At the end of two years, temporary files must be purged if the information does not qualify for entry into a criminal gang intelligence database approved by the Agency.

The Criminal Impact Unit information tracking designee shall periodically review temporary files to verify that the information was properly obtained and meets the criteria for retention. Validation and purging of temporary criminal files is the responsibility of the Criminal Impact Unit supervisor.



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### 442.5 FIELD CONTACTS

Officers who contact individuals who are, or may be, participants in criminal street gang activity should complete a field interview (FI) card and document the reasonable suspicion underlying the contact and the exact circumstances leading to the suspicion that the individual is a criminal street gang participant based on the above criteria (e.g. subject states he/she is a member of XYZ gang, has XYZ tattoo on hand, or is wearing a shirt with the gang name printed in red or blue).

The FI card should be turned into the Agency's Records unit for entry or entered by the officer into the Automated Reporting System.

Any photographs that are taken of subjects who are known or suspected criminal street gang participant shall be forwarded to the Criminal Impact Unit.

### 442.6 DISSEMINATIONS OF THE FILE INFORMATION

Information from the temporary criminal gang participant files, the Colorado Bureau of Investigation's system called Colorado Gangs (CoG), and any other intelligence system approved by the Agency that may be of use in the prevention of gang-related criminal activity or information concerning the investigation of gang-related crimes shall only be released to employees of this Agency and other law enforcement agencies on a need-to-know and a right-to-know basis.

### 442.7 REPORTING CRITERIA AND ROUTING

Incidents that appear to be criminal gang related shall be documented on a report form and shall at a minimum include:

(a) A description of any document, statements, actions, dress or other information that would tend to support the officer's belief that the incident may be related to the activities of a criminal gang.

(b) A specific request that a copy of the report be routed to the Criminal Impact Unit.

### 442.8 CRIMINAL GANG INVESTIGATIVE DATA SYSTEM

The Agency may establish a uniform system of collecting, analyzing, evaluating, maintaining, securing, and disseminating intelligence information related to gang activity and involvement. This system will include the CoG and/or any other intelligence databases approved by the Agency.

(a) The purpose of gang intelligence information is to provide Agency users and users of the CoG database with information which complies with state and federal regulations and allows for the collection and analysis of information regarding suspected criminal activity associated with gang activity in preventing future criminal acts.

(b) The CoG system is entirely maintained by the Colorado Bureau of Investigations, and they are ultimately responsible for compliance with the guidelines defined in Title 28 Code of Federal Regulations, Part 23- Criminal Intelligence Systems Operating Policies.



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(c) Only Agency-approved designees may enter information into the CoG database. As an approved designee, it is that person's responsibility to abide and follow the rules and regulations set forth in the CoG Policy and Procedure manual and user agreement.

(d) Employees should collect and forward suspected gang related intelligence information to the Criminal Impact Unit for the purpose of analysis and validation of individuals and their involvement or associations with gang related activity.

1. Gang Intelligence information consists entirely of legally obtained and validated data regarding the reasonably suspected gang activities and associations of individuals, groups or organizations believed to be involved in criminal acts or in the threatening, planning, organizing or financing of criminal acts, based upon reasonable suspicion.

### 442.8.1 ACCESS TO COG

CoG provides information for the street officer who conducts a query of the Colorado Crime Information Center (CCIC) database. After a query is made, the CoG database will present information through CCIC that the queried subject is in the CoG database, which is vital safety information for the patrol officer.

Access to the CoG database will give investigators an additional tool to investigate gang activity and crimes, not only in our own jurisdiction, but in other participating jurisdictions.

### 442.8.2 PROCEDURE FOR ENTRY INTO DATABASE

Once a criminal street gang has been identified and/or an individual is reasonably suspected of participating in a criminal street gang, it is the responsibility of the designated CoG coordinator and/or authorized designees to enter the information obtained into the CoG database. The information entered will be consistent with criteria established in 28 CFR Part 23 and the CoG Policy and Procedure manual.

The authorized Agency employee shall not enter or maintain information in the CoG system unless the information meets the definition of "criminal intelligence information" or "non-criminal identifying information" as defined in this Policy Manual.

### 442.8.3 RETENTION/PURGING/AUDITING

CoG records retained in the system shall be reviewed and validated for continuing compliance with system submission criteria for a 5-year retention period. Any information not validated within that period will be purged by CoG. CoG periodically conducts inspections and audits of user agencies entries; therefore, Agency entries must have supporting documentation maintained to CoG standards.



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# Mobile Audio/Video Recorder Policy

## 446.1 PURPOSE AND SCOPE

The Fort Collins Police Services has equipped selected vehicles and officers with a mobile Audio/Video Recording (MAV) system and also allows officers to use dedicated audio recording devices. The MAV is designed to assist and compliment officers in the performance of their duties. The MAV is used to record certain duty related activities, thereby creating a visual and/or audio record of the incident as a supplement to the officer's report. A MAV recording is to be used when there is a clear benefit to such a recording. In general, MAV recordings will fall into one of two categories of focus, evidentiary and mutual accountability.

It is the purpose of this policy to provide officers with guidelines for the use of recording devices. This policy is not intended to describe every possible situation where the system may be used; however, there are many situations where the use of the MAV device is recommended.

## 446.2 OFFICER OPERATION REQUIREMENTS

Prior to going into service, each officer will check out the appropriate equipment, if required. Officers should test the MAV system operation in accordance with manufacturer specifications and departmental training at the start of each shift.

Testing includes:

(a) That the camera/recording device is functional.

(b) Verifying the device has an adequate power source.

(c) Ensuring that the device properly placed/affixed for optimal use.

(d) Documentation of officer information if system being used requires it.

(e) At the end of duty period, the MAV will be secured and charged accordance with manufacturer specifications and departmental training.

(f) If at any time the MAV is found to not be functioning properly, it is to be removed from service and the appropriate supervisor/MAV administrator notified as soon as reasonably possible.

### 446.2.1 UPLOADING, STORAGE, AND RETENTION OF RECORDINGS

Any MAV recorded incident shall be documented in the associated departmental reports, field interview entries, or on traffic citations that are the sole documentation.

Uploading of a MAV will be done in accordance with manufacturer specifications and departmental training. MAV evidence will be stored in a departmental designated secure location, including but not limited to:

(a) An approved web based server whether that is maintained by the City of Fort Collins or an approved outside vendor.

(b) An approved, on-site City of Fort Collins server.

(c) Physical storage media such as CDs, DVDs, or other digital storage devices.



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All MAV recordings will be logged as evidence following agency policy and trainings. MAV recordings that are associated with a departmental report number that are uploaded directly into a server will have a property/evidence entry made into RMS as if it was physical evidence.

All MAV recordings shall be uploaded at the end of an officer's shift if practical or critical to an investigation. If there is a circumstance when this cannot be accomplished, a supervisor must be notified and approval given.

## 446.3 ACTIVATION OF THE MAV

Once activated, the MAV, with some exceptions, shall remain on and not be turned off until the initial incident that caused the activation has concluded. For purposes of this section, conclusion of the incident occurs when the gathering of evidence or exchange of communication related to police enforcement activities are concluded. It is understood that not all incidents will clearly start out as needing documentation by a MAV recording or having a clear ending when the MAV is no longer needed. Officers will be expected to use discretion and common sense when activating and deactivating the MAV.

Any incident that is recorded with either the video or audio system shall be documented in the officer's report. If a traffic citation is issued, the officer shall make a notation on the back of the citation copy that will be sent to court, indicating that the incident was recorded.

### 446.3.1 REQUIRED ACTIVATION OF THE MAV

This policy is not intended to describe every possible situation in which the MAV system may be used. In addition to the required situations, an officer may activate the system any time the officer believes its use would be appropriate and/or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The activation of the MAV system is required in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops. If the circumstances of the traffic stop indicate the MAV is no longer needed, then it is the officer's discretion to end the recording and document the reason why.
2. Priority responses
3. Vehicle pursuits
4. Suspicious person/vehicle contacts
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force



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8. Domestic Violence calls
9. DUI investigations including field sobriety maneuvers
10. Any call for service involving a crime where the recorder would clearly aid in the apprehension and/or prosecution of a suspect.

(b) Any self-indicated activity in which an officer would normally notify Fort Collins 911 (PSAP) and a MAV recording would be useful.

(c) Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

It is understood that due to the range limitations of the vehicle version of the MAV device that, at times, the microphone may be out of range and may not record the audio portion. In such situations, this will not be deemed as a violation of this section of the policy.

446.3.2 CESSATION OF RECORDING

If there is a break in the recording of a case related incident, the officer report shall explain why that break occurred on the recording or in an associated report. Examples of such breaks include but are not limited to:

(a) There is a malfunction to or accidental deactivation of the device.

(b) There is personal information being shared that is not case sensitive, such as victim family information/discussion, protected personal information, or personal medical information. In practice, MAV recordings should not be used in a medical facility unless there is an obvious need to document evidence, actions, or potential accountability issues.

(c) The officer is placed on a related assignment that has no investigative purpose, such as scene security post, scene processing, traffic post, etc. Recording may cease if an officer is simply waiting for the arrival of a tow truck, taxi, family member or other similar non-confrontational, non-evidentiary situation.

(d) There is a long break in the incident/contact such as an interruption related to routine police action that is not evidentiary in nature or unrelated to the initial incident.

(e) There is activity such as a transport or change of venue where there is no incident related police activity occurring.

(f) There is recognition by the officer that the contact no longer creates potential evidentiary or mutual accountability issues.

(g) Once an event has been stabilized, if it is necessary to discuss issues surrounding the investigation with a supervisor or another officer in private, operators may turn off their MAV system. The operator shall break contact with any citizen if they plan on intentionally turning off the MAV, and there is a likelihood that evidence or mutual accountability documentation still exists. This includes discussions between Field Training Officers with officers in training that are specific to training issues.

(h) If a request is made for a MAV to be turned off by a party being contacted, the officer shall take into account the overall circumstances, and what is most beneficial to all involved, before deciding to honor the request. For example, an officer may choose to turn off the



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MAV device if its operation is inhibiting a victim or witness from giving a statement. It is up to the officer to make the determination as to what is best for the investigation or contact.

### 446.3.3 CLASSIFICATION AND RETENTION OF MAV RECORDINGS

When an officer has stopped the MAV device the officer shall classify the recording. These classifications will serve to assist in locating the recording and each classification will have an established retention time. Any MAV recording in any classification can be changed to another classification or have its retention status changed for the benefit of an investigation or organizational need.

Classifications, descriptions and retention are as follows:

(a) NON EVENT- A miscellaneous activation of the MAV system which does not meet the requirements of any other classification. Retention period will be seven (7) days.

(b) INCIDENT ONLY- Activation of the system where there may be some liability or possibility of a complaint or future action. Examples may include moving items from the roadway, motorist assists, traffic control, general citizen contacts, contacts in which there was a violation of the law but the officer has chosen to issue a verbal or written warning. These recordings should be avaliable for a period of time to address any complaints or issues that could be resolved by reviewing the recording. Retention period will be thirty (30) days.

(c) TRAFFIC- Traffic stops involving a citizen, vehicle, bicycle, pedestrian, etc. where the officer issues a citation into Municipal Court or County Court for traffic related offenses. Retention is 180 days.

(d) CASE REPORT- Anytime a MAV recording of evidentiary value has been made during an investigation and a case report has been generated. These recordings are subject to general policy and procedure regarding the rentention of case related evidence.

(e) RESTRICTED- Any MAV recording that documents an incident which is deemed sensitive in nature, whether evidentiary or mutual accountability in nature, can have access restricted to select individuals. This status would be deemed necessary by a supervisor and entered by an MAV administrator. Examples could include cases involving use of force resulting in SBI, officer involved shootings, allegations of criminal actions by an officer or by a citizen with an officer as a victim, and investigations alleging misconduct. Access to a restricted MAV must be approved by the division captain (or designee) overseeing the investigation. These recordings are subject to general rules and policies regarding the retention of case related evidence.

### 446.3.4 WHEN ACTIVATION NOT REQUIRED

Activation of the MAV system is not required during lunch breaks, lunch periods, when not in service, or when the officer is otherwise involved in routine or administrative duties.

No member of this agency may surreptitiously record a conversation of any other member of this agency except with a court order or when authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal investigation or as an administrative function.



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### 446.4 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Agency. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by policy and law.

To prevent damage or alteration of the original recorded media; it shall not be copied, viewed or otherwise inserted into any device not approved by the agency MAV administrator or forensic media staff. Officers using a MAV device that has been permanently mounted in a vehicle shall not remove the media storage card from the MAV system. Only an authorized MAV administrator may remove the media storage card.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports, statements or for court testimony. The exception to an officer reviewing a MAV recording for the purpose of completing a report is if the incident falls under the Officer-Involved Incident Protocol (OIIP) as developed in conjunction with the Office of the District Attorney, Eighth Judicial District. In such cases, the OIIP takes precedent.

(b) By a supervisor investigating a specific act of officer conduct.

(c) By a supervisor to assess officer performance.

(d) To assess proper functioning of the MAV systems.

(e) By an investigator who is participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation.

(f) An officer who is captured on or referenced in the video or audio data may review such data and use the data for any purpose relating to his/her employment, unless restricted at the time of request as described in 446.3.36.

(g) By court personnel through proper process or with permission of the Chief of Police or the authorized designee.

(h) Public release of MAV video recordings will be in accordance with current departmental evidence release policies as well as the rules set forth in the Colorado Criminal Justice Records Act. Release may also occur at the direction of the Chief of Police or authorized designee.

(i) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Officers with MAV equipment that are on the scene of a critical incident, but are not a subject or witness officer, will complete police reports and notify CID that they have video that may be pertinent to their investigation.

In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.



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### 446.5 DOCUMENTATION

In no way is a MAV meant to replace a written report if one is called for. Officers are still responsible for completing a thorough report in the same manner they would if they did not have a MAV recording. If an officer is on a call where their role would not normally call for a report, but the MAV was activated, they will still make a supplemental report if a case number was pulled for evidentiary entry purposes. Otherwise they will follow retention protocols previously outlined.

### 446.6 TRAINING AND SUPERVISORY RESPONSIBILITIES

Users of the MAV systems and supervisors shall be trained on the proper use of the system and shall become familiar with this policy prior to deployment of the MAV device.

Supervisors shall ensure that MAV units assigned to their officers are in working order and the officer using the MAV has been properly trained. Supervisors will monitor and verify that their officers are properly using the MAV units as required by departmental policy and training, that includes proper categorizing and logging of evidence.



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# Automatic License Plate Reader (ALPR) System

## 447.1 PURPOSE AND SCOPE

This Policy will provide guidelines for the use, care, and maintenance of Automatic License Plate Reader (ALPR) systems owned by the Agency or loaned, leased, or contracted to the Agency from other entities. Additionally, this SOP will provide guidelines for the collection, use, dissemination and retention of information collected through the use of the ALPR system.

## 447.2 DEFINITIONS

Alert: A message from the ALPR system to the operator when the system matches a scanned license plate to a license plate number or associated person in the hotlist.

Automatic License Plate Reader: A device that uses infrared and/or high resolution digital cameras and optical character recognition technology to scan the license plate of moving and/or stationary motor vehicles and compare the scanned information to one or more databases to identify license plates and subsequent vehicles or registered owners that may be associated with unlawful activity.

AMBER: The America's Missing Broadcast Emergency Response system.

Hotlist: Data that is downloaded daily to the ALPR system that contains information on stolen vehicles, stolen license plates, suspended or revoked driver licenses, invalid vehicle registrations, and other significant law enforcement interest such as AMBER alerts or missing persons alerts, terrorist watch lists, Be On the Look Out (BOLO) alerts, or other wanted individuals or vehicles. The information is provided and entered by the Colorado Bureau of Investigation (CBI), the National Crime Information Center (NCIC}, The Colorado Crime Information Center (CCIC), Department of Motor Vehicles (OMV) and the Department of Revenue (DOR).

## 447.3 POLICY

Fort Collins Police Services may utilize Automatic License Plate Readers as an aid for the detection, investigation, and enforcement duties of police officers and criminal investigators. The ALPR system uses CCIC permissions and is for official use only; any misuse is subject to corrective or disciplinary actions.

Alerts from the ALPR system DO NOT constitute reasonable suspicion or probable cause.

Only Agency members that have been officially trained in the proper operational procedures, interpretation of information, and maintenance of an ALPR system are permitted to utilize it. In addition to the aforementioned training, any officer utilizing the ALPR must have approval from his/her supervisor prior to the installation or use of the ALPR equipment.

No Agency member may alter any data collected by the ALPR system.

Any use of the ALPR system on Agency vehicles for other than traffic enforcement and normal mobile patrolling for stolen vehicles or other criminal activity shall be approved by the Watch Commander or lieutenant within the division utilizing the equipment. Use of the ALPR on an



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Agency vehicle for use in a multi-jurisdictional operation (e.g. Regional Auto Theft Team) requires the completion of an operations plan.

### 447.4 OPERATING PROCEDURES

Operator Responsibilities: If an officer is assigned an ALPR system they are expected to use it during the normal course of their duties each day.

(a) The operator will function check the system prior to using it for any field enforcement activity.

(b) The operator will ensure that the latest hotlist is uploaded to the system daily.

(c) The operator will ensure the proper functionality of the automatic download, upload or other electronic data transfer device.

Response to ALPR Alerts: Matches between the scanned information and the hotlist displayed as alerts on the ALPR system DO NOT constitute reasonable suspicion or probable cause for enforcement action and will not be acted upon without additional confirmation or development of reasonable suspicion/probable cause.

(a) The operator will visually verify that any information from an alert matches the vehicle in question.

(b) All alerts from the system will be confirmed through dispatch or by use of the Mobile Data Computer in the operator's car.

(c) Officers will establish reasonable suspicion or probable cause prior to initiating a contact or taking any enforcement action.

(d) All alerts from the system will be documented in the operator's CAD unit history under an incident number.

    1. the incident comments will include "ALPR Alert" as well as any applicable notes by dispatch or the officer.

    2. The incident notes shall contain the type of alert and disposition of the stop.

(e) If an officer takes enforcement action as a result of an ALPR alert, they shall document the alert as part of the case in a case report or in the notes of any ticket issued.

Data Collection, Retention, Analysis and Dissemination: Information and/or images collected by the ALPR system is for official use only and shall not be used in any other capacity.

The ALPR is intended to enhance normal criminal patrol activities by collecting and comparing license plate information to known violator information provided by CCIC, NCIC, DOR and OMV for Colorado only.

(a) With prior approval of the Watch Commander or lieutenant in charge of a specific incident, the ALPR may be used for additional investigative functions (e.g. documenting license plates in the vicinity of an active, significant crime scene such as a missing person or homicide.)



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1. For such circumstances the information would be downloaded and logged into evidence in the format current with the Evidence SOP. The information collected would be subject to all of the policies and procedures of evidence including retention and disposal.

(b) Information collected by the ALPR during normal patrol operations will be retained for no more than 30 days after collection, unless it is determined that the information is necessary for an on-going criminal investigation and approval from the Watch Commander or division lieutenant is received.

1. The ALPRs used pursuant to this SOP shall be set to retain the data/images for 30 days. After 30 days, the data/images will be automatically deleted by the ALPR system.

(c) The Property Unit Auto Theft Detective shall keep numerical information concerning the number of license plates scanned, number of alerts from the ALPR system, number of alerts resulting in eventual enforcement action and other statistics that would be beneficial for analysis pertaining to the use and effectiveness of the ALPR system. None of this information shall contain specific data regarding individual license plates or images. This information shall be provided to the Property Unit by the ALPR operator.

(d) The analysis of specific license plate information shall only be conducted pursuant to a criminal investigation when the data has been collected as evidence as described in 1.a. of this section.

(e) The dissemination of any specific license plate information collected shall be only to those Agency members that have a need to know.

(f) The operator's supervisor will periodically check the system to ensure that all function checks and retention settings for collected information is in compliance with this SOP.



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# Mobile Data Computer

## 448.1 PURPOSE AND SCOPE

Mobile Data Computers (MDCs) access confidential records of criminal and personal information from official Agency, state and federal government databases. Employees using MDCs shall comply with all appropriate Agency, federal and state rules and regulations.

## 448.2 MDC USE

The use of an MDC will comply with the provisions of Policy 342 - Agency Technology Use. Messages that are of a sexual, racist or offensive nature or are otherwise critical of any employee are strictly forbidden. Messages may be reviewed by supervisors at any time without prior notification. Employees generating or transmitting messages not in compliance with this Policy are subject to discipline.

Some calls for service dispatched to patrol units may be communicated via the patrol laptop. Priority calls for service shall be communicated by radio as well as MDC, unless otherwise authorized by the Watch Commander.

### 448.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs. At no time when the vehicle is in motion should the display be viewed by the driver for visual entertainment, including Internet browsing or the use of social media or e-mail (CRS § 42-4-201).

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

### 448.2.2 DOCUMENTATION OF ACTIVITY

The Computer-Aided Dispatch (CAD) system, MDCs and voice transmissions record official police business and also an officer's daily activity. To ensure the most accurate records, the following are required:

(a) Contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it shall be entered into the CAD system by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the laptop.

### 448.2.3 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted verbally over the police radio or through the CAD system.



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(a) Officers responding to urgent or in progress calls shall advise changes in status over the radio to assist other officers responding to the same incident.

(b) Other changes in status may be entered via the MDC.

## 448.3 MAINTENANCE

Officers assigned laptops shall follow routine and ad hoc maintenance schedules as directed by the Information Services Division.

### 448.3.1 MALFUNCTIONS AND SPARES

Officers shall promptly deliver a malfunctioning laptop computer to the Information Services Division following established procedures.

Officers may check-out a spare laptop, if available, and return the laptop prior to their end of shift (if the laptop is used for routine patrol) in order that enough spare laptops are available for the various patrol shifts.

If an in-service, uniformed patrol officer does not have a working laptop, they shall notify Dispatch.



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# Medical and Personal Marijuana

## 452.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under Colorado's medical marijuana laws.

## 452.2 POLICY

It is the policy of the Agency to prioritize resources and issue summonses or make arrests related to marijuana use that the arresting officer reasonably believes would be prosecuted by local, state or federal authorities. Fort Collins Officers cannot issue summonses or make arrests for violations of federal law.

Colorado marijuana laws identify legal amounts of marijuana for acquisition, cultivation, possession, sale, distribution, use, or transport. However, Colorado marijuana laws do not affect federal laws and there is no exception under federal law for the possession or distribution of marijuana. The Agency will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under Colorado law and the resources of the Agency. Nothing in this Policy shall be deemed to create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have under state or federal law for the cultivation, possession, sale, distribution, or use of marijuana.

## 452.3 INVESTIGATION

Investigations involving the acquisition, cultivation, possession, sale, distribution, use, or transportation of marijuana generally fall into one of the following categories:

(a) the amount of marijuana in the person's possession.

(b) the age of the person in possession of marijuana.

(c) the manner of consumption.

Officers should be alert that an accused may raise a medical marijuana defense at any time. Consequently, officers should document any statements and observations that may be relevant as to whether the marijuana was possessed, used, or produced for medicinal purposes.

### 452.3.1 THE AMOUNT OF MARIJUANA

In any investigation involving the acquisition, cultivation, possession, sale, distribution, use, or transportation of marijuana or drug paraphernalia, the officer should proceed with a criminal investigation if:

(a) the amount is greater than one ounce of marijuana, unless it:

1. occurs on the premises where marijuana plants are grown; or



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2. is medical marijuana, which means that no more than two ounces of marijuana can be possessed.

(b) the growing of marijuana plants:

1. Exceeds the six plant limit, no more than three mature and flowering, unless the cultivator can show status as a primary caregiver; and

2. Must be in an enclosed, locked space. (Colorado Const. Art. 18, § 16(3)).

452.3.2 THE AGE OF THE PERSON IN POSSESSION
A person in possession of marijuana must:

(a) be 21 years of age or older if the claim is that the marijuana is for personal use;

(b) be 18 years of age or older if the claim is that the marijuana is for medical use unless:

1. The juvenile is in lawful possession of a RIC.

2. The juvenile and the primary caregiver, who must be a parent residing in Colorado, collectively possess no more than a lawful amount of marijuana.

3. The parental primary caregiver controls the acquisition, dosage and frequency of the use of medical marijuana. (Colorado Const. Art. 18, § 14(6)).

In addition, unless the person is a primary caregiver, the person must:

(a) be purchasing marijuana and marijuana products for personal use only and not for resale to others. (Colorado Const. Art. 18, § 16(2)(b)); and

(b) not transfer marijuana or marijuana products to persons under the age of 21.

452.3.3 THE MANNER OF CONSUMPTION
Marijuana may not be consumed:

(a) openly and publicly;

(b) in a manner that endangers others (Colorado Const. Art. 18, § 16(3)); or

(c) while driving under the influence of marijuana or its constituent controlled substances. (Note that identifying potential violations is best left to officers with proper training and officers are encouraged to call for assistance from those specially trained officers) (Colorado Const. Art. 18, § 16(6)).

## 452.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.



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### 452.5 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana acquisition, cultivation, possession, sale, distribution, use, or transportation:

(a) Because the enforcement of marijuana laws can be complex, time consuming and require resources unavailable at the time of initial investigation, officers may consider submitting a report to a supervisor or the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at another time.
2. The case would benefit from review by a person with expertise in marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
4. Any other relevant factors, such as limited available Agency resources and time constraints.

(b) Officers may take enforcement action against a patient or primary caregiver who (Colorado Const. Art. 18, § 14(5); CRS § 25-1.5-106):

1. Engages in the medical use of marijuana in a way that endangers the health or well-being of any person.
2. Engages in the medical use of marijuana in plain view of, or in a place open to, the general public.
3. Undertakes any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice.
4. Possesses medical marijuana or otherwise engages in using medical marijuana on school grounds or in a school bus.
5. Engages in the use of medical marijuana in a correctional facility, community corrections facility or in a vehicle, aircraft or motorboat.
6. Engages in the use of medical marijuana while sentenced to jail/prison.
7. Operates, navigates or is in actual physical control of any vehicle, aircraft or motorboat while under the influence of medical marijuana.

(c) Where a police officer and his supervisor intend to serve a defendant with a criminal summons and complaint or prepare a case against the defendant in anticipation of screening the case with the District Attorney, it is the practice of this Agency to seize only a representative sample of the marijuana. The representative sample will be made by clipping samples from the plants and product. In addition to the sampling, police officers will take numerous photographs, video, and other non-invasive evidence to assist in the prosecution of the criminal case. Only in the most extreme situations, and only after a command staff officer has approved it, will an officer seize entire plants and product.



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(d) Before proceeding with enforcement related to a locally approved business that cultivates, manufactures, or sells marijuana or marijuana-infused products, officers should consider conferring with appropriate legal counsel.



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# Bicycle Patrol Unit

## 454.1 PURPOSE AND SCOPE

Fort Collins Police Services has established the Bicycle Patrol Unit (the "BPU") to enhance patrol efforts in the community. This Policy provides guidelines for the safe and effective operation of the patrol bicycle.

## 454.2 POLICY

(a) Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control or special events.

(b) Bicycles may be deployed to any area at all hours of the day or night, according to Agency needs and as staffing levels allow.

(c) Requests for specific deployment of bicycle patrol officers shall be coordinated through the BPU Supervisor or the BPU Commander.

## 454.3 SELECTION OF PERSONNEL

(a) The BPU is the responsibility of the BPU Commander and BPU Supervisor, both appointed by the Patrol Deputy Chief.

(b) BPU openings will be authorized and filled subject to the approval of the Patrol Deputy Chief. During a selection process, interested police officers, with at least two years' service in the Agency shall be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance.
2. Special skills or training as they pertain to the assignment.
3. Ability to meet or exceed the fiftieth percentile rating in each segment of the Agency physical fitness test twice yearly.
4. Willingness to perform duties using the bicycle as a mode of transportation.

### 454.3.1 BICYCLE PATROL UNIT SUPERVISOR

(a) The BPU Supervisor will be selected by the BPU Commander with the consent of the Patrol Deputy Chief.

(b) The BPU Supervisor shall have responsibility for the following:

1. The duties of the Team Leader, if none is designated or available.
2. Coordinating activities with the Patrol Division.
3. Other activities as required to maintain the efficient operation of the BPU.
4. Coordinating budget management with the BPU Commander.



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454.3.2 BICYCLE PATROL UNIT TEAM LEADER

(a) The BPU Commander may designate a bicycle patrol officer as the BPU Team Leader, who shall:

1. Have sufficient training and experience to perform routine maintenance of BPU equipment.
2. Have advanced and instructor level training in police bicycle deployment.

(b) The BPU Team Leader shall have the primary responsibility for:

1. Scheduling maintenance and repairs of unit equipment.
2. Inspecting and maintaining inventory of patrol bicycles and program equipment.
3. Organizing bicycle patrol training.
4. Evaluating the performance of bicycle officers.
5. Coordination and supervision of BPU team deployments.
6. Perform the duties of the Unit Supervisor as delegated.

## 454.4 TRAINING

(a) Bicycle patrol officers must complete an initial Agency-approved bicycle training course after acceptance into BPU. Thereafter, bicycle patrol officers should receive yearly in-service training to improve skills and refresh safety and operational procedures. The initial training shall minimally include the following:

1. Bicycle patrol strategies
2. Bicycle safety and accident prevention
3. Operational tactics using bicycles

(b) Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment, including the helmet and riding gloves.

## 454.5 UNIFORMS AND EQUIPMENT

(a) Bicycle patrol officers shall wear the Agency-approved uniform and safety equipment while operating a police bicycle. Safety equipment includes Agency-approved helmet, riding gloves, protective eye wear and approved footwear.

(b) The bicycle uniform consists of the standard short sleeve uniform shirt or black Coolmax® type shirt with Agency-approved badge and patches, and Navy blue bicycle patrol pants or shorts with a uniform appearance.

1. Bicycle patrol uniforms shall be worn only when a bicycle patrol officer reasonably expects to deploy on the bicycle during his/her regular shift.



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2. Bicycle patrol uniform jackets shall only be worn with the bicycle patrol uniform.

(c) Bicycle officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

(d) Bicycle patrol officers will be responsible for obtaining the necessary forms, citation books and other needed equipment, and shall keep it available while on bicycle patrol.

454.5.1 PURCHASED EQUIPMENT

(a) The BPU uniform shall be supplied by the Agency with the exception of the items listed below, which will be purchased by each BPU member and reimbursed up to the maximum listed:

1. Approved eye protection - $50.00
2. Black biking gloves - $20.00
3. Approved footwear - $80.00
4. Black bicycle helmet - $50.00

## 454.6 CARE AND USE OF PATROL BICYCLES

(a) Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, and white light.

(b) Bicycles utilized for uniformed bicycle patrol shall be primarily black with a "Police" decal affixed to each side of the crossbar and/or the attached gear bag. Every such bicycle shall be equipped with front and rear reflectors, and front and rear lamps. Lamps and reflectors must meet legal requirements.

(c) Bicycle patrol officers shall conduct an inspection of the bicycle and equipment prior to use to ensure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning.)

(d) If a needed repair is beyond the ability of the bicycle patrol officer, the BPU Supervisor shall be notified promptly.

(e) Each bicycle will have scheduled maintenance yearly, as directed by the BPU Supervisor.

(f) BPU members shall not modify the patrol bicycle, remove, modify or add components except with the approval of the Unit Supervisor or in the event of an emergency.

(g) Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

(h) Bicycles shall be properly secured when not in the bicycle patrol officer's immediate presence.



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(i) BPU officers are expected to participate in periodic unit training sessions and are encouraged to ride their bicycles off duty to improve conditioning, become familiar with varying road and trail conditions, and to practice biking technique.

1. While off-duty bicycle patrol officers may not ride their bicycles outside of Larimer County without the permission of the BPU Commander.

## 454.7 OFFICER RESPONSIBILITIES

(a) Bicycle patrol officers should operate the bicycle in compliance with Colorado law, unless their duties require otherwise.

1. Bicycle patrol officers may operate the bicycle without lighting equipment during hours of darkness only when it reasonably appears necessary for officer safety and tactical considerations.
2. Bicycle patrol officers may operate the bicycle contrary to City code, ordinance, or regulation in furtherance of public safety.

(b) Bicycle patrol officers must use caution and care when operating the bicycle without lighting equipment or contrary to normal regulations.

### 454.7.1 LIMITATIONS

(a) When using the bicycle in conjunction with regular patrol duties and not on special assignment, each bicycle patrol officer shall remain within a reasonable distance of his/her patrol car in order to respond to calls for service in a timely manner.

(b) During routine deployments bicycle patrol officers shall operate their bicycles in accordance with all applicable traffic laws and set a good example for other bicycle riders.

## 454.8 ADDITIONAL USE OF BICYCLES

(a) Other teams of officers are encouraged to utilize bicycles to enhance the function of their individual units. However, any member of the department who uses a bicycle during the regular course of their duty, but who are not a part of the BPU, must adhere to this Policy regarding:

1. Initial training
2. Physical fitness testing
3. Uniform appearance
4. Personal safety equipment

(b) Any uniformed patrol officer on bicycle patrol shall have all of the equipment needed for the performance of basic police duties either on their person or in an attached gear bag.



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# Foot Pursuits

## 458.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This Policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

### 458.1.1 POLICY

It is the Policy of this Agency when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to Agency personnel, the public or the suspect. Officers are expected to act reasonably, based on the totality of the circumstances. The safety of Agency personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and Agency personnel.

## 458.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. Mere flight by a person who is not suspected of criminal activity shall not serve as the justification for engaging in a foot pursuit. Officers may also be justified in initiating a foot pursuit of any individual the officer reasonably believes to be a danger to themselves or others. However, this decision must be continuously reevaluated in light of the circumstances presented at the time. Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under dynamic circumstances. It is recognized that foot pursuits potentially place Agency personnel and the public at risk.

## 458.3 PROCEDURE

Tactics used during a foot pursuit will be the responsibility of the initiating officer, as well as the on duty supervisor.

### 458.3.1 OFFICER RESPONSIBILITIES

Officers who initiate a foot pursuit will notify Dispatch with as much information as practical given the situation, including:

(a) Officer number;

(b) Location;

(c) Direction of travel; and

(d) Description of suspect.

### 458.3.2 DISPATCH RESPONSIBILITIES

Upon hearing an officer had initiated a foot pursuit, the dispatcher will immediately:



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(a) Simulcast and alert tone on Channels 1, 2 and 3;

(b) Air the officer's unit number, the reason for the alert tone (foot pursuit), and the officer's last known location.

(c) If direction of travel is known, this information will also be aired by dispatch.

In these situations, only emergency radio traffic is acceptable until the situation is Code 4.

(a) Responding officers will keep transmissions to a minimum, for instance, airing only that they are enroute.

(b) Dispatch may need to enter the officer's enroute status in CAD.



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# Chapter 5 - Traffic Operations



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# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The goal of traffic law enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through compliance with traffic laws. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. This Agency provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

## 500.2 POLICY

Traffic law enforcement is a primary focus of the Agency's community-oriented policing philosophy and is an essential part of neighborhood policing strategies. Therefore, enforcing traffic laws is a primary responsibility for patrol officers. This Agency requires a regular and sustained focus on the enforcement of traffic laws through the issuance of verbal and written warnings and the issuance of traffic citations. All patrol officers shall take directed and random enforcement action during their patrol shifts unless such enforcement action is impracticable due to call load. Several factors should be considered when officers enforce traffic laws. Some of the factors include:

- Location;
- Time;
- Day;
- Citizen complaints;
- Frequency or violations or collisions;
- Areas of focus are identified by patrol supervisors or the Traffic Unit;
- Special events; and
- Construction zones.

## 500.3 ENFORCEMENT

Citizens in every area and patrol district of the city deserve a police officer's focus on traffic law enforcement for the safety of their neighborhoods and commuting routes. Patrol officers who do not demonstrate regular and sustained focus on the enforcement of traffic laws in their assigned patrol areas may be reassigned to another patrol area at the discretion of their supervisor. Officers who do not demonstrate their ability to accomplish this essential patrol officer function will be limited in their opportunities to participate in special assignments, special units, will receive below standard evaluations, and could be subject to discipline.



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Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Agency does not establish ticket quotas, however the number of arrests or citations issued by a patrol officer is a significant measure in evaluating overall patrol officer performance. The frequency, visibility and quality of an officer's work effort will be commensurate with the community-oriented policing philosophy of this Agency.

### 500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Circumstances that do not result in a citation or arrest require providing a business card in compliance with the law (CRS § 24-31-309(4)(a)).

### 500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

(d) The court contact information

### 500.3.3 TRAFFIC CITATION COURT JURISDICTION

An officer who issues a traffic citation shall ensure that the place specified in the summons, complaint or penalty assessment notice is a court within the county in which the offense is alleged to have been committed. (CRS § 42-4-1707(5)).

### 500.3.4 REFUSAL TO SIGN TRAFFIC CITATION

A person who refuses to sign a traffic citation for a violation which is punishable as a misdemeanor, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (CRS § 42-4-1705(1)(e)). However, if a person's identity can be determined, a summons should be issued rather than making an arrest.

### 500.3.5 PHYSICAL ARREST

An officer may physically arrest a person on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (CRS § 42-4-1705(1)):

(a) Negligent homicide.

(b) Driving under the influence of alcohol/drugs.

(c) Hit-and-run resulting in serious injury or death.

(d) Hit-and-run resulting in damage to any vehicle or property.

(e) A reasonable belief that the violator may leave the state and will not fulfill the obligations of the summons.



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## 500.4 SUSPENDED OR REVOKED DRIVER'S LICENSE

If an officer contacts a traffic violator for driving on a suspended, revoked or restricted license and the violation is not an unclassified misdemeanor, the officer may, without a warrant, arrest the violator for a misdemeanor (CRS § 42-2-138).

## 500.5 HIGH-VISIBILITY VESTS

The Agency has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 C.F.R. § 655.601).

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

### 500.5.1 REQUIRED USE

Except when working routine traffic enforcement, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures, while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

All officers shall have a high-visibility vest readily available in their Agency-issued vehicle for circumstances in which officers might be exposed to hazards in which the vest would enhance officer safety or when officers might benefit from being readily identified as an officer.



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# Traffic Accident Response and Reporting

## 502.1 PURPOSE AND SCOPE

(a) The public safety responsibilities of law enforcement include responding to traffic accidents, providing aid and assistance, documentation of the incident and identification of criminal activity. Fort Collins Police Services prepares traffic accident reports in compliance with CRS § 42-4-1606 and as a public service makes traffic accident information available to the public.

(b) A "traffic accident," as defined in the Investigative Officer's Accident Report Manual, is unintentional damage or injury caused by the movement of a motor vehicle or its load.

## 502.2 CALL RESPONSE

Officers should respond without delay when dispatched to a traffic accident. A traffic accident with injuries reported may include an emergency response if the officer reasonably believes such a response is appropriate.

### 502.2.1 RESPONSE CONSIDERATIONS

An officer responding to, and upon arrival at, a traffic accident should consider the following:

(a) The most appropriate route to the incident

(b) Proper placement of the emergency vehicle to provide protection for officers and the scene

(c) Potential for involvement of hazardous materials

(d) Providing first aid to any injured parties, if it can be done safely, including obtaining medical assistance as necessary

(e) Traffic control and protection of the scene

(f) Clearance of the roadway

## 502.3 INVESTIGATION OF TRAFFIC ACCIDENTS

(a) Fort Collins Police Services is responsible for the investigation of traffic accidents that occur within the city limits of Fort Collins.

(b) The appropriate State of Colorado Traffic Accident report forms, witness statement forms, and driver information forms will be used for all traffic accidents.

(c) All traffic accidents shall be investigated. The investigation of a traffic accident will generally involve responding to the scene, assessing physical damage to the vehicles involved, collection of evidence, and obtaining witness statements so as to reasonably conclude that the proximate cause for the accident rests with one of the drivers. As a general rule, the officer investigating the accident will issue citation(s) upon determination of probable cause



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for a violation of traffic law or other violations that become apparent during the investigation. Exceptions must be approved by a supervisor.

502.3.1 EXCEPTIONS TO TRAFFIC ACCIDENT INVESTIGATIONS
Exceptions to traffic accident investigations are:

(a) Private property traffic accidents and property damage accidents which do not involve injury, hit and run, or alcohol/drugs, or property damage accidents in which the involved parties agree to file a report with Records rather than have an officer respond to the scene.

1. Any summons issued as a result of a property damage traffic accident reported to Records in which a person is determined to be an "at fault" party and has no proof of valid insurance, shall be written into County Court.

(b) Traffic accidents in which the officer responds to the scene where the vehicles have been moved and finds that no physical evidence exists.

1. In such incidents, the officer's primary duty is the objective recording of accurate information obtained from the drivers of the involved vehicles and any witnesses.

2. Even though a traffic accident is recorded rather than being fully investigated, a summons may be issued upon determination that probable cause exists that a violation of Colorado law or City ordinance has occurred.

(c) Traffic accidents that occur during periods when the public has been advised to report such accidents in person at the Records Counter (usually during extreme weather conditions).

1. These traffic accidents will also be recorded rather than investigated unless investigation is warranted.

## 502.4 FILING OF TRAFFIC ACCIDENT INVESTIGATION REPORTS

(a) The investigating officer of every traffic accident shall complete and file the appropriate traffic accident investigation report form(s) with Police Records at the end of their tour of duty unless a supervisor authorizes otherwise per Policy 344, Report Preparation.

(b) Traffic accident reports involving fatalities, serious injuries, City vehicles, or other circumstances of interest to the public may be made available to the news media in accordance with Policy 346, News Media Relations.

## 502.5 TRAFFIC ACCIDENTS INVOLVING FORT COLLINS POLICE SERVICES VEHICLES

(a) If a traffic accident involves a Fort Collins Police Services vehicle, an on-duty supervisor shall respond to the scene and supervise the investigation. A supervisor shall issue a citation to the officer if appropriate.

(b) Photographs of the accident scene and the involved vehicles are mandatory.



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(c) Summonses issued to a Sworn employee involved in a traffic accident in a City vehicle shall be written into the appropriate Court, whether Municipal or County.

502.5.1 TRAFFIC ACCIDENTS INVOLVING OTHER CITY-OWNED VEHICLES

(a) Primary responsibility for investigating a traffic accident involving a City of Fort Collins vehicle may be assigned to either a CSO or a police officer.

(b) Photographs of the accident scene and the involved vehicles are mandatory.

(c) Summonses issued to a City employee involved in a traffic accident in a City vehicle shall be written into the appropriate Court, whether Municipal or County.

### 502.6 FATAL TRAFFIC ACCIDENTS

Fatal traffic accidents will be investigated by per Policy 503 - Collision Reconstruction and Scene Handling (CRASH) Team.

Serious injury accidents may be investigated by CRASH at the discretion of a CRASH Team supervisor.



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# Collision Reconstruction and Scene Handling Team (CRASH)

## 503.1 PURPOSE AND SCOPE

Fort Collins Police Services maintains a special team of highly trained officers to investigate and reconstruct serious injury and fatal traffic accidents.

### 503.1.1 POLICY

The Traffic Unit Supervisor upon approval by the Patrol Division Deputy Chief shall select and maintain police officers and CSO's as members of the CRASH Team for technical accident investigations and reconstructions.

## 503.2 PERSONNEL

(a) The Traffic Unit Supervisor, upon approval by the Patrol Division Deputy Chief, shall select and maintain police officers and CSO's as members of the CRASH Team for technical traffic accident investigations, crash reconstructions and traffic control.

(b) Officers interested in serving on the CRASH team must demonstrate a working knowledge of advanced traffic accident investigation techniques prior to being selected for the team or attend advanced training as soon as practical upon selection. Some members of the CRASH Team may be selected solely for the purpose of traffic control and equipment movement and maintenance. These officers will not be required to attend advanced investigative training.

## 503.3 DUTIES

(a) Collecting on-scene and off-scene evidence and data related to traffic accidents.

(b) Obtaining and recording formal statements and information from involved parties and witnesses.

(c) Conducting detailed examinations of the evidentiary elements present in traffic accidents.

(d) Reconstructing traffic accidents.

(e) Preparing formal reports to support findings for criminal prosecution.

(f) Filing criminal charges when appropriate.

(g) Providing assistance to other agencies when approved by the Chief of Police or his designate.

(h) Conducting research and collecting data for traffic accident reconstruction activities or other applications as approved by the Traffic Unit Supervisor.

(i) Provide training in crash investigations.



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### 503.4 RESPONSE

(a) CRASH Team members should be called upon to assist with those traffic accidents in which their expertise will enhance the investigation results.

(b) A request for the CRASH Team to respond to a traffic accident scene must be approved by an on-duty supervisor.

(c) Examples of accidents for which the CRASH Team should be used are as follows:

1. All traffic accidents involving a fatality or serious bodily injuries which appear likely to result in death.
2. All accidents involving trains when substantial damage is present.
3. All traffic accidents involving City vehicles where serious bodily injury or fatality may be anticipated.
4. Complex traffic accidents, e.g. multiple cars, unusual circumstances, roll-overs, etc. requiring greater technical expertise.
5. Any other accidents which, in the opinion of a field supervisor, warrant the technical expertise and assistance of the CRASH team.

### 503.5 RECALL PROCEDURE

(a) Upon receipt of supervisory approval, Dispatch shall contact the entire CRASH Team via departmentally approved paging system using assigned cell phones.

(b) Per Policy 702 - Personal Communication Devices, CRASH Team members are required to carry their cell phones and be available for contact. They must respond to contact by phone or police radio upon being called or paged.

### 503.6 FILING OF REPORTS

(a) The lead investigator shall file the appropriate Colorado Traffic Accident Report form(s) with Records at the end of their tour of duty unless a supervisor authorizes otherwise per Policy 344 - Report Preparation.

(b) The traffic accident investigation shall be completed in a timely manner and the appropriate reports filed with Records.



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# Vehicle Towing and Release Policy

## 510.1 PURPOSE AND SCOPE

This Policy provides the procedures for towing a vehicle by or at the direction of the Agency and under the authority of CRS § 42-4-1803 and § 1801 of the City of Fort Collins Traffic Code.

## 510.2 RESPONSIBILITIES

Employees towing a vehicle will obtain the approval of supervisor, except that supervisory approval is not required to tow vehicles that are damaged as a result of a traffic accident if:

(a) The vehicle, if not towed, is located in a manner that creates a traffic hazard, or

(b) The owner/operator of the vehicle consents.

### 510.2.1 MARKING ABANDONED VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Colorado laws shall be marked by Fort Collins Police Services and documented via the computer aided dispatch (CAD) system. No case number is required.

(a) A visible chalk, crayon or paint mark should be placed on the left rear tire tread at the fender level unless the vehicle is missing tires or other vehicle conditions or the weather prevents marking. Any deviation in markings shall be noted in CAD.

(b) If a marked vehicle has been moved during the 48-hour investigation period, but appears to still be abandoned, the vehicle owner should be contacted and/or the vehicle shall be marked again for the 48-hour abandonment violation and a CAD entry completed.

(c) An abandoned vehicle which is a safety hazard to citizens shall be immediately moved from traffic and/or towed.

### 510.2.2 COMPLETION OF A VEHICLE IMPOUND/STORAGE FORM

Employees requesting towing of an abandoned vehicle shall complete a vehicle impound/storage form that includes written authorization pursuant to CRS § 42-4-1803(1)(b) for the tow truck operator to possess the vehicle. A copy is to be given to the tow truck operator and the original is to be submitted to Records as soon as practicable after the vehicle is stored.

When a vehicle is towed without the knowledge of an owner/operator, the vehicle information should be entered into the CCIC Private Tow file by appropriate personnel.

### 510.2.3 REMOVAL OF A VEHICLE DISABLED IN A TRAFFIC ACCIDENT

When a vehicle has been involved in a traffic accident and must be removed from the scene, the officer shall have the driver select a towing company, if reasonably possible, and shall relay the request for the specified towing company to Fort Collins 911. The requested tow company must be able to arrive at the tow within 30 minutes of the request. When there is no preferred company requested or the company cannot arrive within 30 minutes, a company will be selected from the rotational list of towing companies in Fort Collins 911.



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If the owner is incapacitated or for any reason it is necessary for the Agency to assume responsibility for a vehicle involved in an accident, the officer shall request the dispatcher to call a company selected from the rotational list of towing companies. The officer will then secure the vehicle if possible and attempt to secure obvious items of value and store the vehicle using a vehicle impound/storage form.

510.2.4 DRIVING A NON-CITY VEHICLE

Vehicles that have been towed by or at the direction of the Agency should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with parking regulations.

510.2.5 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing by a specified towing company, the dispatcher shall promptly telephone the specified towing company. The officer shall be advised when the request has been made and the towing company has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the next firm is called.

510.2.6 RECORDS RESPONSIBILITY

Approved vehicle impound/storage forms shall be promptly filed so that they are immediately available for release or review should inquiries be made.

Records personnel should promptly enter pertinent data from a completed vehicle impound/storage form into CCIC to determine if the vehicle has been reported stolen (CRS § 42-4-1804). No later than 10 working days after a vehicle has been towed by this Agency, Records personnel shall report the towing and related information to the Department of Revenue, Motor Vehicle Division as required by CRS § 42-4-1804(1)(b).

Records personnel shall make a good faith attempt to notify the owner or lien holder of abandoned vehicles within 10 working days after receipt of a vehicle impound/storage form pursuant to (CRS § 42-4-1804(4)(a) and CRS § 42-4-1804(4)(b)). The notice shall inform the owner that he/she can request a hearing concerning the legality of the towing of the abandoned motor vehicle (CRS § 42-4-1804(4)(c)).

Records should use the notice forms available from the Department of Revenue, Motor Vehicle Division when sending required notices to the owners or lien holders of stolen or abandoned vehicles (CRS § 42-4-1804(5)).

## 510.3 TOWING SERVICES

The City of Fort Collins periodically selects one or more firms to act as official tow services and awards contracts to those firms. Those firms will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.



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(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles and the removal of vehicles obstructing traffic in violation of state or local regulations.

If more than one firm has been awarded contracts, they shall be placed on a rotation list. Nothing in this Policy shall require the Agency to tow a vehicle.

### 510.4 TOWING AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, the arrestee's vehicle may be towed whenever it is needed for additional investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be towed. For example, a vehicle shall be towed if it would present a traffic hazard or if it would be in jeopardy of theft or damage if left at the scene in a high-crime area.

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of towing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

- Traffic-related warrant arrest
- Situations where the vehicle was not used to further the offense for which the occupant was arrested or is not subject to forfeiture proceedings
- Whenever the vehicle otherwise does not need to be stored, officers may offer an arrestee the option to have the vehicle towed at their expense for safekeeping, or parked and reasonably secured in a legal place.

In such cases, the handling employee shall note in the report that the owner was informed that the Agency will not be responsible for theft or damages.

### 510.5 VEHICLE INVENTORY

Police officers may inventory a vehicle prior to towing:

- When lawful search of the vehicle is warranted
- To reasonably secure obvious items of value

### 510.6 TOWING AND STORAGE

Any vehicle in violation of Municipal Traffic Code 1801 regarding abandoned vehicles shall be towed and stored by an authorized towing service and a vehicle impound/storage form shall be completed by the officer authorizing the storage of the vehicle.

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, an officer should make reasonable accommodations to permit



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a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cellular telephone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage personnel conducting the search shall take such steps as are reasonably necessary to secure and preserve the vehicle or property.



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# Impaired Driving

## 514.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 514.2 POLICY

The Fort Collins Police Services is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of Colorado's impaired driving laws.

## 514.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

## 514.4 FIELD TESTS

The Traffic Sergeant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

## 514.5 CHEMICAL TESTS

A person is deemed to have consented to a chemical test or tests under any of the following (CRS § 42-4-1301.1):

(a) The officer has probable cause to believe that the person was driving a motor vehicle in violation of CRS § 42-4-1301 (DUI, DUI per se, DWAI, habitual user or UDD).

(b) The person is dead or unconscious (CRS § 42-4-1301.1(8)).

### 514.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee as provided for by law. Generally, a person may request either a test of his/her blood or breath for determining alcohol content (CRS § 42-4-1301.1(2)(a)(I)). However, officers may choose to only offer a blood test if they suspect the driver is under the influence of drugs or a combination of alcohol and drugs.

For purpose of determining drug content within a person's system officers may select the most appropriate and viable test of the of the person's blood or urine. The arrestee is required to take and complete the selected test or tests. (CRS § 42-4-1301.1(2)(b)(I)).

### 514.5.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.



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Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

#### 514.5.3 BLOOD SAMPLES

Only persons authorized by law to withdraw blood shall collect blood samples (CRS § 42-4-1301.1(6)(a)). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test shall not be treated as a refusal. However, the person may be required to complete another available and viable test.

#### 514.5.4 URINE SAMPLES

If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by [an officer/a deputy] or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen.

The collection kit shall be marked with the person's name, offense, Fort Collins Police Services case number and the name of the witnessing officer. The collection kit should be refrigerated pending transportation for testing.

### 514.6 REFUSALS

When a person refuses to provide a chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (CRS § 42-4-1301.1).

(b) Audio-record the admonishment and the response when it is practicable.

(c) Document the refusal in the appropriate report.

#### 514.6.1 STATUTORY NOTIFICATIONS

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of revocation upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person and issue the person a seven day temporary permit unless the person already possesses one (CRS § 42-2-126(5)).



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### 514.6.2 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained.

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's blood stream. Exigency can be established by the existence of special facts such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

(c) Exigent circumstances exist and the officer has probable cause to believe the person committed any of the following offenses (CRS § 42-4-1301.1(3)):

1. Criminally negligent homicide
2. Vehicular assault
3. Vehicular homicide
4. Aggravated Vehicular Unlawful Termination of a Pregnancy

### 514.6.3 FORCED BLOOD SAMPLE

If a person indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.

(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure that the withdrawal is taken in a medically approved manner.

(e) Supervise any use of force and ensure the forced withdrawal is recorded on audio and/or video when practicable.

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.



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(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances.

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods as determined appropriate by medical staff.
2. Officers may physically restrain a person for the purpose of obtaining a sample only in cases of criminally negligent homicide, vehicular homicide, or vehicular assault (CRS § 42-4-1301.1).

(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

## 514.7 ARREST AND INVESTIGATION

### 514.7.1 PRELIMINARY TESTING

An officer may request that a person provide a breath sample for a preliminary screening test when the officer (CRS § 42-4-1301(6)(i)(I)):

(a) Has reason to believe the person was driving a motor vehicle while under the influence or impaired by alcohol and,

(b) Has advised the person that he/she may refuse or agree to provide the preliminary breath sample.

If the person is under the age of 21, the officer may conduct a preliminary screening test, without the person’s consent, if there is a reasonable belief the person has consumed alcohol (CRS § 42-4-1301(6)(i)(I)).

An officer may use the results of the preliminary test in determining whether probable cause exists to believe the person was DUI and whether to administer additional testing (CRS § 42-4-1301(6)(i)(II)).

### 514.7.2 COLLECTING SAMPLES

Arrestee samples shall be collected and processed in accordance with standards set by the Department of Public Health and Environment (5 CCR 1005-2).

### 514.7.3 TIME TO COLLECT SAMPLE

If an officer requests that a person submit to a blood or breath test to determine the alcohol content of the person's blood or breath, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1(2)(a)(III)).

If officer requests that a person submit to a blood or urine test to determine the drug content within the person's system, the person must cooperate with the request such that the sample can be obtained within two hours of the person's driving (CRS § 42-4-1301.1(2)(b)(II)).



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### 514.7.4 NOTICE TO COMMERCIAL MOTOR VEHICLE DRIVER

Officers investigating a driver of a commercial motor vehicle license for DUI shall advise the person that a refusal to submit to a chemical test shall result in an out-of-service order for a period of 24 hours and a revocation of the privilege to operate a commercial motor vehicle for one year (CRS § 42-4-1301.1(4)).

### 514.7.5 OFFICER RESPONSIBILITIES

An officer believing that a person should be subject to license revocation as a result of driving under the influence shall forward the following to the Division of Motor Vehicles (DMV) on the forms prescribed by the DMV (CRS § 42-2-126(5)):

(a) A copy of the completed notice of revocation form.

(b) A copy of any completed temporary permit.

(c) The person's driver's license.

(d) An affidavit, signed, dated and sworn to by the officer containing information relevant to the legal issues and facts to be considered by the DMV for revoking the person's license.

### 514.7.6 EXTRAORDINARY CIRCUMSTANCES

If an officer requests a person to submit to a chemical test and subsequently determines that there are extraordinary circumstances that prevent the completion of the test elected by the person within the two-hour time period, the officer shall inform the person of such circumstances and request and direct the person to take and complete the other test. The person shall then be required to take and complete, and to cooperate in the completing of, the other test (CRS § 42-4-1301.1(2)(a.5)(I)). Extraordinary circumstances include, but are not limited to, weather related delays, high call volume affecting medical personnel , malfunctioning breath test equipment and other circumstances that preclude the timely collection of a sample (CRS § 42-4-1301.1(a.5)(IV)(B)).

### 514.7.7 UNCONSCIOUS OR DECEASED PERSONS

If an officer believes a person to be DUI and the person cannot submit to a chemical test because the person is unconscious, hospitalized or undergoing medical treatment, the officer may:

(a) Order the test of any blood or urine that was obtained and not utilized by the health care provider.

(b) Have access to medical tests administered by the health care provider that show test results of the alcohol or drug content in the person's system. The provisions of section 13-90-107 relating to physician privileged communications do not apply to such test results (CRS § 42-4-1301.1(8).

In addition, the blood or urine sample of any deceased driver or pedestrian at least 15 years of age shall be tested for alcohol, drug and carbon monoxide concentration following the procedures established by the Department of Public Health and Environment (CRS § 42-4-1301.1(8); CRS § 42-4-1304(1); CRS § 42-4-1304(6)).



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514.7.8 MEDICAL MARIJUANA REGISTRY IDENTIFICATION CARD
The driver's possession of a valid medical marijuana registry identification card **shall not**, in the absence of other contributing factors, constitute probable cause for a peace officer to require the driver to submit to an analysis of his or her blood (CRS § 42-4-1301 (k)).

## 514.8 RECORDS RESPONSIBILITIES

The Records Manager will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

## 514.9 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Division of Motor Vehicles (DMV).

Officers called to testify at an administrative hearing should document the hearing date and the DMV file number in a supplemental report if errors occur, additional evidence or witnesses are identified. Specific details of the hearing generally should not be included in a report unless errors, additional evidence or witnesses are identified. The Records Unit should forward this to the prosecuting attorney as part of the case file.

## 514.10 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.



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# Traffic Citations

## 516.1 PURPOSE AND SCOPE

This Policy outlines the responsibility for issuing traffic citations, the collection of data, and the procedure for dismissal, correction and voiding of traffic citations.

## 516.2 RESPONSIBILITIES

Employees shall use an approved traffic citation form when issuing traffic offense citations.

The traffic Sergeant shall be responsible for the development and design of all Agency traffic citations in compliance with state law (CRS § 42-4-1707). The finalized form shall be approved by the Patrol Deputy Chief prior to use.

The administrative assistant for the Patrol Division shall be responsible for ensuring an adequate supply of traffic citation forms is on hand for use by employees of this Agency. The supply of traffic citation forms shall be kept in a secure location.

## 516.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Agency do not have the authority to dismiss a traffic citation once it has been issued. Only the court has the authority to dismiss an issued traffic citation. Any request from a recipient to dismiss a traffic citation shall be referred to the supervisor of the officer that initially issued the traffic citation. Upon a review of the circumstances involving the issuance of the traffic citation, the issuing officer's supervisor may recommend dismissal of the traffic citation. If this occurs, the traffic citation will be forwarded to the appropriate prosecutor with a request for dismissal. If the supervisor decides that the request for dismissal should be denied, the recipient shall be referred to the traffic citation for the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the officer may request that the court dismiss the citation; provided, however, that if there is a prosecutor involved in the prosecution of the traffic citation, the prosecutor should be consulted before making any requests of the court.

## 516.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed but not issued. All copies of the traffic citation shall be destroyed so that personal information written on the traffic citation cannot be recovered by unauthorized personnel.

## 516.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the traffic citation shall be responsible for making the corrections. The issuing officer must make corrections on all copies of the traffic citation that has been issued, including the recipient's. If this is not possible, the officer shall:



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(a) Contact the prosecutor of the appropriate court and request that the traffic citation be dismissed without prejudice;

(b) Notify Records and provide them with the citation number of the cancelled citation; and

(c) Notify the recipient and make arrangements to re-issue the citation.

### 516.6 JUVENILE CITATIONS

If an officer issues a minor a citation for a penalty assessment or summons into County Court for a traffic violation, the officer must also complete the Colorado Department of Revenue Division of Motor Vehicles form DR 2334 (CRS 42-4-1707(1)(b)). A copy of the form must be given to the minor with their citation. Additional copies will go to the court and to Records .



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# Disabled Vehicles

## 520.1 PURPOSE AND SCOPE

The Fort Collins Police Services has adopted this Policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

## 520.2 OFFICER RESPONSIBILITIES

When an officer observes a disabled vehicle, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, Dispatch should be advised of the location of the disabled vehicle and the need for assistance. Dispatch should then assign another available officer or Community Service Officer to respond as soon as practicable.

## 520.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After assistance is rendered or arrangements for assistance are made, continued involvement by Agency personnel will be contingent on the time of day, location, availability of Agency resources and the vulnerability of the disabled motorist.

### 520.3.1 MECHANICAL REPAIRS

Agency personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or to remove vehicles that are obstructing traffic pursuant to CRS § 42-4-1803(2) is not considered a mechanical repair.

### 520.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by employees by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.



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# Chapter 6 - Investigation Operations



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# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

When assigned to a case for initial or follow-up investigation, officers shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing criminal charges.

## 600.2 INITIAL INVESTIGATIONS

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination if a crime has been committed by completing, at a minimum:

1. An initial statement from any witnesses or complainants.
2. An examination for possible evidence.

(b) If information indicates a crime has occurred, the officer shall:

1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
2. Determine if additional investigative resources (e.g., On-call Detective or crime scene processing) are necessary and request assistance as needed.
3. If assistance is warranted, or if the incident is not routine, notify a supervisor or.
4. Interview victims, informants, complainants, witnesses and suspects if such interviews will not jeopardize the investigation.
5. Identify, preserve and where appropriate collect any evidence.
6. Take any appropriate law enforcement action.
7. Complete and submit the appropriate reports and documentation.
8. Communicate to the victim(s) the status of the case and who will be responsible for the follow-up investigation. When appropriate, this information should be included in the case report.
9. Communicate to the victim(s) appropriate referrals including, but not limited to, Investigations, Victim Services, Department of Human Services, etc.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available and advise the informant or complainant of this information.

A civilian employee, who is not an officer or Community Service Officer, assigned to any preliminary investigation, is responsible for all investigative steps limited to the scope of their



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duties. Should an initial investigation indicate additional steps are required, to include any attempt to contact or interview a suspect, the assistance of an officer shall be requested.

### 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

(a) Whenever reasonably possible, a custodial interrogation of a person who is suspected of having committed any violent felony offense shall be electronically recorded (audio/video or both as available) in its entirety.

(b) Officers should also electronically record any other custodial interrogation when possible.

(c) Investigative interviews for any other offense, when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law, should be electronically recorded.

(d) No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and an Investigations Division supervisor. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

(e) Officers shall include summaries of custodial questioning and investigative interviews in their case reports and obtain written statements from suspects when applicable.

### 600.4 PERSONS WITH COMMUNICATION DISABILITIES

Upon the arrest of a person with a communication disability and before interrogation or the taking of his/her statement, the officer, should make an interpreter available to that person at public expense or in accordance with any applicable law.

### 600.5 FOLLOW-UP INVESTIGATIONS

Officers responding to calls for service are expected to thoroughly investigate their cases and complete follow-up investigations, where possible. SOP 315 lists specific case classifications that will be referred to the Criminal Investigations Division (CID) following the initial Patrol investigation. CID Detectives will review those cases and complete any follow-up investigative steps that are needed. Cases being referred to CID require supervisory approval and will utilize the CID Hotline email system. At minimum, the referral should include:

(a) Referring officer's name

(b) Case Number

(c) Type of Crime

(d) Information on what occurred

(e) Information on what the officer has already completed

(f) Information about why the case is being referred, and



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(g) Investigative steps that need to be completed

An Investigations' supervisor shall evaluate each case referral. Based upon caseload and case assignment the supervisor will assign the case to the appropriate detective. A notation in case management should be made to show the date of assignment. The detective assigned to the follow-up investigation should contact the victim to let them know the case has been re-assigned. If the case referral is not accepted by the Investigations' supervisor, he/she shall notify the officer and the officer's supervisor by email explaining the reasons for the decision and refer the case back to the original officer.

## 600.6 MODIFICATION OF CHARGES FILED

Employees should consult with a supervisor prior to recommending to the District Attorney, City Attorney or to any other official of the court that charges on a pending case be altered or the case dismissed. Engaging in discussions initiated by the prosecutor representing the District Attorney or City Attorney is not restricted. In all cases resulting in court prosecution, any intent by a member of the Agency to modify the charges filed or to recommend dismissal of charges in a pending case shall be discussed with a Deputy Chief or the Chief of Police or the authorized designee prior to taking action.

## 600.7 TRAINING

Officers should receive training in conducting preliminary investigations prior to assignment to any investigative duties. Officers assigned to investigative follow-up or advanced investigations, or upon assignment to the Criminal Investigations Division, should have completed training in follow-up investigations.



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# Sex Crime Victim's Rights

## 602.1 PURPOSE AND SCOPE

This Policy establishes a procedure by which sex crime victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by the Constitution of the State of Colorado and the Colorado's Victim Rights Act (CRS 24-4.1-301, et seq.).

## 602.2 INVESTIGATION CONSIDERATIONS

### 602.2.1 VICTIM CONFIDENTIALITY

(a) Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim private. The name of any juvenile victim of a sex crime shall not be disseminated or published (CRS § 19-1-102(1.7)).

(b) The Agency shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct pursuant to CRS § 24-72-304. The notation "SEXUAL ASSAULT" shall be made on Agency official records involving a victim of a sex crime.

### 602.2.2 OFFICER RESPONSIBILITIES

Officers investigating or receiving a report of an alleged sex crime shall:

(a) Provide each victim a Victim's Advocate from the Victim's Services Unit.

(b) Inform each victim of the following services CRS § 24-4.1-303(9)):

1. Follow-up support for the victim and immediate family to ensure that necessary assistance is received.
2. Services for child and elderly victims, including special services for those with disabilities.
3. Referral to counseling facilities and community service agencies, including the names and telephone numbers, for crisis intervention, victim compensation, victim assistance, legal resources, mental health services, social services, medical resources, rehabilitative services, financial assistance and other support services.
4. Transportation and household assistance to promote participation in criminal proceedings.
5. Assistance in dealing with creditors and credit reporting agencies caused by the commission of a crime.
6. Interpretation services and information printed in languages other than English.



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7. Child care services to enable testimony or otherwise foster cooperation in criminal proceedings.

(c) After the initial contact, the officer shall provide (CRS § 24-4.1-303(10)(a)):

1. A statement of the victims' rights.
2. Information concerning the availability of victim assistance, medical and emergency services.
3. Information concerning the availability of compensatory benefits and the name, address and telephone number of a contact person.
4. The availability of protection from the person accused of committing a crime, including protective court orders.
5. The availability of public records related to the case.

(d) As soon as available and when appropriate, provide (CRS § 24-4.1-303(10)(b)):

1. The business address and telephone number of the District Attorney.
2. The file number of the case and the name, business address and telephone number of any officer assigned to investigate the case.
3. Information regarding a suspect being taken into custody or released, unless such information would interfere with the investigation.
4. In a cold case, provide the victim information concerning any change in the status of the case and, upon a written request from the victim, provide an update at least annually concerning the status of a cold case when the criminal statute of limitations is longer than three years.
5. Inform the victim of any final decision not to file charges unless this Agency and the District Attorney's office have developed a separate policy specifying the manner of informing victims of decisions not to file charges.

### 602.3 FORENSIC MEDICAL EXAMINATION FOR SEX CRIME VICTIMS

Officers investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim, request a forensic medical examination of the victim. No Fort Collins Police Services employee shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination (CRS § 18-3-407.5)(3)(a)).

If a sexual assault is not reported within 96 hours of the offense, the Agency may still request a medical examination of the victim, provided consent is given by the victim or a person authorized to act on behalf of the victim.

The Fort Collins Police Services shall be responsible for direct costs associated with the collection of forensic evidence from a sex crime victim (CRS § 18-3-407.5(1)).



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602.3.1 SANE KIT PROCESSING

The SANE kit obtained as a result of the forensic medical examination will be handled in accordance with SOP 318. In general, unless the case is determined to be a false report, the SANE kit will be sent for analysis so any suspect DNA may be entered by CBI into the CODIS system.

## 602.4 TRUTH VERIFICATION EXAMINATION FOR SEX CRIME VICTIMS

Employees of the Fort Collins Police Services shall not ask or require a victim of a sex crime to submit to a truth verification examination as a condition for proceeding with a criminal investigation.

A truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed orally with information about the potential use of the result of the examination (CRS § 18-3-407.5(2)).



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# Asset Forfeiture

## 606.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 606.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for tracking and managing seized monetary assets and the proceeds realized from any forfeiture proceedings. This includes any time Fort Collins Police Services (FCPS) seizes property for forfeiture or when FCPS is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Asset Forfeiture Specialist** - The supervisor assigned to the Northern Colorado Drug Task Force (NCDTF) authorized by the Chief of Police who is responsible for reviewing all forfeiture cases, ensuring that seized assets are secured and maintained, and for acting as the liaison between FCPS and the assigned attorney.

**Property subject to forfeiture** - Property may generally be subject to forfeiture under the Public Nuisance Act and the Contraband Forfeiture Act when (CRS § 16-13-303; CRS § 16-13-307; CRS § 16-13-501 through 511:

(a) There has been a conviction or a negotiated plea of a specified offense (see statutes), or the owner fled from an arrest warrant charging one of those offenses.

(b) Possession of the property was unlawful or the owner of the property was a party to the offense that led to the property's use, purchase, etc.

(c) The property was instrumental in the commission or facilitation of a specified crime, or the property constitutes traceable proceeds of the crime or related criminal activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

## 606.2 POLICY

FCPS recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of FCPS that all employees, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.



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## 606.3 ASSET SEIZURE

Property, cash, or other assets may be seized for forfeiture as provided in this policy.

### 606.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor Fiscal Agent and in coordination with the Asset Forfeiture Specialist.

(a) Real property pursuant to a court order (CRS § 16-13-302).

(b) Non-real property when there is probable cause to believe that it will qualify as property subject to forfeiture and the seizure is incident to a lawful search (CRS § 16-13-315; CRS § 16-13-504).

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

### 606.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the district attorney's current minimum forfeiture thresholds should not be seized.

(b) The owner of the property is an "innocent owner" and did not have knowledge of the illegal conduct prompting the seizure (CRS § 16-13-303; CRS § 16-13-504).

(c) Rental vehicles, unless the seizing agency has probable cause to believe the motor vehicle rental company, at the time of rental, had knowledge or notice of the criminal activity for which the rental car was used (CRS § 16-13-315; CRS § 16-13-504).

## 606.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable forms such as search warrant returns/property receipts/tow receipts and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report within 24 hours of the seizure, if practicable.

(c) Notify the Asset Forfeiture Specialist within two days of seizure and forward copies of case paperwork.

The officer will conduct checks to determine if the property/items are listed as stolen and will then book seized property as evidence with a notation on the property sheet, "Seized Subject to Forfeiture." That detail must also be listed in the narrative portion of the officer's report.



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Photographs should be taken of items seized, particularly cash, jewelry and other valuable items. Entry into the Records Management System will be general in nature. For example, jewelry may be described as, “a white square-cut stone in a gold-colored ring.”

The submitting officer must make arrangements with Property/Evidence to count any cash, create an image in PDF format, and scan to SIRE for future reference and use in court.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the Asset Forfeiture Specialist.

### 606.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Unit supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is secured and properly stored to prevent waste and preserve its condition to the extent reasonably possible and as required by law.

(b) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(c) Property received for forfeiture is not used unless the forfeiture action has been completed.

(d) All money which has evidentiary value will be maintained in the evidence vault area for processing. When the case is closed and the item is no longer required as physical evidence, it will be either returned to the owner or processed through FCPS’ Fiscal Agent as appropriate.

### 606.6 ASSET FORFEITURE SPECIALIST

The NCDTF commander will authorize a NCDTF sergeant as the Asset Forfeiture Specialist. Prior to assuming duties or as soon as practicable thereafter, the Asset Forfeiture Specialist should attend a course approved by the NCDTF Commander on asset forfeiture.

The responsibilities of the Asset Forfeiture Specialist include:

(a) Remaining familiar with forfeiture laws, particularly CRS § 16-13-501 et seq. and CRS § 16-13-301 et seq., in addition to the forfeiture policies of the district attorney.

(b) Serving as the liaison between the managing agencies of the NCDTF and the district attorney and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately/legally made under state or federal seizure laws. The Asset Forfeiture Specialist should contact federal authorities when appropriate.



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(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of reports for seizures and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, or Departmental Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(g) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return (CRS § 16-13-501.5; CRS § 16-13-302).
5. All changes to forfeiture status are forwarded to any officer who initiates a forfeiture case.
6. Any cash received is deposited according to practices approved by the Fiscal Agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. Managers of this policy are informed about changes in federal and state statues and case law that impact any are of this policy.

(h) Ensuring that a plan exists to address any extended absence of the Asset Forfeiture Specialist thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(i) Selling or destroying forfeited property as ordered by a court (CRS § 16-13-506; CRS § 16-13-507; CRS § 16-13-311).

(j) Ensuring the deposit of forfeited money in the court registry where the forfeiture order was entered, and overseeing the sale to ensure that the proceeds are distributed as set forth in CRS § 16-13-311.

(k) Applying to the court for expenses reimbursement consistent with CRS § 16-13-311 when applicable, and sending copies of the documents to the district attorney.

(l) Unless directed by an authorized agent of the federal government, ensuring that no seized property is transferred to a federal agency for forfeiture under federal law unless an owner of the property is being prosecuted in federal court (CRS § 16-13-505; CRS § 16-13-307).

(m) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property (CRS § 16-13-501.5; CRS § 16-13-302).



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(n) Upon completion of any forfeiture process, ensuring that no property is retained by the FCPS unless the NCDTF commander or a Deputy Chief authorizes in writing the retention of the property for official use.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial policy and procedure.

### 606.7 DISPOSITION OF FORFEITED PROPERTY

No forfeited property or forfeited proceeds that have been disbursed to the agency shall be use or expended until the Seizure Review Committee approves (CRS § 16-13-702). Employees are prohibited from purchasing forfeited property (CRS § 16-13-501.5; CRS § 16-13-302).

No employee of FCPS may use property that has been seized for forfeiture until the forfeiture action has been completed and written authorization is received to retain the property for official use.



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# Criminal Intelligence Reports

## 607.1 PURPOSE AND SCOPE

It is the purpose of this policy to guide FCPS “authorized user’s” access to the NCDTF criminal intelligence system and to implement guidelines for the collection, evaluation, maintenance, dissemination, review, and disposition of criminal intelligence, in conformance with the privacy interest and Constitutional rights of individuals, groups, associations, or other legal entities.

## 607.2 APPLICABILITY

“Authorized Users” in this section means any FCPS personnel who have:

(a) Satisfied training criteria established by the NCDTF Commander, and

(b) At the sole discretion of the Commander, have been granted access to the criminal intelligence system.

The policies and procedures contained in this section are in compliance with all guidelines enumerated in 28 Code of Federal Regulations, Part 23 (28 CFR, part 23) Criminal Intelligence System Policies.

Systems that are specifically excluded from the requirements of this section and 28 Code of Federal Regulations, Part 23 are:

(a) Criminal history files

(b) Contact card systems

(c) Mug shot systems

(d) Offense and accident report systems

(e) Criminal investigatory case files

## 607.3 DEFINITIONS

***Criminal Intelligence*** means:

Data regarding individuals and organizations associated with criminal activity that has been processed – collected, evaluated, collated, and analyzed – and used in connection with and in furtherance of law enforcement investigative purposes. Criminal intelligence involves data collected from both overt (information available to the general public) and covert sources. It may include general threat information not necessarily directed at a specific arrest or prosecution. Criminal intelligence data also includes information collected through undercover operations and through photographic, electronic, or other media. Criminal intelligence includes information that relates to an individual, organization, business, or group reasonably suspected of being involved in the actual or attempted planning, organizing, financing, or committing of one or more of the following criminal acts:

(a) Narcotics trafficking/manufacturing;



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(b) Unlawful gambling;

(c) Loan sharking;

(d) Extortion;

(e) Vice and illegal pornography;

(f) Infiltration of legitimate business for illegitimate purposes;

(g) Stolen securities;

(h) Bribery;

(i) Major crimes, including, but not limited to, homicide, sexual assault, burglary, auto theft, kidnapping, destruction of property, robbery, fraud, fencing of stolen property, and arson;

(j) Manufacturing, use or possession of explosive devices for illegal purposes;

(k) Threats of violence, or acts of violence against or in connection with, persons, or property;

(l) Rioting/Inciting to riot, as defined in Colorado C.R.S.;

(m) Computer crimes;

(n) Counterfeiting;

(o) Identity theft;

(p) International and/or domestic terrorism, which, for purposes of this section, shall be defined as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives; or

(q) Any other criminal offense not listed above which is not directly related to purely expressive behavior.

*Criminal Intelligence Files* means compiled information involving the identification, behavior, activity, and associations of:

(a) Individuals who:

1. Are reasonably suspected of being involved in planning, organizing, financing, or commission of criminal activity, as set forth in VIII.B.3.a.1 above, or

2. Are reasonably suspected of being involved in criminal activities with known or suspected criminal organizations.

(b) Organizations, businesses, and groups that:

1. Are reasonably suspected of being involved in planning, organizing, financing, or commission of criminal activity, as set forth in paragraph VIII.B.3.a.1 above, or

2. Are reasonably suspected of being illegally operated, controlled, financed, or infiltrated by known or suspected criminal organizations, or

3. Use illegal activities and/or enterprises as a principal means to obtain resources, support for their existence, or further their organization goals.



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*Criminal Intelligence Officer (CIO)* means a sworn FCPS member of the NCDTF designated by the NCDTF Commander to oversee the day-to-day operation of the criminal intelligence system which includes, but is not limited to: the support, maintenance, review, purge, audit, analysis, and dissemination of its information.

*Criminal Organization* means a group of individuals associated together in fact for a common purpose of engaging in a course of criminal conduct or activity as set forth in paragraph VIII.B.3.a.1.

*Non-Criminal Identifying Information (NCII)* means:

The names of individuals, organizations, groups, or businesses that are not suspected of criminal involvement, but whose identification is relevant to a criminal investigation. Examples of (NCII) would be:

(a) An individual is arrested for distributing narcotics while driving a car that is registered to his mother (who is not suspected of involvement in narcotic activity). The name of the individual may be entered in to the criminal intelligence database. The mother can only be entered as NCII.

(b) Surveillance on a criminal suspect shows the individual entering a place of business that is not suspected of criminal activity of the suspect. The business can only be entered as NCII relevant to the criminal suspect and must be clearly labeled such.

*Purge* means the complete destruction of a physical file and the permanent deletion from any computer files, systems, or databases.

*Reasonable suspicion of criminal activity* means the presence of sufficient facts that provide a trained law enforcement officer or criminal investigative agency, officer, investigator, or employee a basis to believe that there is a reasonable possibility that an individual or organization is involved in definable criminal activity or enterprise as set forth in paragraph VIII.B.3.a.1 above.

The CIO is responsible for establishing the existence of reasonable suspicion of criminal activity through the examination of supporting information submitted, which is subject to routine inspection and audit procedures established by the NCDTF. In determining whether “reasonable suspicion” is present, FCPS authorized users may consider, within the totality of circumstances, the fact that the individual or organization has been involved in serious criminal activity or conduct in the past. Past criminal activity, without additional facts, is not sufficient.

## 607.4 POLICY

(a) The collection, retention, dissemination, and disposition of criminal intelligence are essential functions of law enforcement. All FCPS authorized users shall adhere to guidelines established in this section to ensure the security, confidentiality, and proper maintenance and dissemination of criminal intelligence. Criminal intelligence information will not be collected or retained except as specified in this section.

(b) This policy is based on the careful review and consideration of:

1. The guidelines identified in Title 28 Code of Federal Regulations, Part 23 – Criminal Intelligence Systems Operating Policies, with policy clarifications provided by the



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Department of Justice – Bureau of Justice Assistance, Office of Justice Programs, Office of General Counsel.

2. California Attorney General's Criminal Intelligence Files Guidelines; also known as the Law Enforcement Intelligence Unit Guidelines.

3. Other law enforcement agencies' intelligence unit best practices.

(c) Criminal intelligence information will be collected, maintained, stored, reviewed, disseminated, and purged in accordance with the requirements of 28 CFR, part 23 and applicable federal, state, and local laws. Criminal intelligence information collected in violation of any federal, state, or local law will NOT be accepted into the Criminal Intelligence System, and if found, will immediately be purged.

(d) The Criminal Intelligence System is physically and operationally separate and distinct from all other automated data systems and record systems of FCPS.

## 607.5 GOALS

(a) Provide liaison, coordination, and resource assistance in the collection, storage, exchange, dissemination, and analysis of criminal intelligence information in on-going investigations, prosecution of serious criminal activity, or to prevent crime.

(b) Provide criminal intelligence information to law enforcement and criminal justice agency personnel, who have the need and right to know, regarding individuals, vehicles, addresses, activity and, organizations involved with criminal activity or criminal enterprises.

(c) Provide analysis of organized crime and criminal enterprises including identification and/or projection of major changes in crime trends primarily for the Larimer County area.

## 607.6 PROCEDURES FOR MANAGING CRIMINAL INTELLIGENCE FILES

(a) Supervision of data entry:

1. All criminal intelligence data shall be reviewed by the CIO upon entry into the criminal intelligence system. The CIO shall determine that the criminal intelligence data conforms to these policies and was not obtained in violation of any applicable Federal, State, local law or ordinance, City of Fort Collins policy or the policies and procedures of FCPS or the NCDTF.

2. At a minimum, the FCPS sergeant assigned to the NCDTF will review all new criminal intelligence entries each week to provide compliance oversight.

(b) Information submission criteria:

1. FCPS shall only collect or maintain criminal intelligence information that is relevant to criminal activity or conduct. The existence of reasonable suspicion is based on specific, articulable facts that must be documented in the criminal intelligence file. If the reasonable suspicion is based, in whole or in part, on information obtained through electronic, video, or audio means, that fact and the existence of such information shall be noted in the criminal intelligence file.

2. FCPS does not collect or maintain information about political, religious, social views, associations or activities of any individual or any group association, corporation,



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business, partnership, or other organization, unless such information directly relates to criminal activity or conduct and there is reasonable suspicion that the subject of the information is or may be involved in that criminal activity or conduct.

3. Non-Criminal Identifying Information (NCII) – Under the following circumstances, the names of individuals, organizations, groups or businesses that are not suspected of criminal involvement, but that provide relevant descriptive, identifying information regarding the criminal suspect and criminal conduct, may be entered as NCII. A NCII label indicates that the individual or organization has been entered into the criminal intelligence system for identification purposes only, but is not suspected of any criminal activity or involvement. This label will act as a disclaimer of criminal association and is used to meet reasonable suspicion requirements to create a file or record for that individual or organization.

(c) Excluded Material: Only lawfully collected information based on reasonable suspicion of criminal activity that meets the FCPS criteria for file input will be submitted in the criminal intelligence file. Information that is specifically excluded from the criminal intelligence files include:

1. Information on an individual or group only on the basis that such individual or group support unpopular causes.
2. Information on an individual or group only on the basis of race, gender, age, or ethnic background.
3. Information on an individual or group only on the basis of religious or political affiliation, or beliefs.
4. Information on an individual or group only on the basis of personal habits and/or predilections that do not break any criminal law or threaten the safety of others.
5. Information on an individual or group only on the basis of involvement in expressive activity that takes the form of non-violent civil disobedience and such activity is not a felony.

(d) File Criteria: All information retained in the criminal intelligence file will meet the criteria prescribed by the NCDTF. There are two types of intelligence records-Semipermanent and Temporary files.

1. Semipermanent Criminal Intelligence Files. Criminal intelligence information may be retained in the semipermanent criminal intelligence files for up to five (5) years. At that time, criminal intelligence information will be completely purged from the criminal intelligence system, unless new criminal intelligence has been developed establishing reasonable suspicion that the individual, and/or organization continues to be involved in a definable criminal activity or enterprise. When updated criminal intelligence is added to the semipermanent criminal intelligence file on a suspect individual or organization already listed in the database, such entries reset the five year standard for retention of that file. Semipermanent criminal intelligence files are periodically reviewed for compliance with this policy.
2. Temporary Intelligence Files. Criminal intelligence may also be entered as a temporary criminal intelligence file, when there is reasonable suspicion of criminal activity, but the finding is based, in part, upon “unreliable” or “unknown” sources, or



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where the content validity of the information is “doubtful” or “cannot be judged” or where the identity of the suspect individual or organization cannot be fully identified by at least one unique identifier, such as, full name and date of birth, social security number, FBI , SID, or driver license number. All temporary criminal intelligence files shall be specifically designated as such. Temporary files are retained for one year. At that time, they are reviewed to determine whether to purge or convert to semipermanent criminal intelligence files.

(e) Information Classification: Information retained in the criminal intelligence system is labeled for source reliability and content validity prior to entry or submission. Information that has not been evaluated, where the source reliability is poor or the content validity is doubtful, shall not be disseminated. The classification of criminal intelligence information is subject to re-evaluation based on the passage of time, the conclusion of investigations, and other factors that may affect the security classification or dissemination criteria assigned to a particular document.

(f) Information in the criminal intelligence files is reviewed by the CIO on an on-going basis to determine the appropriate security level of a document and to ensure that information is released only when, and if, appropriate.

(g) Source Reliability: The reliability of a source is an index of the consistency of the information the source provided. The source shall be evaluated according to the following:

1. CONFIRMED – the information has been corroborated by an investigator or another reliable independent source.
2. PROBABLE – The information is consistent with past accounts.
3. DOUBTFUL – The information is inconsistent with past accounts.
4. CANNOT BE JUDGED – The information cannot be judged. Its authenticity has not yet been determined by either experience or investigation.

(h) Content Validity:

1. CONFIRMED: The information has been corroborated through investigation or other independent, reliable source.
2. PROBABLE: The information is consistent with prior accounts or likely to be true based on the FCPS member’s experience and knowledge.
3. DOUBTFUL: The information is inconsistent with prior accounts or unlikely to be true based on the FCPS member’s experience and knowledge.
4. CANNOT BE JUDGED: The information’s authenticity has not been determined by either experience or investigation.

(i) Sensitivity: The sensitivity of the information shall be classified according to the following standards:

1. SENSITIVE – Information, including, but not limited to, active police investigations, informant identification information, corruption, and those reports which require strict dissemination and release criteria.



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2. RESTRICTED - Information obtained through criminal intelligence channels that is not classified as sensitive and is for law enforcement use only. Restricted information may include previously sensitive information for which the need for a high level of security no longer exists.

3. UNCLASSIFIED – Information that is public in nature. This includes arrest and criminal record information and other information contained in records of official action.

(j) The NCDTF Commander is the official custodian of the criminal intelligence information. Non-law enforcement agency inquiries and subpoenas seeking criminal intelligence information should be directed to him/her and the CIO.

## 607.7 INFORMATION DISSEMINATION

(a) FCPS personnel shall disseminate criminal intelligence, only if the person or agency has a need to know and a right to know the information in the performance of law enforcement duties as defined below.

1. Except as noted in paragraph (2) of this section, FCPS authorized users may disseminate criminal intelligence information only to sworn law enforcement personnel who agree to follow procedures regarding information receipt, maintenance, security, and dissemination that are consistent with this policy.

2. Paragraph (1) of this section shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary to avoid imminent danger to life or property.

(b) The NCDTF shall maintain criminal intelligence information under its policy manual in a manner that protects against unauthorized access and against intentional or unintentional damage. Criminal intelligence may be shared with other law enforcement agency personnel only with the express verbal approval of a NCDTF supervisor or the Commander. The release of any information shall be based on a need to know and a right to know basis.

1. The facts establishing the requestors need to know and right to know must be documented in the criminal intelligence file on the dissemination log, setting forth the following:

   (a) The agency and/or employee requesting the information,

   (b) The officer approving the disseminating,

   (c) The law enforcement purpose for the request,

   (d) The date of the request and the date the information was disseminated.

2. The agency and/or employee requesting the information shall agree to be bound by the FCPS policy relating to the storage, retrieval, and dissemination of the information.

(c) Members of FCPS shall not release any original criminal intelligence documents. Whenever information from a criminal intelligence file is disclosed, in any form or through inspection



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of files, the FCPS member releasing it must comply with the requirements set forth in VIII.B.7.a.1&2 above.

(d) The need to know means the requested information is pertinent and necessary to the requesting agency in initiating, furthering, or completing the performance of a law enforcement activity.

(e) The right to know means the requestor is acting in an official capacity and has statutory authority to obtain the information being sought.

(f) FCPS criminal intelligence information may be released according to the following classification and release authority. Criminal intelligence sought pursuant to court order or subpoena should be directed to the Commander or CIO who will make the determination, after consultation with the DA and the NCDTF legal counsel, whether to provide the documents under seal to the court for an in camera review or release to defense counsel.

1. SENSITIVE – Sensitive information may be released only with the permission of a NCDTF supervisor and only to law enforcement agencies that have a demonstrated right to know and need to know.
2. RESTRICTED – Restricted information may be released by FCPS sworn personnel, with the approval of a NCDTF supervisor, to law enforcement agencies that have a demonstrated right to know and need to know.
3. UNCLASSIFIED – Any FCPS authorized user may release this information to a participating agency officer or other law enforcement agency.

(g) FCPS authorized users, and any recipient of criminal intelligence information, shall not reference or include such information in case reports.

## 607.8 SECURITY OF FILES AND INFORMATION

(a) Criminal intelligence files are physically secured in locked cabinets or in electronic files that are equipped with security protection measures. Those files and databases will be secured during all hours.

(b) Access to the NCDTF offices is granted only to NCDTF personnel and those approved by the Commander.

(c) Locks, combinations, and system passwords must be changed upon transfer, termination, or rotation of any NCDTF personnel.

(d) FCPS personnel are to follow a “clean desk” policy by removing any sensitive criminal intelligence documents from view when not in use. Computer monitors are to be positioned to preclude casual observation by others and will default to a locked screen status if users are away for more than 5 minutes.

(e) Conversations with respect to sensitive or restricted criminal information are to be controlled to preclude being overhead by visitors or other unauthorized persons.



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## 607.9 REVIEW AND PURGE PROCEDURES

(a) Review of all information contained in criminal intelligence files is to occur, at minimum, on a monthly basis. The maximum retention period is five years, and a criminal intelligence file must be purged after five years unless the information in that criminal intelligence file has been updated consistent with this policy. The CIO may update the criminal intelligence file and extend the retention period at any time, based on reasonable suspicion of new criminal activity documented in the criminal intelligence file.

(b) The decision to purge information should be guided by the following considerations:

1. Whether or not the information in the criminal intelligence file continues to comply with the reasonable suspicion standard.
2. Defined retention periods for semipermanent and temporary files.
3. Specific credible threats to government officials and/or law enforcement officers.

(c) Any information collected or retained in violation of this section, or found to be inaccurate, misleading, or obsolete, shall be purged. Any recipient agencies shall be advised that the subject information has been purged.

(d) Criminal Intelligence System policy compliance audit shall occur on an annual basis. The CIO will cause an audit of the Criminal Intelligence System to ensure compliance to this policy and applicable law.

1. A law enforcement or criminal justice agency representative, authorized by the NCDTF Commander, shall conduct the audit.
2. The auditing agency representative shall determine the manner in which the audit is conducted and as approved by the Commander.
3. At the conclusion of the audit, the auditing agency representative shall issue a letter to the Commander indicating whether the criminal intelligence system is in compliance with this policy. The Commander shall make available to the Executive Officer Board a copy of the letter.

## 607.10 ACCESS AND TRAINING

The Commander shall ensure that any users have received training from the CIO regarding this policy prior to having being named authorized users that have direct access to the criminal intelligence system. The training will cover, but not be limited to: case law review, user access and accessibility, and software utilization. Criminal intelligence reporting updates will be provided by the CIO as changes occur. At the direction of the CIO or Commander or any time authorized users request it, authorized users shall receive updated training regarding this policy, current state of federal laws and regulations as well as best practices regarding criminal intelligence information.

At the discretion of the Commander, any authorized user may be restricted or prohibited from use of the criminal intelligence system at any time.



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# Informants

## 608.1 PURPOSE AND SCOPE

In many instances, officers cannot conduct a successful investigation without the use of informants. To protect the integrity of the Agency and officers using informants, it shall be the Policy of this Agency to take appropriate precautions by developing sound informant policies.

(a) The title "Informant" applies to a person who:

1. Has entered into a written agreement with a law enforcement department regarding the disposition of criminal charges; or
2. Is compensated for providing information, whether it is a one-time occurrence or as part of an on-going relationship.

(b) For the purposes of this Policy, the term Informant is not meant to apply to a person or organization who provides information to law enforcement and does not get compensated or become a part of the investigative process (i.e. a business firm furnishing information from its files, an employee of an organization who through the routine course of his/her activities obtains information of value, or a concerned citizen who witnesses an event of interest to law enforcement).

All persons who will be utilized as Informants should be recognized as such. All Informants will be documented with the Agency and that documentation will be kept on file at the Northern Colorado Drug Task Force (NCDTF). Informants will be documented in the following way:

(a) All Informants must have a Confidential Informant Sheet completed and placed in the Informant file. The Informant sheet will reflect a tracking number (CI Number) assigned to that respective informant. All Informant files and the associated intelligence entries will be secured in a central repository maintained by the NCDTF.

## 608.2 INFORMANT FILE SYSTEM

A NCDTF supervisor or an authorized designee shall be responsible for maintaining informant files. A separate file shall be maintained on each Informant.

### 608.2.1 CONFIDENTIAL FILE SYSTEM PROCEDURE

As indicated above, each file shall be coded with an assigned informant tracking number.

For an Informant that is compensated for providing information on a one or two-time basis, an informant history shall be prepared by the controlling officer.

For an Informant who will become further involved in the investigative process or has being compensated more than twice, an informant history shall be prepared to correspond to each Informant file and shall include the following information:

(a) Informant's name and/or aliases;

(b) Date of birth;



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(c) Physical description: height, weight, hair color, eye color, race, gender, scars, tattoos or other distinguishing features;

(d) Current home address and telephone numbers;

(e) Current employer, position, address and telephone numbers;

(f) Vehicles owned and registration information;

(g) Names, addresses and phone numbers of relatives and associates;

(h) Informant's photograph;

(i) Evidence that a criminal history check has been made;

(j) A set of fingerprints (absent a verified SID of FBI number);

(k) Name of the controlling officer initiating use of the informant;

(l) Signed Confidential Informant Cooperation Agreement (DA approval also needed if consideration is needed on pending criminal charges);

(m) Updates on active or inactive status of the informant;

(n) If an informant is on parole, work release, or probation, then permission to utilize their services must first be obtained from their controlling parole officer or probation officers or the court of jurisdiction; and

(o) Information on any prior informant work.

All informant files shall be maintained in a secure area within the NCDTF. These files shall be used to provide a source of background information about the Informant, enable review and evaluation of information given by the Informant, and minimize incidents that could be used to question the integrity of officers or the reliability of the Informant. Access to the informant files shall be restricted to the controlling officer(s), the Chief of Police, the Criminal Investigations Division Deputy Chief, NCDTF supervisors or their authorized designees.

## 608.3 USE OF INFORMANTS

Informants are used in a manner to protect not only the Informant, but the integrity of the individual officer and this Agency, and to enhance investigative results. Informants are assets of the Agency, not a specific officer. Informants may be reassigned to the control of another officer at the discretion of a NCDTF supervisor or a CID supervisor. Before using an individual as an informant, an officer must receive approval from their supervisor. The officer shall compile sufficient information through a background investigation to determine the reliability, credibility and suitability of the individual, which may include, but is not limited to, age, maturity and risk of physical harm.

### 608.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13 years is prohibited. A parent or legal guardian's written consent shall be secured prior to the use of any juvenile informant between the age of 13 and 17. Final approval to use a juvenile informant must be obtained from the Chief of Police or



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an authorized designee. For purposes of this Policy, a "juvenile informant" means any juvenile who participates, on behalf of this Agency, in a prearranged transaction or series of prearranged transactions with direct contact with any person when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition or criminal charge against the juvenile.

### 608.4 GUIDELINES FOR HANDLING INFORMANTS

All informants are required to sign and abide by the provisions of the Confidential Informant Cooperation Agreement. The controlling officer working with the Informant shall discuss each of the provisions of that agreement with the Informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the Informant.

To maintain officer/informant integrity, the following requirements must be met:

(a) Officers shall not withhold the identity of an informant from the Chief of Police, a Deputy Chief, a NCDTF supervisor or their authorized designees.

  1. Identities of informants shall otherwise be kept confidential to the extent provided by law.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Agency and that they shall not represent themselves as such.

(d) The relationship between officers and informants shall always be ethical and professional.

(e) Social contact with an informant shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of a supervisor.

(f) At least two investigators shall be present when contacting an informant. All significant contacts with an informant, and all information obtained during these contacts will be documented in writing and placed in the informants file or, if applicable, in a police report.

(g) In all instances when Agency funds are paid to informants, a payment voucher shall be completed in advance, itemizing the expenses. The informant will also sign a receipt showing the amount of the funds received. The receipt will be witnessed by an officer or supervisor who is not the controlling officer.

(h) Where an informant is to participate in an undercover purchase in which he/she may come in contact with either official funds or anything else of potential evidentiary value, they will be searched thoroughly before and after the undercover encounter, and where possible, be kept under continuous observation during the operation. In addition, if the informant is driving his or her own vehicle, the vehicle will be searched thoroughly before and after the



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undercover operation. Officers of the same sex will participate in the search. All searches must be based on the informant's prior written or oral consent.

608.4.1 DEACTIVATION OF INFORMANTS
An Informant should be deactivated when:

(a) He/she no longer has the potential to furnish information or services that could lead to a prosecution for criminal activity.

(b) He/she is no longer willing to cooperate.

(c) His/her cooperation has been determined to be unsatisfactory.

A written summary regarding the reason for the informant's deactivation shall be placed in the informant file by the controlling officer or a supervisor from the NCDTF.

The informant files shall be reviewed quarterly by the NCDTF sergeants and/or the CID sergeants.

608.4.2 RELATIONSHIP WITH INFORMANTS
No employee of the Agency shall knowingly maintain a social relationship with an informant while off-duty, or otherwise become intimately involved with an informant. Employees of the Agency shall neither solicit nor accept gratuities or engage in a business transaction with an informant.

**608.5 INFORMANT PAYMENT PROCEDURES**
The process for payment to any Informant must be established and followed in a manner that withstands public opinion and scrutiny. A strict procedure for disbursements must be followed to provide for a good accounting of the use of Agency funds. The disbursement of funds for Informants, regardless of the source of the funds (NCDTF, CID, etc.), shall be handled in accordance with established state law and City policies, ordinances, and protocols.

608.5.1 PAYMENT PROCEDURE
The amount of funds to be paid to any informant will be evaluated against the following criteria:

(a) The extent of the informant's personal involvement in the case;

(b) The significance, value or effect on crime;

(c) The amount of assets seized;

(d) The quantity of the drugs seized;

(e) The informant's previous criminal activity;

(f) The level of risk taken by the informant; and

(g) Other factors that may motivate the informant.

608.5.2 INFORMANT CASH DISBURSEMENT POLICY
The Agency will follow a cash disbursement policy for informants. No informant will be told in advance or given an exact amount for services rendered.



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(a) A NCDTF sergeant or CID sergeant can authorize funds for payment of evidence and/or information up to two hundred fifty dollars ($250.00).

(b) The NCDTF Commander or the CID Lieutenant may approve payments up to five hundred dollars ($500.00).

(c) The CID Deputy Chief may authorize payments up to one thousand dollars ($1000.00).

(d) The Chief of Police or his designees may approve payments up to two thousand dollars ($2000.00).

(e) Per City Code section 8-161, any amount in excess of $2000 must be approved by the City Purchasing Agent. If funds are used for the purchase of meals for the informant, the original receipt will also be submitted. A receipt for the requested funds will be signed by the requesting officer and the supervisor dispersing the funds, noting the total amount provided to the officer.

608.5.3 CID BUY FUNDS

In addition to the above disbursement policy, there are additional criteria for CID buy funds. CID payments of two thousand dollars ($2000) and under may be paid in cash out of CID buy funds.

(a) CID buy funds may be used for the following purposes:

1. Paying documented informants for information.
2. Purchasing items that will be used as evidence, develop suspects, further an investigation, or lead to an arrest.
3. Procurement of evidence, information, or recovery of property from crimes committed in other jurisdictions.
4. Purchase of services.

(b) All CID buy funds will be secured within the locked CID safe.

1. Access will be controlled by the CID Lieutenant who is authorized to issue and turn in funds. The CID Deputy Chief will also have access to the safe combination.
2. Safe combinations will be changed when the CID Deputy Chief or CID Lieutenant are transferred from the Division.

(c) Expenditures will be authorized by the Division Lieutenant or designees before funds are distributed. The funds are to be used for criminal investigations, with expenditures verified by documentation and receipts (where possible).

608.5.4 REPORTING OF PAYMENTS

Each Informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR § 1.60411). If such documentation or reporting may reveal the identity of an informant and by doing so jeopardize



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any investigation, the safety of peace officers, or the safety of the Informant then IRS Form 1099 should not be issued. In such cases, the Informant shall be provided a letter identifying the amount he/she must report on tax returns as "other income," and shall be required to return a signed acknowledgment of receipt of the letter. The completed acknowledgment form and a copy of the letter shall be retained in the informant's file (26 CFR § 1.60413).

608.5.5 AUDIT OF PAYMENTS

A quarterly audit of the NCDTF confidential funds and a bi-annual audit of CID buy funds will be conducted by the City Accounting Department for the purpose of accountability and security of the funds. Petty cash records, transfer forms, invoices, receipts and logs will assist with the audit process. This audit will be witnessed by the NCDTF Commander, or an authorized designee, for the NCDTF confidential funds and by the CID lieutenant, or an authorized designee, for CID buy funds.



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# Eyewitness Identification

## 610.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (CRS § 16-1-109).

## 610.2 POLICY

This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crimes and exonerating the innocent.

### 610.2.1 PROCEDURES

Generally officers should consider the following factors before asking a person to provide eyewitness identification in a criminal case:

(a) The eyewitness's opportunity to view the perpetrator during the crime;

(b) The length of time between the crime and the subsequent identification;

(c) The level of certainty demonstrated by the witness at the identification;

(d) The accuracy of the eyewitness's prior description of the criminal;

(e) The eyewitness's degree of attention during the crime;

(f) The length of time the witness observed the suspect;

(g) Environmental factors present during the crime, such as:

1. The distance between the witness and the suspect.
2. The quality of the lighting when the suspect was observed by the witness.
3. Whether there were distracting noises or activity during the observation.
4. Any other circumstances affecting the witness's opportunity to observe the suspect.

## 610.3 INTERPRETIVE SERVICES

Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification (either in-person, photographic, or field) if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.



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## 610.4 EYEWITNESS IDENTIFICATION FORM

The Criminal Investigations Division Lieutenant shall be responsible for the development and maintenance of an eyewitness identification form consistent with this policy.

The process and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An admonishment to the witness that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

The process and related forms should be reviewed at least annually and modified when necessary.

## 610.5 EYEWITNESS IDENTIFICATION

Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified, or failed to identify, the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Whenever feasible, the eyewitness identification procedure should be audio and/or video recorded and the recording should be retained according to current evidence procedures.

### 610.5.1 PHOTOGRAPHIC LINEUP CONSIDERATIONS

When practicable, the person presenting the lineup should not be directly involved in the investigation of the case (double-blind) and should not know which photograph is the suspect. When this is not possible, the employee presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

Other photographs of persons used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a



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separate photographic lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the photographic lineup.

The order of the photograph of the suspect and the fillers should be randomized before being presented to each witness.

610.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photographic or live lineup identification. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photographic lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering the parameters outlined in Section 610.2.1, above.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

(e) A person should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.

(g) A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies an individual as the perpetrator, officers should not conduct any further field identifications with other witnesses for that suspect. In such instances officers should document the contact information for any additional witnesses for follow up, if necessary.

## 610.6 DOCUMENTATION

A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.



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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.



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# Truth Verification Exams

## 611.1 PURPOSE AND SCOPE

The Agency is committed to providing the highest quality investigations possible to the community. To that end the Agency utilizes multiple tools, trainings, and technologies to assist investigators in obtaining and verifying the truth in criminal investigations and pre-hiring interviews.

The primary purpose of a Computer Voice Stress Analyzer (CVSA) examination is to assist in determining if the person being examined is being truthful or deceptive as it relates to the investigation at hand. The CVSA is only a tool to aid the investigator in evaluating the totality of statements and assist in the decisions made when directing an investigation.

The use of CVSA in criminal investigations shall be in accordance with departmental provisions and procedures as outlined in this Policy.

## 611.2 GENERAL PROVISIONS

(a) CVSA examiners shall participate in all required training so as to maintain current certifications as recommended by the respective recognized associations or oversight bodies. An Agency designee will maintain and/or verify examiner certifications and training records.

(b) City-owned equipment relating to CVSA will be maintained and updated by the Training Unit Sergeant. Records of maintenance and updates will be current.

(c) After conducting a CVSA examination, the examiner will complete a report using a recommended format developed by the Agency designee that provides information about the CVSA examination. The examiner shall also maintain a log of exams that includes the following information:

1. Name of tested subject.
2. Date.
3. Case number.
4. Name of requesting officer/agency.
5. Results of test.
6. Name of examiner providing cold call.
7. If and how results were verified if possible.

(d) CVSA examinations should be either audio or video recorded and that record will be properly logged into evidence as dictated by Agency Policy. However, in those instances when recording is not possible due to physical constraints or malfunction, the charts and questions used in the examination shall provide sufficient record of the examination and will also be logged into evidence.



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(e) Requests for CVSA examinations to assist other agencies will only be done after the request has been approved by the CVSA examiner's supervisor or designee.

(f) CVSA examinations requested by defense attorneys may be done on rare occasions. The defense attorney and subject will be made aware that all normal procedures for the CVSA examination will be followed or it will not take place.

1. If the request is made after charges have been filed, then the prosecutor assigned to the case must approve of the examination.
2. All agreements as to the use of the results of a CVSA examination and its inclusion in the investigation or prosecution will be negotiated by the defense attorney and prosecutor prior to the CVSA examination. Examiners and investigators will take direction in these matters from the prosecutor. Examination results will not be used to decide if charges will be filed.
3. Under no circumstance will a defense attorney be present during the CVSA examination. The defense attorney may approve the questions after a pre-examination interview, but they may not be present or participate in the examination.

(g) A CVSA examination will not be used to verify or refute a previous examination by an alternative instrument.

(h) The use of a CVSA examination for the purpose of an administrative investigation will only be done at the direction of the Chief of Police and in accordance with Policy 1020 - Administrative Investigations and other applicable City Policies and the collective bargaining agreement.

## 611.3 PROCEDURES

(a) A CVSA examination is a time consuming process. The benefit of the examination must be weighed against the cost of resource allocation of the Agency and the seriousness of the case and public safety. As a general guideline, CVSA examinations will not be used in misdemeanor cases unless approved by the investigating officer's supervisor as well as the CVSA examiner's supervisor. The final determination as to the appropriateness of a CVSA examination for a particular case will rest with the CVSA examiner (except that a supervisor can prohibit an examination as his/her discretion.)

1. All attempts will be made to schedule examinations during normal business hours. Any after hour examinations will require the approval of a supervisor.

(b) A CVSA examination is not a substitute for a thorough investigation, nor is an examination a short cut to the truth. If the investigator believes an examination may be helpful in an investigation, an examiner should be consulted early on to determine if the use of an examination is appropriate for the investigation.



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(c) Any subject taking an examination for a criminal investigation must clearly know that it is voluntary on his/her part. This must be documented by the investigator and the examiner in the form of a waiver. If the waiver is not recorded, the examiner should make every attempt to get a signed waiver from the examinee.

(d) The investigating officer is to avoid answering any specific questions about the examination. Any explanation of the examination should be referred to the examiner.

(e) The results of the CVSA examination cannot be used to determine probable cause, are not admissible in court, and should only be used by the investigating officer as an investigative aid.

(f) Any use of a CVSA examination on a juvenile subject will only be done with the signed and written permission of a legal parent or guardian and the approval of a supervisor. The use of a CVSA examination on a victim whose veracity is in doubt should only be done with the approval of a supervisor.

(g) Covert CVSA examinations for criminal investigations may be used with the approval of a supervisor.

(h) The Training Unit will provide training and protocols for the appropriate use of CVSA to officers who may consider their use during investigations. A designated Agency supervisor will oversee the program.



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# Brady Material Disclosure

## 612.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney consistent with the October 31, 2012 Memorandum of Understanding with the District Attorney.

## 612.2 POLICY

The Fort Collins Police Services will conduct fair and impartial criminal investigations and will provide the prosecution with all evidence discovered through the criminal investigation. In addition, FCPS will provide the prosecutor information that may adversely affect the credibility of a witness.

## 612.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material may address their question over the telephone with the District Attorney, the 1st Assistant DA, or the 2nd Assistant DA.

## 612.4 DISCLOSURE OF PERSONNEL INFORMATION

Recognizing that the District Attorney's Office is required to notify the defendant and legal counsel when there is information that may affect the department employee's credibility, FCPS will do the following:

(a) Notify the District Attorney's Office in writing when it has sustained an administrative finding for untruthfulness, an intentional deceptive act, a criminal offense for which the POST board may deny certification (as set forth in CRS § 24-31-305), or any offense involving theft, or



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other issue affecting truthfulness on the part of any peace officer or civilian employee whose duties could reasonably include testimony in a court of law.

1. The District Attorney's Office will, upon receipt of that notice, place the named police employee on a "Notification List."
2. Placement on the "Notification List" will trigger the District Attorney's Office to notify the Defense, on any case for which the police employee is an endorsed witness, that there may be information in the police employee's personnel or internal affairs file which could affect his/her credibility.

(b) If there is a pending criminal case against a defendant and FCPS initiates a concurrent internal administrative investigation directly related to the criminal case, any non-Garrity materials relevant to the criminal case, obtained as part of the administrative investigation, shall be made a part of the concurrent criminal case so that discovery of those materials to the Defense can be made.

1. A supplemental report will be filed in the criminal case indicating that additional witness statements were obtained as part of an internal administrative investigation and any recordings of those statements are being maintained as part of the internal administrative file.
2. All exculpatory materials relevant to the concurrent criminal case must be disclosed even if they were obtained as a result of a Garrity advisement.

(c) If there is a pending criminal case against a defendant and the internal affairs unit receives a credible report of police employee misconduct, of a type set forth in paragraph (a) above, which is directly related to the pending criminal case, FCPS will notify the District Attorney's Office either in writing or verbally, in the sole discretion of FCPS, of the existence of the pending internal affairs investigation.

1. Upon receipt of such a notification, the District Attorney's Office will only notify the Defense on the concurrent criminal case that there may be information in the relevant police employee's personnel or internal affairs file that may affect his/her credibility.
2. The officer's name will not be placed on the "Notification List" unless and until there has been a sustained finding of misconduct affecting credibility.

(d) If FCPS has a current employee or hires a an employee who has a previous criminal conviction for a theft related offense or an offense involving false reporting, FCPS will notify the District Attorney's Office of the name of the employee involved and the date and jurisdiction where the conviction occurred.

1. Upon receipt of this information, the District Attorney's Office will place the employee's name on their "Run Criminal History" list.
2. This list identifies employees whose criminal history must be disclosed to the Defense as required by Colorado law.



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(e) In the event that a FCPS employee has been criminally charged, any statement obtained from that employee pursuant to a Garrity advisement, and any fruit of that statement, shall remain in the Internal Affairs file and shall not be disclosed to the criminal investigators or the District Attorney's Office.

### 612.5 INVESTIGATING BRADY ISSUES

If the Agency receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

### 612.6 TRAINING

Agency personnel should receive periodic training on the requirements of this policy.



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# Chapter 7 - Equipment Management and Finance



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# Agency-Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

Agency employees are expected to properly care for Agency property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or Agency property while performing their assigned duties. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 DOCUMENTATION OF ISSUED PROPERTY

All property issued shall be documented in the appropriate property sheet or equipment log and receipt shall be acknowledged by signature. Upon an employee's separation from the Agency, all issued equipment shall be returned and documentation of the return signed by a supervisor.

### 700.2.1 CARE OF AGENCY PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Agency property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Agency property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees shall promptly report through the chain of command, any loss, damage to or unserviceable condition of any Agency-issued property or equipment assigned for their use.

    1. A supervisor receiving such a report shall address whether reasonable care was taken to prevent the loss, damage or unserviceable condition.

(b) The use of damaged or unserviceable Agency property should be discontinued as soon as practicable and, if appropriate and approved by a supervisor, replaced with comparable Agency property as soon as available.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, Agency property shall only be used by those to whom it was assigned. Use should be limited to official purposes by properly trained personnel in the capacity for which it was designed.

(d) Agency property shall not be thrown away, sold, traded, donated, destroyed or otherwise disposed of without proper authority and consistent with Agency and City policies and procedures.

(e) In the event that any Agency property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

## 700.3 USE OF PERSONAL PROPERTY

The carrying of personal equipment on-duty or its use in the performance of duties shall be in consistent with this Policy Manual.

(a) The possession of personally-owned firearms shall be subject to Policy 312 - Firearms.



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(b) The use of personally-owned equipment in an Agency vehicle shall be subject to Policy 708 - Assigned Vehicle Use.

The use of personal equipment of the type routinely carried by persons not performing law enforcement duties, and that is not a weapon, is excluded from this requirement.

700.3.1 FILING CLAIMS FOR DAMAGED PROPERTY

(a) Officers and other employees intentionally or unintentionally may cause damage to property while performing their duties. Any employee who damages or causes to be damaged any real or personal property while performing any law enforcement function shall report it as provided below.

1. A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
2. A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

(b) Maximum reimbursement to an employee for personal property is $1500.

(c) The following commonly carried items will be reimbursed as follows:

1. Watches $100 Maximum
2. Cameras $200 Maximum
3. Guns $600 Maximum
4. Eyeglasses No Maximum
5. Binoculars $300 Maximum

(d) Exceptions to this list will be reviewed on a case-by-case basis upon written request of the employee's Lieutenant or unit manager.

(e) Subject to the above limits, reimbursement will be based on the replacement cost for an item that is substantially identical to the item being replaced. If substantially identical replacement is not practical or desired by the employee, reimbursement will be based on the fair market value of the item at the time it was stolen, damaged, or lost. To obtain reimbursement, the employee will provide a receipt for, and a description of, the replacement item, along with a description of the stolen, damaged, or lost item.



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# Personal Communication Devices

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Agency or personally owned, while on duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

## 702.2 POLICY

The Fort Collins Police Services allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Agency, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

### 702.2.1 SECONDARY TELEPHONE REQUIRED

(a) Employees are required to have a secondary telephone device separate from the Agency-approved PCD and to provide their current secondary telephone number, along with their current home address, to Fort Collins Police Services.

(b) All changes to the secondary telephone number and current home address shall be reported to the employee's supervisor within 24 hours.

## 702.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Agency and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.



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In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files, without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.

### 702.4 AGENCY-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Agency may, at its discretion, issue a PCD. Agency-issued PCs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Agency and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

As a condition of employment, any employee who is issued a PCD by the department is required to have the device with them; to have the device turned on; and the employee must respond as soon as reasonably possible upon receipt of Department-transmitted text message that requires deployment or an action outlined in that text message, except during such times as the employee is on an approved leave of one work week or longer.

### 702.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.

(b) The Agency accepts no responsibility for loss of or damage to a personally owned PCD.

(c) Employees shall promptly notify the Agency in the event the PCD is lost or stolen.

(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee’s expense.

(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.

(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Agency, without the express authorization of the Chief of Police or the authorized designee.

(g) Use of a personally owned PCD constitutes consent for the Agency to access the PCD to inspect and copy data to meet the needs of the Agency, which may include litigation, public



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records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Agency with all telephone access numbers for the device.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Agency with a copy of such records to ensure accurate record keeping.

### 702.6 USE OF PERSONAL COMMUNICATION DEVICES

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) Officers are prohibited from taking pictures, video or making audio recordings while on duty or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(c) Employees will not access social networking sites while on duty for any purpose that is not official department business.

(d) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

(e) PCDs, whether provided by the Agency or personally owned, should be primarily used by on-duty employees for legitimate Agency business except as provided for below:

1. PCDs should not be used to replace regular radio communications. PCDs shall not be carried in a manner that allows it to be generally visible while in uniform, unless it is contained within a carrier that has been approved by the Agency.

2. Employees may use Department-provided PCDs for reasonable personal use as long as such use, in the discretion of the supervisor, is not excessive or disruptive. Employees must reasonably limit the timing, number and duration of the personal use. Supervisors may restrict or prohibit an employee's use of a PCD if, in the



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supervisor's judgment, an employee's use is excessive or affects the performance of the employee or others or is otherwise a violation of the public trust. Employees using Department-provided PCD's are required to reimburse the Department for all personal use charges that result in or contribute to any added expense to the City (such as long distance, roaming, directory assistance charges, per minute charges, or data usage) resulting from exceeding the allotted minutes or data in the service plan. Failure to promptly reimburse for the personal use charges of Department-provided PCD's may result in disciplinary action.

3. The on-duty use of PCDs, including personally owned PCDs, for purposes other than specifically permitted within this Policy is prohibited and may be subject to discipline. Employees may be responsible for reimbursing the Agency for any charges incurred as a result of personal use.

## 702.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

## 702.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (CRS § 42-4-239). Hands-free use should be restricted to business-related calls or calls of an urgent nature.



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# Vehicle Maintenance

## 704.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Agency vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

## 704.2 DEFECTIVE VEHICLES

When an Agency vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to the Service Center for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs repair.

Except for emergencies, all maintenance, service work, and repair work will be scheduled with the City Service Center or a designated vendor during an employees' off-duty time.

### 704.2.1 SUSPECTED DAMAGE OR POOR PERFORMANCE

Vehicles that may have suffered damage, perform poorly or whose control or safety features has been diminished shall be immediately removed from service for inspection and repair.

### 704.2.2 SEVERE USE INSPECTION

Vehicles operated under severe use conditions, which include operations for which the vehicle is not designed or that exceeds the manufacturer’s use parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Severe conditions may include rough roadway or off-road operation, hard or extended braking, pursuits or prolonged high-speed operation.

### 704.2.3 REMOVAL OF WEAPONS

All firearms, weapons and kinetic impact weapons shall be removed from a vehicle and properly secured in the officer's home or in the Agency's Armory prior to the vehicle being released for maintenance, service or repair.

### 704.2.4 NEGLEGENT USE

Officers are held strictly accountable and subject to disciplinary action for damage caused by abuse or negligence, or for the loss of equipment or property.

In addition to traditional disciplinary action, the officer may be charged for damage expense as follows:

(a) Damage up to and including $1000 - reimbursed by the officer.

(b) Damage above $1000 - decided on an individual basis; however, it may not be any less than for damage up to $1000.



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(c) Damage caused by abuse or negligence could result in a temporary or permanent suspension of the officer's vehicle privileges.

## 704.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all Agency vehicles for emergency purposes and to perform routine duties.

### 704.3.1 PATROL VEHICLES

Supervisors shall inspect the patrol vehicle annually to ensure that the following equipment, at a minimum, is in the vehicle:

- "Red Bag" Hazardous material incident response equipment
- Mobile Field Force Protective Equipment
- 4 emergency road flares
- Chalk
- 1 roll crime scene barricade tape
- First-aid kit
- Fire extinguisher
- Traffic safety vest
- Camera
- 4 traffic cones

### 704.3.2 UNMARKED VEHICLES

An employee driving an unmarked Agency vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- "Red Bag" Hazardous material incident response equipment
- Mobile Field Force Protective Equipment
- Traffic safety vest

## 704.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, employees driving patrol vehicles shall not place a vehicle in service that has less than three-quarters of a tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter tank. Vehicles shall only be refueled at an authorized location.

Upon the end of shift all pool vehicles shall be returned fully fueled, and all electronics turned off.



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### 704.5 WASHING OF VEHICLES

All units shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to enhance their appearance. Employees using a pool vehicle shall remove any trash or debris at the end of the shift.



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# Unassigned Vehicle Use

## 706.1 PURPOSE AND SCOPE

The Agency utilizes City-owned vehicles in a variety of applications. To maintain a system of accountability and ensure City-owned vehicles are used appropriately, Policies relating to the use of these vehicles have been established. The term "City-owned" as used in this section also refers to any vehicle leased or rented by the City.

## 706.2 USE OF VEHICLES

(a) Employees must have a valid driver's license on their person while operating a City-owned vehicle, and they must obey all state and local laws regulating traffic.

(b) Employees shall drive City vehicles in a reasonable manner in order to conserve fuel and ensure efficiency of operation, to include:

1. Stopping the engine rather than idling for extended periods of time.
2. Avoiding extended engine warm ups during the winter months.
3. Employees shall set an example of good driving habits while operating City vehicles.
4. Employees shall not park the vehicle improperly except in an emergency.
5. Employees may receive citations and/or disciplinary action for driving violations.

(c) Seat belts

1. The driver and all passengers shall wear their seat belts when riding in a City vehicle.
2. The consequences of not utilizing a seat belt could be serious injury, the refusal of the City insurance carrier to cover injuries, and possible disciplinary action in accordance with City personnel regulations.

### 706.2.1 INSPECTING VEHICLES

Employees shall be responsible for inspecting the interior and exterior of any unassigned vehicle before and after using City-owned vehicles. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

### 706.2.2 UNDERCOVER VEHICLES

Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the appropriate unit supervisor.

### 706.2.3 AUTHORIZED PASSENGERS

Personnel operating unassigned City-owned vehicles shall not permit persons other than City employees, persons required to be conveyed in the performance of duty, authorized riders and family members to ride as a passenger in their vehicle.



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706.2.4 PARKING

City-owned vehicles should be parked in designated areas. Employees shall not park privately owned vehicles in an area designated for on-duty patrol parking, or in other areas of the parking lot that are not designated as a parking space, unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas. Pool vehicles not in use should be parked in the area identified as long term parking located in the southwest portion of the parking lot.

## 706.3 VEHICLES SUBJECT TO INSPECTION

All City-owned vehicles are subject to inspection and or search at any time by a supervisor. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

## 706.4 SECURITY

Employees may take home unassigned City-owned vehicles only with prior approval from their supervisor and will comply with the following criteria:

(a) Vehicles shall be locked when not attended.

(b) All firearms and kinetic impact weapons shall be secured in a department issued / approved rifle lock or vault within the interior of the vehicle, placed in the trunk or properly secured in the residence when the vehicle is not attended (refer to the Policy 312 - Firearms regarding safe storage of firearms at home).

## 706.5 ENFORCEMENT ACTIONS

Only police officers and community service officers shall become involved in enforcement actions while utilizing City vehicles.

Police officers driving City-owned vehicles shall be armed at all times unless excused from this requirement by their Lieutenant.

## 706.6 MAINTENANCE

(a) Employee's using City-owned vehicles are responsible for the cleanliness (exterior and interior) and overall maintenance of a vehicle used in the performance of their duties.

    1. Employees may use the wash bays provided by the Service Center or other approved vendors.

(b) Employee's noting maintenance needs for an unassigned vehicle (i.e. oil change) will notify the Patrol Administrative Lieutenant.

706.6.1 ACCESSORIES AND/OR MODIFICATIONS

No modifications, additions or deletions of any equipment or accessories shall be made to a city-owned vehicle without written permission from the Patrol Administrative Lieutenant.



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### 706.7 VEHICLE DAMAGE, ABUSE AND MISUSE

When a collision involves a City vehicle or when an employee is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death, the CRASH Team should be summoned to handle the investigation.

A copy of the MVA report along with a Risk Management report and photographs of the damage are to be forwarded to Risk Management. An EIS Incident Report shall also be made by the employee's supervisor.

The employee involved in the collision shall complete the City's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift supervisor and the employee's supervisor.

An administrative investigation may be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

### 706.8 TOLL ROAD ACCESS

The administrative assistant assigned to the vehicle using the toll road shall maintain a record of all nonexempt license plates and, to prevent toll charges from accruing, shall notify the appropriate toll road authority of Agency vehicles that traverse the toll roads while in the performance of their official duties.



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# Assigned Vehicle Use

## 708.1 PURPOSE AND SCOPE

The Agency may provide a vehicle to full-time officers based upon assignment. This Policy shall not be construed to create or imply any contractual obligation by the City to provide vehicles and the assignment of vehicles is at the discretion of the Chief of Police. Assigned vehicles have demonstrated a long-term fiscal and service benefit to the City. Assigned vehicles get better care during operation and storage and accumulate fewer service miles and hours of operation. Vehicle assignment results in an extended vehicle service life over pool patrol use vehicle assignment. Vehicles subsequently require less frequent replacement and a reduced frequency of transfer and replacement of support equipment (radios, emergency, and safety equipment). Ultimately per-mile operational costs are reduced. Additionally, the ability for fully-equipped officers to respond in case of emergencies, from home, results in a force multiplier for the department.

## 708.2 USE OF CITY VEHICLES

(a) Assigned City-owned vehicles shall be operated only by police personnel.

(b) Community Service Officers and other civilian employees that are assigned individual vehicles may drive those vehicles to and from work assignments, but are prohibited from driving their assigned vehicle for personal off-duty use, unless at the time of use the employee is in a compensated on-call status. See also 708.2.1 (c)(3).

(c) General rules of conduct that apply to on-duty employees shall also apply to off-duty employees while driving a City vehicle.

    1. Off-duty employees who are operating a City vehicle should be appropriately attired to effectively perform a police function (if a sworn officer) and make public contacts. Clothing displaying inappropriate graphics is prohibited.

(d) All personnel shall exercise good judgment in operating and utilizing a City vehicle, and shall not drive or use the vehicle in a manner that may cause unfavorable comment or reflect negatively on the Agency.

    1. Personnel will not presume any special privileges with a City vehicle. For example, an individual living in an apartment complex must park the vehicle in the designated area, not in a restricted parking zone.

    2. Unattended vehicles must be locked at all times.

(e) All sworn officers are required to have the police radio turned on while operating a police vehicle, and to take action on observed violations.

    1. Sworn officers will use the appropriate radio call sign when using the police radio off-duty.

    2. It is not necessary to check in and out of service with the dispatcher when off-duty.

    3. In minor incidents, an off-duty officer may request an on-duty officer to handle the situation and assist until the on-duty officer arrives. If immediate action is required, the off duty officer shall take whatever action is necessary and appropriate.



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4. Sworn officers are reminded that jurisdictional issues should be considered when operating a police vehicle outside the Fort Collins city limit.

(f) Persons who are not Agency employees may accompany the officer as passengers when the City vehicle is operated off-duty.

1. Employees are responsible for the proper appearance and conduct of all passengers.
2. The safety of passengers rests solely with the employee operating the vehicle.
   (a) When asked to respond to a call with non-sworn personnel as passenger(s), employees may first leave the passenger(s) at a convenient and safe location and then respond to the call. If there is no opportunity to leave passenger(s), the officer may notify the dispatcher that he/she is unable to respond to the call.

(g) Officers are encouraged to use their assigned police vehicle in off-duty activity within the City's Growth Management Area (GMA).

1. The vehicle will not be utilized for carrying heavy or excessive loads, and will not have objects protruding from the trunk or windows, or attached to the top of the car.
2. Employees will not use the vehicle on a part time or temporary job where the use of the car is a required condition of employment unless specifically authorized by a Division Deputy Chief. Unless the employee lives outside of the GMA, the vehicle may be driven to and from temporary or part time employment that is located within the GMA subject to the terms of the Eligibility section below.

(h) Use of alcoholic beverages or medication:

1. Agency vehicles shall not be operated by any employee who has consumed an amount of an alcoholic beverage, taken any drug that would tend to adversely affect the officer's senses or judgment or consumed an alcoholic beverage within four hours.
   (a) A supervisor who suspects such use of alcohol or medication may require a breath or blood test from that individual per Policy 1012 - Alcohol and Drug Use.
2. Possession of an open alcoholic beverage container in a City owned vehicle is prohibited unless it is directly related to a duty function.

(i) Employees on light-duty status shall not operate a marked police vehicle unless authorized by a Deputy Chief. The City is not obligated to issue an unmarked vehicle to those officers on light-duty.

1. During vacations or when an employee is out of the city for extended periods of time, the Agency may require that the City vehicle be stored at a City facility. If the vehicle is stored at the officer's house, it must be accessible for Agency use. Other employees will not use the vehicle unless special needs arise.

### 708.2.1 ELIGIBILITY

(a) Employees to whom individual vehicles are assigned must reside within the service area defined by a circle with a fifteen (15) mile radius with its center at the intersection of Mulberry



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Street and College Avenue. Employees who reside outside of this geographical boundary will be required to leave their assigned vehicle at the police building or the City Service Center when not on-duty, unless otherwise authorized by a supervisor.

(b) Employees to whom individual vehicles are assigned that reside within the City Growth Management Area (GMA) are encouraged to drive their assigned vehicles while off-duty within the GMA but are not allowed to drive their vehicles while off-duty outside of a one mile buffer surrounding the GMA.

(c) Employees to whom individual vehicles are assigned that reside outside of the GMA may drive their assigned vehicle directly to and from work and their residence. They may also drive their assigned vehicle into the GMA for work related purposes, i.e., court hearings; off-duty Police jobs; SWAT, K-9 or Northern Colorado Bomb Squad callouts; use of the Department workout facility; or work related meetings. Once sworn employees are within the GMA for one of the purposes outlined above, they may use their vehicle within the GMA for personal business. Otherwise, these employees are not permitted to drive their vehicles while off-duty.

1. These employees will be assessed a nominal fee to be paid through payroll deductions, based upon the distance that they live from the nearest GMA boundary.
2. Officers assigned to the Northern Colorado Drug Task Force who live outside of the GMA will not be charged a fee based upon where they live due to the unique nature of their off-site assignment. However, they will not be allowed to drive their vehicles while off-duty unless they are driving to the Task Force building or the GMA for work-related purposes as outlined in section C.
3. Personnel who live outside the GMA and are in a compensated on-call status may use their City vehicle while off-duty to drive directly to Fort Collins from their residence and then anywhere within the GMA, to enable them to respond immediately and directly to a call out. Other employees may be allowed to use their City vehicles while off-duty under certain circumstances as authorized by the Chief of Police or Division Deputy Chief.
4. The fee schedule charged to employees shall be maintained in the Office of the Chief of Police and is subject to annual review and modification in January of each year.

(d) A sworn officer may be assigned an individual vehicle upon successful completion of the FTO Training Program, subject to vehicle availability.

(e) Sworn officers who are assigned individual vehicles must maintain their peace officer status.

1. Officers need to maintain their basic police officer skills, such as firearms qualification, and be physically able to act as a peace officer upon immediate notice.

### 708.2.2 OPERATIONS OF CITY VEHICLES

(a) General

1. All Agency employees must have a valid driver's license on their person while operating a City-owned vehicle, and they must conform to all City Ordinances and State Statutes regulating traffic.



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2. Employees shall drive City vehicles in a reasonable manner in order to conserve fuel and ensure efficiency of operation, to include:
    (a) Stopping the engine rather than idling for extended periods of time.
    (b) Keeping the prisoner shield closed as much as possible when operating the air conditioner.
    (c) Avoiding extended engine warm ups during the winter months.
3. Employees shall set an example of good driving habits while operating City vehicles.
    (a) Employees shall not park the vehicle improperly except in an emergency.
    (b) Employees may receive citations and/or discipline for driving violations.

(b) Seat belts

1. The driver and all passengers shall wear their seat belts when riding in a City vehicle.
    (a) The consequences of not utilizing a seat belt could be serious injury, the refusal of the City insurance carrier to cover injuries, and/or possible disciplinary action in accordance with City personal regulations.
    (b) Prisoners will be secured in a seat belt except when the use of the seat belt may aggravate the situation and cause further difficulties for the officer.

(c) Vehicle push bars

1. Vehicle push bars are used only to clear vehicles from intersections or the roadway when their presence obstructs the normal movement of traffic.
2. Disabled vehicles will be moved only as far as is necessary to clear the roadway.
3. The vehicle to be moved shall be examined for damage prior to utilizing the push bars, and again after it has been moved.
4. The officer shall visually inspect the alignment of push bars to bumper prior to contact. If the bumper and push bars do not align or there is a reasonable possibility that one will ride up over the other, the push will not be attempted.
    (a) If the vehicle to be moved has no bumper, the push bars will not be used.
5. Prior to pushing another vehicle, the officer will check the route for sudden drops or dips in the road, or other obstacles that might interfere with the push bars' position on the vehicle being pushed. If it is absolutely necessary to negotiate such an obstacle, disengage prior to entering the obstacle, allowing the disabled vehicle to coast through the obstacle and come to a stop; then engage again and continue.
6. The driver of the vehicle being pushed shall be instructed as to where the vehicle will be pushed and to not make any sudden stops or sharp turns.
7. The vehicle being pushed shall be in neutral gear with the engine off.
8. Maximum speed when pushing another vehicle shall not exceed 10 MPH.
9. The emergency lights of the patrol vehicle shall be activated during the time it is being utilized to push another vehicle.



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10. If damage results from pushing a vehicle, the officer shall immediately notify a supervisor, who will respond to the scene. The damage will be documented on an Incident Report and photographs of the damage will be taken.
11. Vehicle push bars shall not be used for:
    (a) Moving vehicles that would be further damaged by the movement.
    (b) Push starting stalled vehicles.

(d) Jump-starting of vehicles

1. Due to the possible problems that may result from jump-starts, discretion should be used in their application. The use of push bars is preferred for clearing stalled vehicles from intersections and roadways.
2. Prior to attempting a jump-start, the driver of the vehicle to be started should be advised of the possible problems before any connection is made.

### 708.3 VEHICLE ALTERATIONS

Alterations, of any type, to Agency vehicles require prior written authorization of the Chief of Police or the authorized designee.

### 708.4 MAINTENANCE RESPONSIBILITIES

(a) Each employee who is assigned a City-owned vehicle is responsible for the general maintenance and proper care and appearance of the vehicle.

1. Except for emergencies, all maintenance, service work, and repair work will be scheduled with the City Service Center or a designated vendor.
2. Employees will notify the City Service Center when fat tires occur and make the appropriate arrangements for the tire to be changed and repaired.
    (a) If the fat tire occurs while an officer is on-duty, he or she shall notify the tow truck company under contract with Police Services for immediate repair in the field.

(b) Officers shall refrain from:

1. Performing mechanical work on the car.
2. Altering the body, general design, appearance, markings, mechanical or electrical systems.
3. Making any repairs or having any repairs made to the vehicle other than at the City Service Center or a designated vendor at the direction of the City Service Center.
4. Adding accessories or equipment, with the exception of cellular telephones, satellite radio receivers, GPS navigation units and scanners, without written approval of the Chief of Police.
5. Supervisors will check the vehicles of officers under their command twice a year at the shift rotation to ensure that maintenance is being performed at the proper



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mileage intervals, that all equipment is present and in good working order, and that the vehicle is clean.

(c) Employees are held strictly accountable and subject to discipline for damage caused by abuse or negligence, or for the loss of equipment or property.

1. In addition to traditional disciplinary action, the employee may be charged for damage expense as follows:

   (a) Damage up to and including $1000 - reimbursed by the officer.

   (b) Damage above $1000 - decided on an individual basis; however, it may not be any less than for damage up to $1000.

   (c) Damage caused by abuse or negligence could result in a temporary or permanent suspension of the officer's vehicle privileges.

2. Damage to the vehicle for which the employee is not at fault will be repaired at no cost to the employee.

### 708.5 ATTIRE AND APPEARANCE

When operating a City vehicle off-duty, employees may dress in a manner appropriate for their intended activity. Attire and appearance whenever in view of or in contact with the public, regardless of the activity, should be suitable to reflect positively upon the Agency.

### 708.6 VEHICLE DAMAGE, ABUSE AND MISUSE

(a) When a collision involves a City vehicle or when a member of this agency is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious bodily injury or death, the CRASH Team shall be summoned to handle the investigation.

(b) For any motor vehicle accident (MVA) involving a city-owned vehicle, a copy of the MVA report along with a Risk Management report and photographs of the damage are to be forwarded to Risk Management. An EIS Incident Report shall also be made by the employee's supervisor.

1. The employee involved in the collision shall complete the City's vehicle collision form. If the employee is incapable, the supervisor shall complete the form.

(c) Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift supervisor and the employee's supervisor.

(d) An administrative investigation may be conducted to determine if there is any vehicle abuse or misuse. If it is determined that misuse or abuse was a result of negligent conduct or operation, appropriate disciplinary action may result.



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# Cash Handling, Reimbursement and Purchasing

## 710.1 PURPOSE AND SCOPE

The proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions is important to protect the integrity of police operations and to ensure the public trust. Refer to the City's Cash Handling Policies and Procedures for guidance, which policies and procedures would override any conflicts with this Policy.

## 710.2 PETTY CASH FUNDS

Employees designated as fund managers and authorized to maintain and manage petty cash funds are the Records Manager and Administration Division Deputy Chief. These persons may delegate this responsibility to another person. All funds require the creation and maintenance of an accurate and current transaction ledger and filing of invoices and receipts by the fund manager or authorized designee.

## 710.3 PETTY CASH TRANSACTIONS

The fund manager or authorized designee shall document all transactions on the ledger and other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt or invoice. Transactions not documented by a receipt or invoice are not allowed.

## 710.4 PETTY CASH AUDITS

The manager of a petty cash fund shall audit the fund no less than once every six months. This audit requires that the fund manager and at least one other person, selected by the fund manager, review the ledger, records, receipts and funds, verifying the accuracy of the accounting. Each participant of the audit shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and immediate reporting of the discrepancy to the Chief of Police.

Should fund management be transferred to any person, each transfer of this responsibility shall require completion of a separate petty cash audit by those persons involved in the transfer.

A separate audit by the City should be completed on a random date approximately once each year on each petty cash fund.

## 710.5 ROUTINE CASH HANDLING

Members of the Agency authorized to routinely handle cash as part of their assignment are property technicians and the Northern Colorado Drug Task Force supervisor. Routine cash handling shall be pursuant to their specific policies (see the Confidential Informants Policy and Property Procedures Policies).



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## 710.6 OTHER CASH HANDLING

Members of the Agency who, within the course of their duties come into the possession of cash that is not their property or is outside their defined cash handling duties shall, as soon as reasonably practicable, verify the amount of cash, summon another employee to verify their accounting, and process the cash for safekeeping or as evidence or found property. Cash in excess of $1,000 requires immediate notification of a supervisor as well as special handling, verification and accounting by a supervisor. Each employee involved in this handling, verification or processing of cash shall complete an appropriate report or record entry.

## 710.7 TRAVEL AND TRAINING

This Policy is designed to provide guidance for those traveling on police business and ensure the best use of the City's resources. It is intended to encourage discretion in business travel expenditures and ensure compliance with city regulations. This Policy applies to all employees, consultants and non-Police personnel traveling or using funds administered by the City.

### 710.7.1 PROCEDURES

(a) A Police Training Request Form must be completed, approved by an appropriate member of Management Staff, and forwarded to the Training Unit as far in advance as possible, but at least two weeks prior to the training class or conference.

(b) Subsequent to approval travel arrangements, including airfare, rental car, lodging and registration may be coordinated through the appropriate departmental support staff with the employee.

(c) Within 10 working days of employee's return, the actual expenses shall be entered into the Travel Expense Database. The Training Unit or Police Financial Services Unit may assist the employee with proper recording of expenses.

(d) Refer to the City's Personnel Policies and Procedures section 4.5 for further clarification.

## 710.8 PURCHASING

All Agency purchasing shall be coordinated by the Police Financial Services Unit to ensure that accurate records of expenditures are maintained. to ensure that accurate records of expenditures are maintained.

### 710.8.1 ISSUED EQUIPMENT

In order to issue equipment/uniforms, the employee completes the Agency Supply Requisition Form, obtains approval by an appropriate Management Staff member, and forwards to the Supply Technician.

### 710.8.2 PURCHASES

Products and services not exceeding $5,000 may be purchased with a mini-order as long as the City's purchasing guidelines are followed. An invoice is required for payment and shall contain the



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budget account from which the funds are spent. No purchases may be divided as to constitute a minimum $5,000 order.

Products and services exceeding $5,000 require a Purchase Order. Before any purchase is made, specifications are required by the appropriate Management Staff member detailing the Agency's requirements. Refer to the City's Purchasing Department Manual or the City Charter Art. IV, Purchasing and Contracting for further guidelines on competitive bids for purchases exceeding $60,000.

### 710.8.3 PURCHASING CARDS

Purchasing Cards are issued to employees with the approval of their department or division head. No person other than the person to whom the Purchasing Card is issued is authorized to use the assigned Purchasing Card. Cardholders are responsible for the security and proper use of the Purchasing Card. No personal purchases are allowed on the card. Employees are required to agree and comply with the City Purchasing Card Policies and Procedures. Employees issued purchasing cards will save all receipts from purchases made with the card and attach them to monthly statements. These statements, once approved by the employee's supervisor are to be turned into the budget office in a timely manner.



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# Chapter 8 - Support Services



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# Crime Analysts

## 800.1 PURPOSE AND SCOPE

Crime Analysts should provide current and useful information to aid operational personnel in meeting the Agency's crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, provide crime pattern recognition, aid investigations in linking crimes within the city and other jurisdictions, and provide analysis of data from field interrogations and arrests. Crime analysis is useful to the Agency's long range planning efforts by providing estimates of future crime trends, assisting in the identification of enforcement priorities and providing administrative and statistical reports.

## 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime Reports
- Field Interview Reports
- Parole and Probation Records
- Computer Aided Dispatch Data
- Open Source Information
- Law Enforcement list-servers
- Law Enforcement databases
- Geographic Information Systems

## 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for crime analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information



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### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information sharing among other law enforcement agencies, when approved by the Chief of Police or his designee, is also necessary for successful crime analysis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to those units. Information relevant to the development of the Agency's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.



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# Communication Operations

## 802.1 PURPOSE AND SCOPE

The basic function of the communications system is to satisfy the immediate information needs of the Agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demand on the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any organization, large or small, uses available information technology in the fulfillment of its missions.

### 802.1.1 FEDERAL COMMUNICATIONS COMMISSION (FCC) COMPLIANCE

Agency radio operations shall be conducted in accordance with FCC procedures and guidelines.

### 802.1.2 ENCRYPTION AND PUBLIC RECORD

The Agency reserves the discretion to encrypt all channels within their control. It is recognized that recorded radio channels, whether encrypted or unencrypted, are subject to public records requests. Agency personnel will engage in professional behavior while using the communication system.

## 802.2 COMMUNICATION OPERATIONS

General

(a) This Agency provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. The Agency provides access to the 9-1-1 system with a single emergency telephone number.

(b) The Agency has two-way radio capability providing continuous communication between Fort Collins 911 (Dispatch) and officers.

Security

(a) Fort Collins 911 is located within the Fort Collins Police Services building, which is secured at all entrance/exit points restricting public access.

(b) The entrance/exit door to the Fort Collins 911 center is also secured.

(c) All Fort Collins 911 technology equipment is protected by appropriate security measures to include firewalls, passwords, and other related industry best practices.

(d) Main power sources are backed up by a redundant system serving in the capacity of an Uninterrupted Power Source (UPS) and an emergency generator secured at the Fort Collins Police Services building.



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### 802.2.1 CALL HANDLING

When a call for law enforcement services is received, the dispatcher will determine if the call is an emergency or non-emergency. The dispatcher will determine the call type, location and priority by asking the five key questions:

(a) Where?

(b) What?

(c) When?

(d) Who?

(e) Why?

Dispatchers should attempt to obtain all pertinent information from the calling party before placing a caller on hold or disconnecting from the caller. Dispatchers shall refrain from putting emergency calls on hold if possible. Calls are classified into three classifications: Emergent, Urgent or Routine.

(a) Emergent calls are those with the highest priority for immediate response of an officer. While emergency calls have priority over all other police matters, officers are responsible for determining the appropriate manner of response based on the totality of the circumstances.

(b) Urgent calls are those with high priority and which require quick response but are not considered an emergency. While urgent calls have priority over all other police matters except emergencies, officers are responsible for determining the appropriate manner of response based on the totality of circumstances. Urgent calls will be assigned via the radio and, at times, may also be assigned by computer.

(c) Routine calls are those which are not within the two previous classifications, and which need attention as soon as possible but can wait if necessary. Routine calls may also be assigned by radio but routinely via the computer.

Emergency calls should be dispatched immediately. If an emergency call is pending, a patrol supervisor or Watch Commander shall be notified of the pending call for service in which units are unavailable for dispatch. Dispatchers shall make every attempt to dispatch all calls for service in a timely manner.

### 802.2.2 COMMUNICATIONS LOG

The Fort Collins 911 shall record all relevant information on calls for criminal and non-criminal service or self-initiated activity. The dispatcher shall attempt to obtain, record and share as much information as possible to enhance the safety of officers and civilians and assist in anticipating conditions at an incident. Necessary information would include, at a minimum, the following:

- Incident number;
- Date and time of request;
- Complete name, address and telephone number of complainant, when possible;



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- Type of incident reported;
- Location of incident reported;
- Involvement of weapons, drugs and/or alcohol;
- Imminent danger or threats of dangerous circumstances;
- Injuries;
- Suspect information to include descriptions and vehicles, if applicable;
- Identification of any officers assigned;
- Time of dispatch;
- Time of the officer's arrival;
- Times of officer status and location changes;
- Time of officer's return to service; and
- Disposition of reported incident.

## 802.3 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors and other officers know the status of officers, their locations and the nature of their cases. Radio communication shall be conducted in a manner that facilitates effective communication among users of the system. The following radio channels have been established for use:

(a) Channel One (FC Disp1) - This is the primary channel use for police operations and communications between officers and Dispatch.

(b) Channel Two (FC Disp 2) - This is the secondary channel used for non-priority communications between officers and Dispatch.

(c) Tactical Channels (FC TAC 3, 4, 5 and 6) - These channels are used primarily for car to car traffic, special events, tactical operations or emergency situations.

(d) Other Channels (Mutual Aid, State Interoperability and line of site channels) - Interoperability between agencies is critical. In order for officers to communicate and coordinate radio operations during a multi-agency event, it may be necessary to utilize local and state mutual aid channels. Dispatch maintains information regarding the various channels in addition to the Agency's primary channels.

### 802.3.1 RADIO CODES

All radio transmissions are to be in Clear Speech with the exception of the following codes listed below. Clear Speech means the use of short, concise, and to the point words or groups of words to convey a specific meaning as clearly as possible. The phonetic alphabet will also be used when spelling names or other words over the radio.



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- CODE 0 - Use caution!; when it is known that a subject is armed and dangerous, "Adam David" is added
- CODE 1 - Sensitive information needs to be given - to be answered by the officer with "Go Ahead" or "Stand By"
- CODE 2 - Urgent
- CODE 3 - Emergent response
- CODE 4 - Situation is under control and no further assistance or status checks are required
- CODE 5A - Universal precaution, airborne
- CODE 5B - Universal precaution, blood-borne
- CODE 6 - Officer needs Emergency Assistance
- CODE 8 - Subject may be mentally unstable
- CODE 7 - On break or meal break
- CODE 9 - Wanted or stolen indicated; "Mary" is added if the warrant is a Misdemeanor; "Frank" is added if the crime is a Felony

### 802.3.2 OFFICER STATUS CHECKS

Status checks will be conducted at specific times designated within the Computer Aided Dispatch system (CAD) or at the request of a supervisor, officer or dispatcher, depending upon the nature of the call.

(a) When a status check is requested by Dispatch or another unit, the response will be either "Code 4" if the officer does not need further status checks or "Okay" if additional status checks should be conducted. There may be times when the officer requests additional status checks and dispatch will handle them accordingly such as; "Check me in 10". If an officer is unreachable, the dispatcher will attempt to contact him/her by their unit number and then call them by their unit number and last name.

(b) Whenever a status check is made by radio, the officer's response is also by radio so that other officers are aware of the response.

### 802.3.3 OFFICER NEEDING ASSISTANCE

(a) When an officer needs medical assistance for any person, the officer shall request the assistance over the radio and transmit as much information as is available about the situation, including at a minimum the age and sex of the subject, the medical complaint or condition of the subject (if known) and the level of consciousness, alertness and the breathing status of the subject.

(b) When an officer needs assistance, but not an emergency response, he/she will transmit their unit number and location (if not already on a call), along with the request and necessary response level. When possible, he or she also advises details of the situation.



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(c) Anytime an officer transmits the following situations: Foot Pursuit, Code 3 assistance, or Code 6 assistance, the dispatcher will immediately:

1. Simulcast an alert tone on Channels 1, 2 and 3;
2. Air the officer's unit number, the reason for the alert tone and the officer's last known location;
3. If there is suspect information or a direction of travel, this information will also be aired by dispatch; and
   (a) In these situations, only emergency radio traffic is acceptable until the situation is Code 4.
   (b) Responding officers will keep transmissions to a minimum, for instance, airing only that they are enroute.
   (c) Dispatch may need to enter the officer's enroute status in CAD.

(d) Anytime an officer (to include off duty units) activates an Emergency Alert Button the dispatcher will broadcast an emergency status check on that officer, using the following phrase - "1B210 - Emergency alert, status check."

1. If the activation was accidental, the officer will respond with "C4, accidental." If there is no response, or if the officer does not respond appropriately, an alert tone will be simulcast and the above protocol will be followed.

### 802.3.4 HOSTAGE SITUATIONS

[redacted]

- [redacted]
- [redacted]
- [redacted]

[redacted]

- [redacted] Redacted per Assistant Chief Jerry Schiager for officer safety reasons.



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### 802.3.5 CONFIDENTIAL INFORMATION

(a) Medical

1. While individuals have a constitutional right to privacy regarding certain medical conditions, notification to officers regarding potential threats to health and safety is also of concern. The following governs the handling of confidential medical information and officer notification.
2. When Dispatch is aware that a contact may result in a responder's exposure to air or blood borne communicable diseases (such as tuberculosis, hepatitis C, etc.), the information will be sent via the Computer Aided Dispatch System. The responder can also call Dispatch via phone for further information. If those means of communication are not available, "CODE 5A or 5B" will be aired to inform responders that universal precaution is required.
3. Officers may notify other involved responders who are also at risk of exposure, but only on a need to know basis. Information regarding the medical condition may not be disclosed to any other individuals unless required by law or other Policy.

(b) Other

1. Dispatch may not air CCIC/NCC Criminal History and/or a juvenile criminal record obtained from the Agency's Records Management System (RMS) over the radio. Adult criminal record information from RMS may be aired over the radio as necessary. An individual's (juvenile or adult) criminal record from RMS may also be relayed via the mobile computers or telephone in both cases.
2. CCIC Criminal Histories should never be included in CAD call information and should not be sent to a mobile computer.
3. Information from any database not maintained by this Agency, including the Colorado Gang (CCIC) database, is not releasable over the radio.

### 802.3.6 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers.

Employees should use their entire call sign when calling Fort Collins 911 or another unit (100, 1Bravo14.) The use of the call sign allows for a brief pause so that the dispatcher or called unit can respond to the appropriate unit.

Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.

- A Day Shift
- B Swing Shift



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- C Midnight Shift
- D Detectives
- E Special District Units (Party Car, D1)
- F FTO Trainee
- G CSO Trainee
- I SRO
- J CSO
- K K-9
- L Lieutenants
- N Drug Task Force
- NET NET Team
- O Off-Duty Officer
- P Power Shift
- Q Police Record Specialists
- R Ranger & Code Enforcement
- S Sergeant
- T Traffic Unit
- U PIO, Systems, Investigative Assistants
- V Executive Staff
- W Animal Control
- X Lab/Property Evidence
- Z Auxiliary / Explorer

Off-duty officers will use the letter "O" and the officer's assigned FC#, such as 1O36 or "One Officer 36" when an off-duty officer is calling out on a police related incident, such as driving up on an accident. Officers will also use this method when working in an off-duty capacity or special assignments.

Officers/Employees on duty should use their entire call sign to include their assigned FC number when calling Dispatch or another unit (100, 1Bravo14). The use of the call sign allows for a brief pause so that the dispatcher or called unit can respond to the appropriate unit.

## 802.4 RADIO CHANNELS

**Channel 1 (FC DISP 1)**



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- Main police dispatch talk group
- Encryption enabled

**Channel 2 (FC DISP 2)**

- Secondary police dispatch talk group
- Encryption enabled

**TAC 3 (FC TAC 3)**

- Tactical talk group
- Encryption enabled

**TAC 4 (FC TAC 4)**

- Tactical talk group
- Encryption disabled

**TAC 5 (FC TAC 5)**

- Tactical talk group
- Encryption enabled

**FC CIU**

- Tactical talk group for CIU and other units as directed by supervisors

**LCSO**

- This is Larimer County Sheriff's Office main talk group and should only be used for interagency communications with LCSO.

**LDP Dispatch**

- This is Loveland PD's main talk group and should only be used for interagency communications with Loveland PD.

**CSU PD**

- This is Colorado State University PD's main talk group and should only be used for interagency communications with CSU PD.

**Mutual Aid 1 (MUT AID 1)**

- This mutual aid channel has been assigned to FIRE agencies within Larimer County for interoperable communications.

**Mutual Aid 2 (MUT AID 2)**

- This mutual aid channel has been assigned to POLICE agencies within Larimer County for interoperable communications.



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**Mutual Aid 3 (MUT AID 3)**

- This mutual aid channel has been assigned to EMS agencies within Larimer County for interoperable communications.

**Mutual Aid Other (MC MUT OTHR)**

- This mutual aid channel is not assigned, but can be used by non-public safety agencies within Larimer County for interoperable communications, or can be used by any public safety department for overflow.

**8TAC92**

- This is a conventional channel on Horsetooth Mountain that can be used for interoperable communications and will not affect the digital, trunked radio.

**ST HRSTH**

- This talk group has been programmed for use by POLICE in site-trunking mode. It is located on Horsetooth Mountain and has coverage limitations similar to a conventional channel.

**ST PVH**

- This talk group has been programmed for use by POLICE in site-trunking mode. It is located at PVH and has coverage limitations similar to a conventional channel.

**PVH RPTR**

- This is a conventional channel located at PVH that can be used for interoperable communications and will not affect the digital, trunked radio.

**Simplex 2**

- There are five simplex talk groups on DTR. Simplex 2 has been assigned to POLICE agencies. Simplex 1 is assigned to FIRE and Simplex 3 is assigned to EMS. Simplex 4 and 5 are assigned to non-public safety agencies but can be used by public safety as overflow. All simplex channels are located in the officer's radio in Zone 5.

**MAC 5 NE**

- This mutual aid channel is used for interoperable communication between regions as well as inner region coordination. DTR users traveling through may use this talk group to contact a department within the region. Dispatch Centers are to monitor this talk group.

**MAC 6 NE**

- This mutual aid channel has been assigned to FIRE agencies within the NE All Hazards Region for interoperable communications.

**MAC 7 NE**

- This mutual aid channel has been assigned to POLICE agencies within the NE All Hazards Region for interoperable communications.



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**MAC 8 NE**

- This mutual aid channel has been assigned to EMS agencies within the NE All Hazards Region for interoperable communications.

**MAC 21 ST**

- This mutual aid channel is to be used only as directed for STATEWIDE interoperability.



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# Property and Evidence

## 804.1 PURPOSE AND SCOPE

This Policy provides for the proper collection, preservation, handling, storage, security and disposition of evidence and other property. This Policy also provides guidelines for the protection of the chain of custody and those persons authorized to remove and/or destroy property.

### 804.1.1 PROPERTY AND EVIDENCE UNIT SECURITY

(a) The Property and Evidence Unit shall maintain secure storage and control of all property the Agency takes into custody. Property and Evidence Unit keys are maintained only by the Property Evidence Technicians and the Property and Evidence Unit Supervisor. The Property/Evidence Technicians and Supervisor shall not loan Property and Evidence Unit keys to anyone and shall maintain keys in a secure manner.

(b) Any individual entering the Property and Evidence Unit other than the Property/Evidence Technicians must be accompanied by a Property/Evidence Technician or the supervisor and must sign in and out on the logbook, giving the date and time of entry and exit, and the purpose, including a specific case or property number. The entry shall be initialed by the accompanying individual.

### 804.1.2 PROPERTY AND EVIDENCE UNIT ACCOUNTABILITY

The Property and Evidence Supervisor is responsible and accountable for control and management of all property accepted by the Property and Evidence Unit and for all property stored in the Property and Evidence Unit storage areas.

## 804.2 PROPERTY HANDLING

(a) Any employee who comes into possession of any property shall retain such property in his/her possession until it is properly packaged, labeled and placed in the designated property locker or storage room, along with the property Automated Reporting System (ARS) Property Entry. Care shall be taken to maintain the chain of custody for all evidence.

(b) Where ownership of property with no apparent evidentiary value can be established, excluding contraband, such property may be released to the owner by an officer in the field without the need for booking.

(c) Documents that have no evidentiary value (i.e. medical records, copies of police reports, etc.) should not be logged into evidence. Instead, they should be forwarded to Records to be scanned into the document imaging system (SIRE).

(d) Employees booking in items shall indicate on the property receipt if the item can be disposed of or returned when their need as evidence is terminated.



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### 804.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty. Supervisor approval is required for any exceptions. Employees booking property shall observe the following guidelines:

(a) Complete the property Automated Reporting System Property Entry describing each item separately, listing all serial numbers, owner's name, finder's name and other identifying information or markings. A property receipt should be printed and included in the locker along with the evidence. Any special handling needs should be documented on the property receipt.

(b) All items should be individually packaged in appropriate sized packaging, labeled and the package marked with initials and the date on the seal.

(c) Complete an evidence/property label and attach it to each package or envelope in which the property is stored. Large items (i.e. bicycles, etc.) can have a completed evidence tag attached.

(d) When the property is too large to be placed in a temporary property locker, the item should be temporarily stored in the evidence cages specifically designed to hold large items.

### 804.2.2 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify a patrol supervisor. The Northern Colorado Regional Bomb Squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be stored by the Agency. Fireworks, road flares and similar signaling devices shall be stored in an area designated for safekeeping until final destruction by the Northern Colorado Regional Bomb Squad.

### 804.2.3 EXCEPTIONAL HANDLING

(a) Certain property items require a separate process. The following items shall be processed in the described manner:

1. Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking and marked with the appropriate warning label indicating the material is bio-hazardous.

2. License plates found not to be stolen or connected with a known crime should be placed directly in the designated container for return to the Colorado Department Motor Vehicles. No formal property booking process is required.

3. Found or abandoned bicycles should be taken directly to the Bike CO-OP. Bicycles or bicycle frames being logged into evidence should have a completed property/ evidence tag securely attached and should be placed in the bicycle storage area.



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4. All cash shall be placed into a green currency envelope. The front of the envelope should be filled out accurately to reflect the denominations and total and then placed in a secure evidence locker.
5. A Property/Evidence Technician should be contacted if any evidence requires special handling. Any evidence requiring refrigeration or freezing should be placed in the appropriate storage area specifically designated for these items.
6. Any item that is a potential hazard or biohazard shall be appropriately packaged and marked to reduce the risk of exposure or contamination.
7. Wet items need to be dried prior to packaging.

(b) City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.2.4 TEMPORARY EVIDENCE STORAGE

On rare occasions, officers may need to store evidence over a period of hours, occasionally overnight and rarely over a period of several days. In such instances, officers will refer to SOP 313 regarding the proper temporary storage of evidence.

### 804.3 PACKAGING OF PROPERTY

Packaging will conform to certain procedures. Certain items require special consideration and shall be packaged separately as follows:

- Controlled substances.
- Firearms (ensure they are unloaded, rendered safe, marked appropriately and booked separately from ammunition.) All make, type, caliber and serial numbers should be documented in the ARS entry.
- Property with more than one known owner.
- Drug paraphernalia.
- Contraband.
- Biohazards.

The following items will not be accepted into evidence:

(a) Vehicles.

(b) Fireworks.

(c) Alcohol/alcoholic beverages.

(d) Perishable items.

(e) Liquids.



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(f) Gasoline/flammables/hazardous materials.

(g) Propane tanks.

804.3.1 PACKAGING CONTAINER

(a) Employees shall package all property in a suitable container that is appropriate for its size and weight. Knife boxes should be used to package knives or any other sharp items. Handgun and rifle boxes should be used for handguns and rifles. Syringe tubes should be used to package syringes and needles. If a syringe or razor blade is not of evidentiary value, they can be photographed and disposed of immediately in a sharps container.

804.3.2 PACKAGING CONTROLLED SUBSTANCES

(a) The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged and placed in an evidence locker, accompanied by an ARS property receipt. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected controlled substances. When conducted, the result of this test shall be included in the officer's report.

(b) Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size, available in the evidence log-in area. The booking officer shall initial the sealed envelope. Controlled substances shall be packaged individually.

(c) The officer shall weigh the suspected narcotics or illicit drugs in the container in which it was seized, unless container weight would alter the charge or offense. The weight tape from the scale should be packaged with the narcotics. A full description of the item, along with packaging and total weight of the item as seized, will be placed in the case report and in the Automated Record System Property Entry.

(d) For marijuana plants and pills being logged in, the number of plants or pills should be documented in the ARS Property Entry.

1. Marijuana plants should be dried prior to packaging.

804.3.3 RIGHT OF REFUSAL

A Property Evidence Technician has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Property Evidence Technician refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting officer.

## 804.4 RECORDING OF PROPERTY

(a) The Property Evidence Technicians receiving custody of evidence or property shall ensure the Property Entry in ARS is accurate and there is an entry for each item of property received. The property record in ARS/RMS will be the permanent record of the property in the Property and Evidence Unit. A Property Evidence Technician will dual verify money logged into evidence



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(b) A unique property number is created for each piece of property received.

(c) Any changes in the location of property held by the Agency shall be noted in the chain of custody section of the Records Management System.

## 804.5 PROPERTY CONTROL

Each time the Property/Evidence Technician releases property to another person, he/she shall document this information in the Records Management System. Anyone desiring property for court or copies of media shall contact the Property Evidence Technician at least five days prior to the court day when possible and must complete an Evidence Request Form.

### 804.5.1 RESPONSIBILITIES OF OTHER PERSONNEL

(a) Every time property is released or received, an appropriate entry in the Records Management System shall be completed to maintain the chain of custody. No property or evidence is to be released without first receiving a request.

(b) Request for lab analysis of items shall be completed on the appropriate submittal forms and/or cover letters. The forms are then submitted to the Property/Evidence Technician. This request may be filled out any time after booking of the property or evidence. Any rush requests must be brought to the attention of the Property/Evidence Technicians.

### 804.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

(a) Property/Evidence Technicians will be responsible for transporting items of evidence to the appropriate lab for processing.

### 804.5.3 STATUS OF PROPERTY

(a) Property/Evidence Technicians receiving the property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the Records Management System, stating the date, time and to whom it was released. Property/Evidence Technicians shall be responsible for establishing trace dates and conducting follow up on all property that is removed on a temporary basis.

(b) Signatures shall be obtained from the person to whom property is released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Property and Evidence Unit or released to another authorized person or entity.

(c) The return of the property should be recorded in the Records Management System, indicating date, time and the person who returned it.

### 804.5.4 AUTHORITY TO RELEASE PROPERTY

(a) In order to release, destroy or dispose of property after final disposition of a case, at least one or more of the following are required:



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1. Receipt of "Notice of Case Closure" issued by the prosecuting department (District Attorney or City Attorney)
    (a) After receipt of the prosecuting department's disposition, the Property/Evidence Technician will notify the officer by email that the property is scheduled for disposition. This is to ensure there are no other documented reasons to hold the evidence (i.e. evidence is needed in another criminal case; pending court appearances for other defendants; or preservation of DNA evidence requirements as stipulated by State Statute CRS 18-1-1101 through 1109).
    (b) The officer will have 14 days from the time of notification to request that the evidence/property be retained. The officer must also articulate specific reason(s) for the retention. The Property/Evidence Technician will note the need for continuing to hold the evidence in RMS.
    (c) For certain types of serious crimes (such as officer-involved shooting, homicide, felony sexual assault, traffic fatalities), disposition of evidence will be reviewed by a team comprised of a Property/Evidence Technician and/or Property/Evidence Supervisor; investigating officer; District Attorney; City Attorney; and representative from Internal Affairs who will make a consensus decision on the disposition of evidence.
    (d) For misdemeanor, petty theft, non-felony traffic cases or items of minimal value where no owner has been identified or located (i.e. letters, credit cards, checkbooks, books, etc.), the Property/Evidence Technician will make the disposition decisions.

(b) Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

804.5.5 RELEASE OF PROPERTY

(a) Evidence shall be held until such time as no prosecution is contemplated, a final disposition is reached in the related criminal charge, or the statute of limitations has expired.

(b) A reasonable attempt shall be made to identify the rightful owner of property booked into evidence. Officers shall ensure that the owner information is entered into the ARS Property Entry to ensure that the property will be returned to the rightful owner.

(c) Property belonging to a crime victim shall be promptly released to the victim unless needed for evidence (CRS 24-4.1-302.5(1)(k)). Following a request from the victim, property no longer needed for evidence shall be returned to the victim within five working days unless the property is contraband or subject to forfeiture proceedings (CRS § 24-4.1-303(7)).

(d) With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 30 days. During



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such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 30 days after notification (or receipt, if notification is not feasible) may be disposed of in accordance with property/evidence disposal and destruction procedures. The final disposition of all such property shall be fully documented in the Records Management System.

(e) A Property Evidence Technician shall release the property to the owner or finder, upon valid photo identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded in the Records Management System.

(f) Upon release or other form of disposal, the proper entry shall be recorded in the Records Management System

(g) A firearm may not be released until it has been verified that the person receiving the weapon is not prohibited from receiving or possessing the weapon by 18 USC § 922 (d).

(h) Occasionally, evidence may be recovered that has significant historical value. Such items may include rare weapons and/or other evidence. The Chief of Police shall make a final determination whether to destroy or hold these types of items.

(i) Before being destroyed, transferred, or released property bearing serial numbers shall be checked through CCIC/NCIC to ensure that it has not been reported stolen.

(j) Evidence shall be held for civil matters until a litigation hold has been released.

### 804.5.6 STOLEN OR EMBEZZLED PROPERTY

Stolen or embezzled property or property believed to be stolen or embezzled that is in the custody of this Agency shall be returned to the legal owner. Such property may be released from law enforcement custody when the following is satisfied (CRS § 13-25-130(3)):

(a) Photographs of the property are filed and retained by the Property and Evidence Unit.

(b) Satisfactory proof of ownership is shown by the owner.

(c) A declaration of legal ownership is signed under penalty of perjury.

(d) If a defendant has been filed upon, he/she has been notified that such photographs, video tapes or films have been taken, recorded or produced.

(e) A receipt for the property is obtained from the owner upon delivery.

### 804.5.7 DISPUTED CLAIMS TO PROPERTY

(a) Occasionally more than one party may claim an interest in property being held by the Agency, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a court order or other proof of the undisputed right to the involved property.



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(b) All parties should be advised that their claims are civil. In some situations, legal counsel for the Agency may be asked to file an interpleader in court to resolve the disputed claim.

### 804.6 DISPOSITION OF EVIDENCE

(a) Upon any release or disposition of any property, the proper notation shall be made in RMS.

(b) Any item of evidence or property can be converted to valid Agency use once legal retention requirements have been met, with the following exceptions:

1. Items which must be returned to owner,
2. Hazardous materials, and
3. Illegal items.

(c) Any request to convert evidence to Agency use must be made in writing to the Evidence Unit indicating the date of the request, the type and quantity of the property/evidence requested, the individual making the request and the reason the items are requested. This request will then be forwarded to the Information Services Deputy Chief who will make the final decision.

(d) Conversion of controlled substances to Agency use in canine training is described in Policy 318 - Canine Program.

(e) Any item that is deemed to be acceptable and usable, but cannot be auctioned, may be donated to a non-profit department following City procedures set forth by the Purchasing Department.

(f) All items of value will be sent to auction. Proceeds from the auction shall be deposited into the City's General Fund consistent with the procedures set forth by the Purchasing Department.

#### 804.6.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner and at the time prescribed by law or by a court of competent jurisdiction:

(a) Weapons declared by law to be nuisances

(b) Animals, birds and equipment related to their care and containment that have been ordered forfeited by the court

(c) Counterfeiting equipment

(d) Gaming devices

(e) Obscene matter ordered to be destroyed by the court

(f) Altered vehicles or component parts

(g) Narcotics

(h) Unclaimed, stolen or embezzled property

(i) Destructive devices



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804.6.2 UNCLAIMED MONEY
If found money is no longer required as evidence and remains unclaimed after one year, the money is presumed abandoned property (CRS § 38-13-108.2).

## 804.7 RETENTION OF BIOLOGICAL EVIDENCE

The Property/Evidence Unit Supervisor shall ensure that no biological evidence held by the Agency is destroyed without adequate notification from the District Attorney's Office.

Biological evidence shall be retained for a minimum period established by law.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the case officer and the District Attorney.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Authorization for disposition/destruction will be obtained from the case officer.

804.7.1 SUFFICIENT SAMPLE PRESERVATION
If DNA evidence is of such a size, bulk, or physical character as to render retention impracticable, the case officer shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

DNA evidence collected in reference to a criminal investigation of a felony that does not result in or has not resulted in charges being filed shall be preserved for the length of the statute of limitations for the felony crime that was investigated (CRS § 18-1-1103(1)).

804.7.2 DISPOSITION OF DNA EVIDENCE
If the District Attorney determines that the DNA evidence should not be disposed of, the District Attorney will provide notice. Upon receipt of the notice, the Agency shall preserve the DNA evidence until such time that a court order is obtained to dispose of the DNA evidence (CRS § 18-1-1105(4)).

804.7.3 DISPOSITION OF VICTIM DNA EVIDENCE
If DNA evidence is being held that is the property of the victim, the victim may request the District Attorney to review whether the DNA evidence may be returned. If the District Attorney determines the DNA evidence may be returned, the District Attorney may file a petition with the court for the return of the DNA evidence. Upon proper receipt, the Agency] will release DNA evidence belonging to the victim (CRS § 18-1-1107).



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### 804.8 REPORT OF ABANDONED PROPERTY (MONEY)

The Records Manager shall complete and file a report of presumed abandoned property with the State Treasurer each year. The report shall cover the period from July 1 to June 30 and shall be submitted no later than the immediately following November 1 date (CRS § 38-13-110).

The Property/Evidence unit will transfer chain of custody of all abandoned money found during final case disposition with the Finance Unit. All money will be deposited into the General Fund account of the City.

### 804.9 INSPECTIONS OF THE PROPERTY AND EVIDENCE UNIT

(a) On a monthly basis, the Property and Evidence Supervisor shall inspect the evidence storage facilities and practices to ensure adherence to appropriate Policies and procedures. In addition, a random audit of evidence items shall be conducted placing emphasis on the inspection of narcotics, weapons and money.

(b) An annual inspection of property and evidence shall be conducted by a designee not normally associated with the Evidence Unit, said designee to be appointed by the Chief of Police. A memorandum summarizing the results of the inspection shall be forwarded to the Chief with copies being sent to the Information Services Deputy Chief, the Records Manager and the Property/Evidence Supervisor. There should be particular emphasis placed on the inspection of narcotics and illicit drugs to ensure the integrity of their seals, and verify that procedures pertaining to the storage, handling and processing of money and firearms are followed.

(c) Property and Evidence security access is strictly limited. The vault and storage areas are only accessible to the Evidence Technicians and Supervisor. The office area can also be accessed by the Records Manager and the Deputy Chief for Information Services.



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# Pawn Shops and Secondhand Dealerships

## 805.1 PURPOSE AND SCOPE

The Agency recognizes pawn broking and dealing in secondhand property as legitimate businesses entitled to protections of law. It is the Policy of this Agency to hold or seize secondhand or pawned property believed to be stolen for further investigation and as evidence for prosecution. All property obtained by theft, robbery, burglary, or other illegal means should be returned to the owner (C.R.S. 18-4-405 Rights in Stolen Property), however the primary purpose of the police seizure is for investigatory purposes.

## 805.2 PROCEDURE

When property subject to seizure is located in a pawnshop or secondhand dealership, officers must get a warrant to seize the property or obtain consent to seize the property. Police cannot use statutory power to require a pawnbroker or secondhand dealer to present the property and then seize it under the "plain view" exception to the warrant requirement.

### 805.2.1 PROPERTY HOLD ORDER

(a) If an officer reasonably suspects property is subject to seizure, the officer shall place a Property Hold Order on the property.

(b) Property Hold Orders must be in written form and signed by the investigating officer and given to the pawnbroker or secondhand dealer in person.

(c) After the Property Hold Order has been completed, a copy shall be left with the pawnbroker or secondhand dealer, and the original filed with the Records Division.

(d) Property Hold Orders are effective for 90 days, unless a prosecution has been filed during the ninety day period.

(e) If the officer develops probable cause that the property is subject to seizure during the 90 day period of the Property Hold Order, the officer should seize the property as evidence pursuant to Policy 805.2.3 below.

### 805.2.2 RELEASE OF PROPERTY HOLD ORDER

If the officer finds the property is not subject to seizure, the officer will release the Property Hold. The release must be documented by the officer on a Release of Property Hold Order. A copy shall be left with the pawnbroker or secondhand dealer and the original filed with Fort Collins Police Services Records.

### 805.2.3 SEIZURE OF PAWNED OR SECONDHAND PROPERTY

If the officer develops probable cause to believe the property is subject to seizure or the 90 days has expired, the officer may seize the property by consent of the pawnbroker or secondhand dealer or by search warrant. No property will be seized from a pawnshop or secondhand dealer without a signed Property Seizure Agreement or a search warrant.



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(a) If the pawnbroker or secondhand dealer agrees to the seizure of the property, the officer will obtain a signed Property Seizure Agreement from the pawnbroker or secondhand dealer. A copy will be left with the pawnbroker/secondhand dealer and the original will be filed with the Records Division.

(b) If the Pawnbroker or secondhand dealer does not agree to the seizure, a search warrant is required and at the time the search warrant is executed, the officer will give the pawnbroker or secondhand dealer a copy of the search warrant and the Inventory and Return for Search Warrant.

805.2.4 SEIZURE OF PAWNED OR SECONDHAND PROPERTY BY OFFICERS FOR ANOTHER LAW ENFORCEMENT AGENCY

If an officer or detective from another law enforcement department notifies this Agency that property subject to seizure is located in a pawnshop or secondhand dealership within the City of Fort Collins, an officer shall investigate the property identified by the outside department.

(a) If reasonable suspicion exists, the officer shall put the property on a Property Hold Order as described in this Policy.

(b) If the officer develops probable cause to believe the property is subject to seizure, the officer may seize the property as described in this Policy.

805.2.5 DISPOSITION OF PROPERTY SEIZED FROM A PAWNSHOP OR SECONDHAND DEALERSHIP.

(a) When property is seized from a pawnshop or secondhand dealer pursuant to a Property Seizure Agreement, the officer will place the property into evidence with a copy of the Property Seizure Agreement.

(b) When property is seized from a pawnshop or secondhand dealer pursuant to a search warrant, the officer will place the property into evidence with a copy of the search warrant.

805.2.6 RETURN/RELEASE OF SEIZED PROPERTY

(a) Officers shall not deliver pawned or secondhand property that has been seized from a pawnbroker or secondhand dealer to any third person, including other agencies, until 10 days have elapsed from the time of such seizure, even though a third person claims and may appear to be the rightful owner or possessor of the property, unless:

1. A case report has been made; and

2. An investigation has been or is being conducted; and one of the following conditions also exists:

    (a) The officer receives a signed Consent to Release Seized Property Form from the pawnbroker or secondhand dealer; or

    (b) A court order is obtained specifically authorizing delivery of the property to a third party or another law enforcement department; or



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(c) A criminal prosecution in the case results in a court order specifically authorizing delivery of the property to a third party or another law enforcement department; or

(d) There is an agreement of the parties for disposition of the property and the prosecutor's office has released the property from evidence for purposes of prosecution, if any.

(b) If a written objection to the proposed disposition of the property is filed with the investigating officer or the pawn detective by the pawnbroker or secondhand dealer within 10 days of the seizure of that property, the property shall not be released except pursuant to a court order or an agreement of all parties. Absent the filing of such an objection by the pawnbroker or secondhand dealer within the 10-day period, the seized property may be released to the original rightful owner or other investigating law enforcement department.

(c) If an objection has been filed by the pawnbroker or secondhand dealer and an agreement by all parties as to disposition of the property cannot be reached, the officer or pawn detective shall contact the City Attorney's Office for the filing of an Interpleader (Court Order/Decree regarding disposition of property).

(d) Before any property is returned to a third person or other department, best evidence must be ensured by photographing the property and logging the photographs into evidence.

(e) A Fort Collins Police Services Evidence/Property Lab Request Form identifying the returned property must be completed and signed by the person taking possession of the property.

### 805.2.7 INSPECTIONS OF RECORDS AND PREMISES

(a) The Criminal Investigations Division will conduct all pawnshop and secondhand dealership inspections pursuant to that Division's standard procedures for inspections, unless otherwise approved.

(b) All pawnshop and/or secondhand dealership inspections will be documented via the completion of the Agency Pawnshop/Secondhand Dealer Inspection Report within 24 hours of inspection and a copy of the Pawnshop/Secondhand Dealer Inspection Report will be provided to the Pawnbroker or Secondhand Dealer.

### 805.2.8 DISPOSITION OF PROPERTY BY EVIDENCE TECHNICIANS

Seized, pawned and/or secondhand property submitted into Evidence/Property will be released or disposed of in accordance with this Policy and Policy 804 - Property and Evidence.



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# Records Policy

## 806.1 PURPOSE AND SCOPE

The Records Manager shall keep the Agency Records Policy continuously updated to reflect the most current law, regulation and procedures regarding the handling of the Agency's official records.

### 806.1.1 NUMERICAL FILING SYSTEM

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number 1100001 would be the first new case beginning January 1, 2011.

### 806.1.2 PRIVACY POLICY

The Records Manager shall apply, and assist in the development and maintenance of, the Agency's Policy standardizing the collection, storage, transfer and use of personally identifiable information pursuant to CRS § 24-72-502. Minimally, the Policy shall include:

(a) A declaration supporting the protection of individual privacy.

(b) Standards which minimize the collection of personally identifiable information to the least amount of information required to complete a particular transaction.

(c) The applicability of the Colorado Open Records Act.

(d) A method for feedback from the public on compliance with the privacy policy.

(e) Notation that the policy applies to the collection of all personally identifiable information, regardless of the source or medium.

The privacy policy shall be published on the Agency's website.

## 806.2 RECORDS MANAGER TRAINING

The Records Manager shall receive training in records management, including proper maintenance, retention and disposal of records and the proper release of records under state and federal law.

## 806.3 NATIONAL INCIDENT BASED REPORTING SYSTEM (NIBRS)

The Agency will participate in the National Incident Based Reporting System (NIBRS) program by reporting all criminal offenses and arrest data to the Colorado Bureau of Investigations (CBI).

(a) All NIBRS statistics will be completed for the month prior by the 7th day of each new month. Example: Statistics for January will be submitted by February 7th.

(b) The Agency may choose to submit the data either online or by other approved methods in accordance with CBI guidelines.



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# Restoration of Firearm Serial Numbers

## 808.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owner or origin of the firearm. This allows the property to be returned to rightful owners or for investigations to be initiated to curb illegal trade of contraband firearms. The purpose of this Policy is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of firearm serial numbers will observe the following guidelines.

## 808.2 PROCEDURE

Any firearm coming into the possession of the Agency as evidence or found property, where the serial numbers have been removed or obliterated, shall be processed in the following manner.

### 808.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately document the condition of the gun when it is received. Note the positions and conditions of the various components, such as the safeties, cylinder, magazine, slide and hammer. Accurately document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, it should be processed before the serial number restoration is attempted. First document important aspects, such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 808.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed or obliterated serial numbers shall book the firearm into Property and Evidence following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated. If lab analysis is required, the employee booking the firearm into evidence shall also complete and submit the appropriate lab request form(s). The Property/ Evidence technician receiving a firearm with removed or obliterated serial numbers shall arrange for the firearm to be transported to the crime laboratory for restoration and to maintain the chain of custody



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808.2.3 DOCUMENTATION
Officers should prepare case reports to document the chain of custody and the initial examination and handling of the firearm, from the time it is received or collected until it is released.

This report shall include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form, depending on the type of evidence.

808.2.4 FIREARM TRACE
After the serial number has been restored (or partially restored) by the crime laboratory, a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) will be completed and forwarded to the (NTC) in Falling Waters, West Virginia or entered into the ATF eTrace system.

**808.3 OTHER CONSIDERATIONS**
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the ATF's National Integrated Ballistic Information Network (NIBIN), which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.



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# Records Release and Security

## 810.1 PURPOSE AND SCOPE

(a) The purpose of this Policy is to establish a reference and procedure for the security and release of Agency criminal justice public records in accordance with the Colorado Open Records laws (CRS § 24-72-200.1 to § 24-72-206 and CRS § 24-72-301 to CRS § 24-72-309).

(b) This Policy does not prevent the Agency from voluntarily making part or all of specific records available to the requesting person, or the public, unless disclosure is deemed exempt, confidential, private or expressly prohibited by law.

(c) The Federal Freedom of Information Act (FOIA) does not apply to state or local records.

## 810.2 PUBLIC REQUESTS FOR RECORDS

The Records Manager is responsible for the retention, archiving, release and destruction of Agency criminal justice public records as follows:

(a) The Records Manager will maintain a policy for the retention, archiving and destruction of Agency criminal justice public records (CRS § 24-72-203(1)(b)(I)).

(b) The Records Manager will maintain either the Colorado Model Municipal Retention Schedule if approved by the State Archivist for use by the Agency or other retention schedules signed and approved by the Colorado State Archivist. The Records Manager is responsible for requesting authorization to destroy records and for responding to any authorization to destroy records sent by the State Archives.

(c) The Records Manager will establish rules regarding the inspection of Agency records as reasonably necessary for the protection of those records and the prevention of unnecessary interference with the regular discharge of the duties of the Records Manager or the Manager's office (CRS § 24-72-203(1)(a)).

(d) The Records Manager shall consult periodically with the Colorado State Archives regarding retention and disposition of records to determine whether records are of legal, administrative or historical value (CRS § 2480103).

1. Those records unanimously determined to be of no legal, administrative or historical value shall be disposed of by such method as the Agency may specify.

2. The Records Manager shall file and preserve a list of all records disposed of, together with a signed statement certifying compliance.

(e) The Records Manager shall maintain a schedule of fees for criminal justice public records as follows (CRS § 24-72-205, § 24-72-306):



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1. Fees may not exceed 25 cents per standard page for a copy of a public record or a fee not to exceed the actual cost of providing a copy, printout or photograph of a public record in a format other than a standard page.
2. In rare cases and dependent on availability of resources, for records that must be generated by a manipulation of data because they are not in a form used by this Agency, the fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee.
3. If the record is a result of computer output, other than word processing, the fee may be based on recovery of the actual incremental cost of providing the electronic services and products together with a reasonable portion of the cost associated with building and maintaining the information system
4. The Records Manager may waive or reduce fees when it is in the public interest to do so, provided any such fee reduction or waiver is uniformly applied among persons who are similarly situated.

(f) The Records Manager should prepare and make available to the public a description of the basic rights of a person who requests criminal justice records, the responsibilities of the Agency, and the procedures, which will include the cost of inspecting or obtaining copies.

810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media, may request inspection of Agency records by submitting a written and signed request for each individual and specifically identified record sought to an authorized Agency employee during normal business hours. Requests shall be forwarded to the Records Manager or designee to process.

Request for records of the Agency will be handled by the Records Manager as follows:

(a) The Records Manager shall determine whether the requested record is available and/or subject to any exemption from disclosure.

1. A finding that extenuating circumstances exist shall be made in writing by the Records Manager and shall be provided to the person making the request within a three-day period.
2. The fact that portions of records are exempt from disclosure shall not preclude portions that are not exempt from being released. If portions of a record are redacted, those portions should be identified as redacted or the person requesting the record shall be notified of the redaction.
3. If the Records Manager finds there are extenuating circumstances, he/she shall make such records available for inspection within seven business days.



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(b) The requesting party should be required to pay in advance any established fee for each record sought.

(c) Requests for information that the Records Manager believes is confidential and wishes to withhold from the public that is not specifically allowed by statute or judicial decision should be discussed with legal counsel for the Agency.

(d) If the Records Manager denies access to any criminal justice record, the applicant may request a written statement of the grounds for the denial. The Records Manager shall prepare the written statement citing the law or regulation under which access is denied or the general nature of the public interest to be protected (CRS § 24-72-204(4), CRS § 24-72-305(6)).

(e) The Agency is not required to create records which do not otherwise exist.

(f) Released records shall be tracked and logged by records personnel.

Members shall make a reasonable effort to exclude or redact the Social Security number and email address of any victim and witness from any document released in accordance with this policy to anyone other than the victim, the attorney for the defendant or any criminal justice agency (CRS § 24-4.1-303(18)).

### 810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, the following restrictions apply:

(a) **Victim compensation information** - Records or portions of records containing any confidential materials concerning an application for victim's compensation shall not be released (CRS § 24-72-204(2)(c); CRS § 24-4.1-107.5).

(b) **Sexual assault victim information** - The name and any other information that would identify any victim of sexual assault or of alleged sexual assault or attempted sexual assault or alleged attempted sexual assault shall be deleted prior to the release of any record (CRS § 24-72-304(4)).

(c) **Confidential information** - Records involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation should not be released.

(d) **Information received from the Safe2Tell® program** - Information as described in CRS § 16-15.8-103 (CRS § 24-72-204; CRS § 16-15.8-104).

(e) **Intelligence and security measures** - Records of intelligence information or security procedures should not be released where disclosure would be contrary to the public interest (CRS § 24-72-204(2)(a)).

(f) **Contrary to the public interest** - The Records Custodian may refuse to disclose or release any criminal justice record when it would appear that the public's interest in accessing such record is outweighed by the reason for nondisclosure (CRS § 24-72-304(1)).



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(g) **Solicitation of business use** - The Records Custodian shall deny any person access to records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain (CRS § 24-72-305.5).

(h) **Requests from criminal defendants** - Requests from criminal defendants and their authorized representatives, including attorneys, shall be referred to the District Attorney, City Attorney or the courts.

(i) **Personnel records** - Personnel records, medical records and similar records which would involve personal privacy shall not be made public (CRS § 24-72-204(3)(a)).

(j) **Work product** - Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.

(k) **Other records** - Any other record not addressed in this policy shall not be subject to inspection where (CRS § 24-72-204(1)):

1. Such inspection would be contrary to any state statute.
2. Such inspection would be contrary to any federal statute or regulation.
3. Such inspection is prohibited by rules promulgated by the Supreme Court or by the order of any court.

810.3.1 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver's license record, motor vehicle record or any department record except as authorized by the Agency and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721, 18 USC § 2722).

## 810.4 SUBPOENA DUCES TECUM

(a) Any subpoena duces tecum or discovery request should be promptly provided to the Records Manager for review and processing. While records identified in a subpoena duces tecum may ultimately be subject to disclosure, the subpoena duces tecum is not an order from the court that will automatically require the release of the requested information.

(b) All questions regarding compliance with any subpoena duces tecum should be promptly referred to the City Attorney so that a timely response can be prepared.

## 810.5 RELEASED RECORDS TO BE STAMPED

Each page of any record released pursuant to a subpoena duces tecum shall be stamped with an Agency stamp identifying the individual to whom the record was released.



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### 810.6 PRIVACY AND SECURITY OF RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.



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# Protected Information

## 812.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Fort Collins Police Services. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Release and Security Policy.

### 812.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Fort Collins Police Services and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 812.2 POLICY

Members of the Fort Collins Police Services will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 812.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include, but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Division of Motor Vehicles (DMV) records and the Colorado Crime Information Center (CCIC)

(b) Developing, disseminating and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy

(c) Developing, disseminating and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release and security of protected information

(d) Developing procedures to ensure training and certification requirements are met

(e) Resolving specific questions that arise regarding authorized recipients of protected information

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information



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## 812.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Fort Collins Police Services policy or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution.

## 812.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Manager for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records to ensure proper documentation of the release (see the Records Release and Security Policy).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio or cellular telephone, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other Agency members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

### 812.5.1 SENDING CRIMINAL HISTORIES TO MOBILE DATA COMPUTERS

(a) This is per CJIS Security Policy, version 5.0, section 5.9.1, which defines a police vehicle as a physically secure location; it is permissible for officers to receive criminal history information via a secured Mobile Data Computer.

(b) This allows Dispatch or Records personnel to electronically forward criminal history information to a sworn officer's laptop for the purpose of aiding the officer in their police or investigative duties.

## 812.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include, but are not limited to:



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(a) Developing and maintaining security practices, procedures and training

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities

812.6.1 MEMBER RESPOSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## 812.7 CHALLENGE TO CRIMINAL OFFENDER RECORD

Any person has the right to challenge the accuracy and completeness of criminal justice records pertaining to him/her and to request that said records be corrected (CRS § 24-72-307). Any such requests shall be forwarded to the Records Manager.

Upon receipt of a request to correct the record, the Records Manager will evaluate the request as follows:

(a) The Records Manager will review the request for correction and make a determination of whether to grant or refuse the request, in whole or in part.

(b) In the event that the Records Manager requires additional time to evaluate the merit of the request for correction, the Records Manager shall notify the applicant in writing.

    1. The Records Manager shall then have 30 days from the date of receipt of the request for correction to evaluate the request and to make a determination of whether to grant or refuse the request, in whole or in part.

    2. The Records Manager will communicate that decision to the applicant in writing.

(c) If the Records Manager refuses to make the requested correction and the person requests a written statement of the grounds for the refusal, the Records Manager shall promptly provide such a written statement.

(d) If the Records Manager decides to make the correction, the Records Manager will ensure the change is made in the records of the Fort Collins Police Services and communicate the correction to the Colorado Bureau of Investigation.



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# CCIC/NCIC

## 813.1 PURPOSE AND SCOPE

Access to the information contained in the Colorado Crime Information Center (CCIC) and National Crime Information Center (NCIC) system is for official use only. The release of any information from the CCIC/NCIC system to anyone other than law enforcement or criminal justice personnel is a violation of CCIC/NCIC policy. Any release of information from CCIC/NCIC which may be incidental to another incident requiring information release should be performed by personnel identified in Policies 810 - Security and Release of Records and 812 - Criminal Histories and in accordance with their established procedures.

Colorado Bureau of Investigation (CBI) and the Federal Bureau of Investigation (FBI) are responsible for maintaining the CCIC/NCIC systems and impose consequences for violating their policies regarding access to the CCIC/NCIC system. The consequences may include the loss of access (either temporarily or permanently) for the Agency, sanctions and/or loss of CCIC/NCIC access privileges for the terminal operator, and/or possible federal charges against the terminal operator for unauthorized release of information. Additionally, violating CBI or FBI policy could result in discipline up to and including termination.

## 813.2 COMPLIANCE

It is the Policy of Agency to fully comply with all regulations imposed by the CBI and the FBI regarding the operation of and access to the CCIC/NCIC system.

### 813.2.1 WARRANTS

(a) If a telephone caller requests information on warrants, either on themselves or another person, the caller will need to provide name and date of birth of the person for the person. This function can only be performed by Warrants, Dispatch, and Records personnel.

1. Only information reflected in the Agency's Records Management System (RMS), positive or negative, may be released over the phone and then only if the subject is an adult. If the date of birth of the subject indicates that the subject is at present time under the age of eighteen years, or that the warrant pertains to a juvenile record (even if the subject is presently over 18 years of age), the caller will be informed that information regarding juveniles or juvenile records cannot be released over the phone.

2. If an active warrant from another department or relating to a juvenile is discovered, the requestor will be instructed to come to the Agency or to the Larimer County Detention Center to make the appropriate query, after producing valid identification.

    (a) If a person comes to the Agency and is found to have a valid warrant for their arrest, a police officer shall be summoned to arrest the person. The warrant will be confirmed appropriately through the CCIC system.



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813.2.2 QUERIES ON VEHICLES, ARTICLES, GUNS, BOATS, LICENSE PLATES AND SECURITIES

Any business, or non-criminal justice or non-law enforcement department may call the Agency to request clearances on articles of interest they believe to be stolen. Authorized department personnel will query the article. If the article comes back as clear, FCPS personnel will inform the caller that no record is found. If the article comes back as stolen, then an incident will be entered into CAD, and an officer will be dispatched to take the appropriate action.

813.2.3 LAW ENFORCEMENT QUERIES BY PHONE

If the telephone caller claims to be from a law enforcement or criminal justice department and requests CCIC/NCIC information, the caller will be directed to send a teletype in the proper format and utilizing the correct coding.

## 813.3 ACCESS TO THE CCIC/NCIC SYSTEM AND MESSENGER

The CCIC system, also known as Messenger, utilizes TCP/IP (Internet) addressing for connectivity and web browser software for the user interface.

(a) CCIC authorized access shall be used for Fort Collins Police business purposes only and accessed from department computers or Agency-issued laptops only. Users are not allowed to use their authorized access for personal reasons.

(b) Misuse of the CCIC/NCIC system can result in disciplinary action, which can include termination. If an employee is placed on administrative leave as a result of system misuse, then the employee's operator security number shall be suspended until such time as an investigation can be completed.

## 813.4 PERSONNEL SECURITY

All CCIC/NCIC operators must have a valid OSN (Operator Security Number) to access the system. Any existing personnel, either sworn, civilian, or volunteers, performing queries or other transactions, who do not have their own individual OSN must contact the CCIC Coordinator for issuance of an OSN and submission of fingerprint cards to the CBI before an OSN and further access will be granted.

(a) Operators should only access CCIC/NCIC under the OSN assigned to them. All information retrieved via CCIC/NCIC is logged to the operator signed onto CCIC/NCIC. Using or allowing someone else to use an OSN assigned to another person is a violation of CCIC/NCIC policy.

(b) Background investigations are conducted by the CBI on all operators both through on-line query transactions and through the submission of applicant fingerprint cards sent to the CBI for CCIC/NCIC identification searches.

(c) Logging on to the CAD system automatically generates the user's OSN logon to the CCIC/NCIC system, for those CAD terminals with CCIC/NCIC access.



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### 813.5 QUALITY CONTROL

Entries into CCIC/NCIC must be double-checked by a second party for accuracy.

(a) Verification should include ensuring all available cross-checks, e.g., VIN or license numbers were made and the data in the system matches the data in the investigative report.



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# Computers and Digital Evidence

## 814.1 PURPOSE AND SCOPE

This Policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs), digital cameras, digital recorders, and other electronic devices that are capable of storing digital information. This Policy also establishes procedures for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this Policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

## 814.2 SEIZING COMPUTERS AND RELATED EVIDENCE

Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. In situations where a complex computer environment, or advanced users are encountered a forensic expert should be consulted.

When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front, back and surrounding desktop or office setup, specifically including cable connections to other items. Look for a telephone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation, such as fingerprints, biological or trace evidence and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.

    1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    2. Disconnect the power cable from the back of the computer box. If the computer is a portable notebook style, disconnect any power cable from the case and remove the battery.

    3. A forensic expert may assist with the collection of volatile data prior to disconnecting the computer from the power source.

(e) Label each item with the case number and item number.

(f) Handle and transport the computer and storage media (e.g., tape, disks, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Log all computer items into the Property and Evidence Unit. Do not store computers where normal room temperature and humidity is not maintained.



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(h) At minimum, officers should document the following in related reports:

1. Where the computer was located and whether it was in operation?
2. Who was using it at the time?
3. Who claimed ownership?
4. If it can be determined, how it was being used?

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (e.g., printers, remote drives, hard drives, tape drives and disk drives) should be seized along with all media. Accessories (e.g., printers, monitors, mouse, scanner, keyboard, cables) should not be seized unless as a precursor to forfeiture or the equipment is proprietary (e.g. Apple keyboard and mouse) and necessary for examination of the associated media.

#### 814.2.1 BUSINESS OR NETWORKED COMPUTERS

If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Until properly secured, networked computers can be accessed remotely to alter critical hard drive data. Therefore, cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner as soon as practicable for instructions or a response to the scene. It may be possible to perform an on-site inspection or to image the hard drive only of the involved computer. This should be done by someone specifically trained in processing computers for evidence. The forensic image of the hard drive shall be marked and maintained as primary evidence.

#### 814.2.2 FORENSIC EXAMINATION OF COMPUTERS

If an examination of the contents of the computer's hard drive, disks or any other storage media is required, forward the following items to a computer forensic examiner:

(a) A copy of reports involving the computer, including the evidence/property sheet

(b) A copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to the investigation or other legal authority for examination

(c) A list of the items to search for (e.g., photographs, financial records, email, documents)

A forensic image of the media will be made; subsequent forensic examination of the image will be conducted by a trained digital forensic examiner.

### 814.3 SEIZING DIGITAL STORAGE MEDIA

Digital storage media, including hard drives, floppy disks, CDs, DVDs, tapes, memory cards or flash memory devices, should be seized and stored in a manner that will protect them from damage.



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(a) If the media has a write-protection tab or switch, it should be activated.

(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Property and Evidence Unit to copy the contents to an appropriate form of storage media.

(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

(d) Do not search, review, access or open digital media files prior to submission. If the information is needed for immediate investigation, request assistance from a forensic expert.

(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

## 814.4 SEIZING PERSONAL COMMUNICATION DEVICES

Personal communication devices (PCD), such as cellular phones or other handheld devices connected to any communication network must be handled with care to preserve evidence that may be on the device, including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert unless exigent circumstances exist that dictate the immediate need for the information. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be wrapped in heavy duty aluminum foil, or placed in a solid metal container, such as a paint can or in a Faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units. If possible the device should be plugged in to prevent data loss.

(d) Officers may contact a forensic expert to assist with the collection and preservation of data if necessary.

## 814.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of the evidence.

### 814.5.1 COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.



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### 814.5.2 SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) As soon as reasonably possible following the collection of evidence, the camera operator is to remove the memory card from his/her digital camera and transfer the images to storage media for submission.

(b) The storage media should be marked with the case number and item number.

### 814.5.3 DOWNLOADING OF DIGITAL FILES

Digital information, such as video or audio files recorded on devices using internal memory, must be downloaded to storage media. Where reasonably possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media

### 814.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is related to case documentation and held as evidence. Only digital forensic examiners are authorized to copy original media seized as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.



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# Office of Human Services

## 815.1 PURPOSE AND SCOPE

Fort Collins Police Services recognizes that certain chronic and acute stressors are inherent to the law enforcement profession. Therefore, it is the Policy of Fort Collins Police Services to proactively address specific personal and social needs of Agency employees and the community through the Human Resources Department, which is staffed by a Director of Human Resources.

### 815.1.1 SERVICE OVERVIEW

The Office of Human Services provides counseling, crisis intervention, training, consultation and administrative services to the Agency on a 24/7 basis.

## 815.2 DIRECTOR OF HUMAN SERVICES

(a) Provides confidential counseling services to employees and certain members of their families.

1. The appropriateness of the services for family members shall be determined by the Director of Human Services.

(b) Serves as a coordinator and Clinical Supervisor of the Peer Support Team (PST) and responds with the PST to all critical incident call outs.

(c) Provides support services to police trainees as a part of the Field Training Program (FTO), Communication Center trainees in the Communication Officer Training Program (CTO), and Records Management Assistant trainees involved in the Records Training Program (RTO). An introductory orientation to support services is also provided to any new employee not included in the above programs.

(d) Works with the Training Unit Sergeant in matters of instruction and the presentation of programs of special interest.

(e) Functions as the liaison contact between Police Services and the various community agencies dealing with the mentally ill, e.g. community mental health, hospital services, corrections, social services, etc. This role includes being a member of the Interagency Treatment Group in Crisis Training.

(f) May assist in various department staff and administrative projects as requested.

(g) May assist other agencies at the approval of the Chief of Police or a Deputy Chief.

### 815.2.1 RELIEF FROM DUTY

(a) The Director of Human Services may recommend that an employee be placed on temporary administrative leave or in a different duty assignment as part of a brief counseling intervention or a comprehensive Human Services program.



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### 815.2.2 ETHICS AND CONFIDENTIALITY

(a) The Director of Human Services shall observe the ethical principles of psychologists and is bound by the Code of Conduct as published by the American Psychological Association.

(b) The Director of Human Services, in the performance of duties associated with the Office of Human Services, is recognized to have the protection of privileged communication as specified in Colorado Revised Statutes.

1. Information discussed in counseling, consulting, or peer support relationships shall not be made available during an administrative or criminal investigation without the consent of the client.

(c) The protection of privileged communication may not apply when an employee is mandated to participate in a Human Services program.

1. In such instances, the Director of Human Services must inform the employee of confidentiality limitations.

(d) Privileged Communication may be compromised in the event of serious threat of suicide, threat of harm to others, grave disability, actual or suspected child abuse, or as mandated by law.

### 815.2.3 PARTICIPATION IN PROGRAMS

(a) An employee may voluntarily participate in any Human Services session or program mutually designed and deemed appropriate by the employee and the Director of Human Services.

1. Employees may participate in voluntary programs during duty hours with permission of the supervisor and if shift strength permits.

(a) Supervisors should make a reasonable effort to facilitate scheduled on-duty appointments.

2. If participation during duty hours is not permitted, or if the employee chooses a time other than while on-duty, program participation is not eligible for compensation.

(b) A supervisor may order a subordinate whom he/she directly supervises to meet with the Director of Human Services if:

1. Intervention on the part of Human Services is a component of a general program to assist the subordinate in meeting minimum Agency standards; or

2. Specific stress-related difficulties have consistently been observed; or,

3. The subordinate has experienced a traumatic event and appears to be experiencing problematic post-event phenomena.

(c) Employees who are ordered to attend a Human Services session or program that cannot be accomplished during the employee's duty hours shall be compensated in accordance with current Agency compensation practices.



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(d) Employees may contact the Office of Human Services directly to arrange an appointment for support services; such contacts shall remain confidential within the limits described previously.



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# Peer Support Team (PST)

## 817.1 PURPOSE AND SCOPE

Emergency service providers deal with many stressful situations in the course of their work. The outcomes include the negative impact of cumulative stress as well as the potential harmful impact of specific critical incidents. Prevention and intervention services are required to help staff maintain their emotional equilibrium so that they can successfully perform their job duties and maintain healthy personal relationships. Such services need to be offered in a way that staff will use them effectively. One proven means of providing such services is through a department Peer Support Team (PST).

## 817.2 PEER SUPPORT TEAM DEFINED / SERVICE OVERVIEW

(a) The Peer Support Team:

1. Provides emotional support for department employees and their families.
2. Participates in the department's comprehensive response to an officer involved shooting or other potentially traumatic event. The Peer Support Team provides prevention and support services.
3. Adheres to standards set by C.R.S. 13-90-107(m) and to the Peer Support Team Operational Guidelines.
4. May be called upon 24/7 but are not on-call unless so placed by a supervisor.

(b) Any employee or family member may request help directly from a peer support team member at any time.

(c) Any employee or family member can request that PST "Reach Out" and contact someone they are concerned about.

## 817.3 TEAM MEMBERS

(a) The Peer Support Team consists of employees, sworn and civilian, who are officially designated by the Chief of Police after a structured selection process and a training class in both critical incident interventions and general peer support skills.

(b) The PST is clinically supervised and coordinated by the Director of Human Services.

(c) The PST meets monthly with the Director of Human Services for continued education and supervision.

## 817.4 THE PROTECTION OF PRIVILEGED COMMUNICATION

Contact with a PST member is confidential only when the PST member and employee acknowledge that their interaction is a formal peer support contact and is also subject to the following considerations:



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(a) Administrative investigations: Issues discussed with a Peer Support Team member during any peer support contact shall be considered confidential and not subject to disclosure during an administrative investigation without the consent of the employee.

(b) Criminal Investigations: To the extent permitted or required by law, issues discussed with a Peer Support Team member during any peer support contact shall be considered confidential and, unless otherwise mandated by law, shall not be subject to disclosure during a criminal investigation without the consent of the employee.

(c) Peer Support Team members in the course of their duties are granted protection from testifying about their contacts with employees by C.R.S. 13-90-107(m).

817.4.1 LIMITS UPON THE PROTECTIONS OF PRIVILEGED COMMUNICATION

(a) The protection of privileged communication may not apply in the following circumstances:

1. When a PST member is a witness or a party to an incident which prompted the delivery of peer support services.
2. Information received by a PST member is indicative of actual or suspected child abuse, as described in section C.R.S. 18-6-401, or actual or suspected child neglect, as described in section C.R.S.19-3-102.
3. Due to alcohol or other substance intoxication or abuse, as described in sections C.R.S. 27-81-111 and 27-82-107, the person receiving peer support is a clear and immediate danger to the person's self or others.
4. There is reasonable cause to believe that the person receiving peer support has a mental illness and, due to the mental illness, is an imminent threat to himself or herself or others or is gravely disabled as defined in section C.R.S.27-65-102.
5. There is information indicative of any criminal conduct as described in C.R.S.13-90-107(1)(m).



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# Critical Incidents and Line of Duty Deaths

## 819.1 PURPOSE AND SCOPE

Like other emergency service providers, employees are often called upon to deal with situations that may result in psychological trauma to those involved. The effectiveness of the recovery environment after a critical incident plays a significant role in both the prevention of a trauma response and a rapid recovery and successful return to work. The goal of the support offered is to return the involved staff member to duty mentally prepared to work safely and effectively.

### 819.1.1 POLICY

This Policy is intended to address the critical incidents and line-of-duty death provisions, including death notification and family assistance, and be applicable to any Agency employee regardless of whether or not the death is duty related. The Chief may implement any portion of this Policy and Standard Operating Procedure (SOP) in cases of death of an active duty or retired officer or employee which does not meet the criteria of "line-of-duty" death.

This Policy also provides direction to Agency Command Staff and employees for the appropriate care for the family of a deceased employee and to render honors appropriately. If the incident is the line-of-duty death of a police officer, funeral arrangements are to be decided by the family of the officer with their wishes taking precedence over those of the Agency.

## 819.2 CRITICAL INCIDENTS

Many factors influence the intensity of a critical incident response. Often, incidents which are not traumatic to some staff will have a profound effect on others. This difference in reactions can contribute to confusion and self-questioning commonly experienced by individuals dealing with critical incidents.

The specific effects of a critical incident on those involved may vary widely, ranging from the absence of significant problematic reactions to debilitating flashbacks, nightmares and intrusive thoughts.

(a) Given the reality of unique responses to critical incidents, no staff will be penalized for requiring assistance.

### 819.2.1 ADMINISTRATIVE LEAVE

Any Agency officer directly involved in a critical incident shall be placed on Administrative Leave.

(a) Assignment to Administrative Leave is standard procedure and is not an indication that the individual acted improperly.

(b) Administrative Leave shall be with full pay and benefits.

(c) While on Administrative Leave, the employee shall remain available for Agency interviews and statements regarding the incident, and shall be subject to recall to duty at any time.



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(d) The officer shall not discuss the incident details with anyone except personnel from the Agency or another criminal justice department who are assigned to investigate the incident; the officer's legal representative, mental health professional, clergy, and immediate family.

1. If the employee feels that he/she would benefit from discussing the incident with someone other than those persons listed, a request for an exception to this restriction may be directed to the officer's Deputy Chief.

(e) Upon clearance to return to duty by the department, the officer will remain on administrative leave until he or she participates in the Return to Duty protocol administered by the Director of Human Services

## 819.3 LINE-OF-DUTY DEATHS

The Line-Of-Duty Death standard operating procedure (SOP) outlines the operational procedures and duties of selected individuals shall be provided to the Chief of Police, Department Heads, and Commander of the Honor Guard. The procedures described in the SOP document should be adhered to in cases of line-of-duty deaths. These procedures should be followed whenever possible with the understanding that the wishes of the family take precedence over the desires of the Agency. Employees providing services and assistance to family members and survivors shall take all possible measures to accommodate their needs, wishes and desires in order to assist the family members during this very difficult time in their lives.

(a) Copies of the Line-Of-Duty Death SOP will be provided to each Department Head and the Commander of the Honor Guard and shall be utilized as a resource to make assignments and enhance understanding of the roles that select individuals play in this process. The SOP shall also be on the appropriate computer shared drive utilized by the Agency.

As the need arises, the Chief of Police shall appoint an Officer In Charge who in turn will appoint a Survivor Assistance Officer (SAO) to coordinate all Agency functions regarding the follow-up, funeral, and other concerns germane to supporting the affected family.

### 819.3.1 FUNERAL POLICY

The Agency will address the funeral arrangements for deceased officers, employees, or city officials in the most respectful and sympathetic manner consistent with the wishes and needs of the family. In line-of-duty deaths, the police ceremonial farewell is an expression of our respect for one who has made the ultimate sacrifice; it is a public announcement of our grief.

The Agency may consider honoring the off-duty/retired officer or employee who passes away as a final tribute for their service to the city and community.

The Chief of Police may, in honor of any of these persons, order the lowering of the City of Fort Collins flag at all police facilities for a specified length of time.

### 819.3.2 MOURNING FALLEN OFFICERS

As soon as practical after notification of a law enforcement line-of-duty death within our Agency, the Chief of Police shall cause notification to be made to all employees. The notification should



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include an order for personnel to wear mourning shrouds. The Chief of Police may at his/or her discretion designate a time of mourning to honor the fallen law enforcement officer. During the time of mourning:

(a) Officers will shroud the Agency badge.

  1. Non- uniformed personnel, including civilians, may express their grief in the form of a looped black ribbon on the upper left front of their clothing similar to where a badge would be worn or lapel area.

(b) The Agency will display the Officer Down Memorial Flag in the front of the police building.

(c) The large display badge in the Agency lobby will be shrouded.

  1. A shroud is a black or black and blue band affixed horizontally across the uniform badge. Tape or other temporary "shrouds" are not authorized.

(d) Generally, the time of mourning will be from the time of the death of an officer until midnight on the day of the officer's funeral.

(e) Additionally, officers may shroud their badge on National Peace Officers Memorial Day (May 15).

The Chief of Police, in consultation with the Honor Guard Commander, shall determine what Honor Guard response, if any, is appropriate at funeral or memorial observances.

(a) Flags shall be lowered to half-staff upon order of the President or Governor and mourning ribbons worn through the day of the funeral of the involved officer.

The Chief of Police may order observances as deemed appropriate on a case-by-case basis in the event of line-of-duty death circumstances occurring within the State of Colorado.

(a) Members of the Honor Guard along with a command level officer may be appointed to attend funerals as official delegates of the department. All other officers wishing to attend may do so voluntarily on their own time and may use their police car to attend the funeral in a car pool fashion.

  1. While attending the funeral of a fallen police officer, officers may shroud their Agency badge.



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# Chapter 9 - Custody



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# Temporary Detention Areas

## 900.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish guidelines for the booking, housing, security and release of individuals from any Fort Collins Police Services facility that detains people for processing or awaiting transportation to another facility (6 CCR 1010-13:2.8).

This Policy is established to ensure proper environmental, occupational and personal health conditions for the protection of persons detained and Fort Collins Police Services employees (6 CCR 1010-13:18.1).

In addition, a separate Temporary Detention Areas Standard Operating Procedures manual may be maintained and followed.

### 900.1.1 DEFINITIONS

See Policy 107 - Definitions.

## 900.2 DETENTION OF PERSONS IN A DETENTION AREA

(a) Detainees in an Agency Detention Area (including the Headquarters building as well as Agency sub-stations) shall be released or transported to another facility within four hours or sooner if possible and practicable (6 CCR 1010-13:2.8).

(b) Only areas in Agency facilities specifically designated for securing prisoners shall be used for the detention of persons under this section.

(c) For the purposes of this Policy, Agency interview rooms may be used for the temporary detention of prisoners so long as the provisions of this Policy are followed.

### 900.2.1 NON-DETAINABLE PERSONS

Detainees who fall within the following classifications should not be detained in a Detention Area. Each person in one of the following categories should be transported to the county jail or a proper medical facility:

(a) Any person who is sick or injured requiring medical attention.

(b) Any person with a medical condition, including pregnant females, who may require medical attention, supervision or medication during confinement. Any person who has claimed, or is known to be afflicted with, or displays symptoms of any communicable disease.

(c) Any person suffering from a severe mental disorder; refer to Policy 418 - Mental Illness Commitments.

(d) Any combative or unruly person who is likely to cause damage to the facility or severely disrupt the good order of the facility.

(e) A detainee who is or may be contemplating suicide.



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(f) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotics, sedatives, tranquilizers, anti-neoplastic (cancer) drugs, research medication or any person suffering from withdrawals of the above.

900.2.2 DETAINABLE PERSONS

Detainees who fall within the following classifications may be detained in an Agency Detention Area. Detainable persons include those arrested and detained pending:

(a) Release on Personal Recognizance.

(b) Citation or summons release per Policy 420 - Citation/Summons and Release.

(c) Transportation to a detention center or Juvenile Processing Center.

(d) In-custody interview or other investigation.

(e) Transfer to court.

## 900.3 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by employees will be processed and handled in accordance with Policy 324 - Custody of Juveniles.

## 900.4 PERSONNEL REQUIRED IN TEMPORARY DETENTION AREA

Whenever a person is in custody, there should be at least one employee of the same sex available and accessible to the detainee.

Employees should not enter the cell of a detainee of the opposite sex unless another employee is present or an emergency exists. In the event there is no other employee readily available to conduct searches and safety checks, the prisoner shall be transported to the county jail or released pursuant to another lawful process (e.g., citation or release).

## 900.5 MONITORING AND CLASSIFICATION

900.5.1 MONITORING OF DETAINEES

All detainees shall be checked through direct visual observation in addition to surveillance cameras as follows:

(a) All detainees shall be visually checked no less than once every hour. The checks should be at varying times.

(b) Detainees in physical restraints shall be personally checked by an employee at least every 10 minutes.

(c) Audio and/or visual electronic surveillance equipment will be controlled to reduce the possibility of invading a detainee's personal privacy.



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### 900.5.2 DETAINEE CLASSIFICATION, SCREENING AND SEGREGATION

(a) All employees with information related to a detainee's risk of suicide shall ensure such information is related to the supervisor of the arresting or monitoring officer. While in custody in a Detention Area, the arresting or supervising officer shall ask the detainee if he/she is contemplating suicide. The officer shall evaluate the detainee for other signs or indications the person may be suicidal. If there is any suspicion the person may be suicidal, he/she shall be transported to the county jail or appropriate medical facility. The receiving staff shall be notified in writing (generally on the booking form) that the person may be suicidal.

(b) During the booking procedure, the arresting or supervising officer shall evaluate each incoming detainee for any apparent chronic illness, physical disability or possible communicable disease that may require medical attention (6 CCR 1010-13:14.2). If there is any suspicion the person may have a medical condition which requires immediate attention he/she shall be transported to appropriate medical facility by ambulance. The receiving staff shall be notified of the medical condition. Any other medical condition shall be noted in a police report.

(c) Before placing any detainee into a temporary holding cell with any other detainee, members shall consider whether the detainee may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141).

(d) If a detainee will be housed overnight in the same cell with any other detainee, he/she shall be screened to assess his/her risk of being sexually abused by other detainees or of being sexually abusive toward other detainees. Members shall ask the detainee about his/her own perception of vulnerability and shall consider the following criteria to screen detainees for risk of sexual victimization, including (28 CFR 115.141):

1. Whether the detainee has a known or apparent mental, physical or developmental disability
2. The age of the detainee
3. The physical build and appearance of the detainee
4. Whether the detainee has previously been incarcerated
5. The nature of the detainee's alleged offense and criminal history

    (a) Any detainee identified as being at a high risk for sexual victimization shall be provided with heightened protection. This may include continuous, direct sight and sound supervision, single-cell housing or placement in a cell that is actively monitored on video by a staff member who is available to immediately intervene, unless no such option is reasonably feasible (28 CFR 115.113; 28 CFR 115.141).

(e) Although female detainees may be held in the same building as male detainees, they must be provided separate holding cells. When possible, female and male prisoners should be separated by sight and sound.



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## 900.6 HOLDING FACILITY PROCEDURES

### 900.6.1 SALLY PORT

(a) An officer transporting a detainee into a Detention Area will either have dispatch open a sally port door or use the manual button to open a sally port door. Once inside the sally port, the officer will ensure the sally port door is closed prior to letting the detainee out of the vehicle. Vehicles will be turned off once parked inside the sally port. The sally port is to be used for detainee transports and will only be used for vehicle storage with the approval of a supervisor.

1. When entering the booking area from the sally port, officers will ensure the door to the sally port from the interlock area is secured before accessing the door into the booking area.

(b) Perimeter doors around a Detention Area shall be kept locked at all times except during routine cleaning, when no detainees are present or in the event of an emergency such as an evacuation.

(c) Cell doors are to be locked at all times when detainees are in the facility.

(d) No personnel shall smoke at any time while in a Detention Area.

(e) No detainee shall be allowed to smoke or possess smoking materials in a Detention Area.

(f) The detainee should be removed from restraints prior to being placed in a cell or prior to completing a breath test in the Intoxylizer room unless there is an officer-safety reason to keep them in restraints. If continued use of restraints is necessary, the detainee should be transported to the county jail.

### 900.6.2 RECEIPT OF PRISONERS

The arresting officer should:

(a) Conduct a booking search of each detainee secured into a Detention Area.

(b) Remove all contraband, hazardous items, belts, shoes and jackets from each detainee.

(c) Secure all property removed from each detainee.

(d) Ensure fingerprints and palm prints are obtained and submitted as appropriate.

### 900.6.3 HOLDING CELL SECURITY

(a) Prior to placing a detainee into a cell, the cell shall be searched to ensure there are no weapons or contraband present and to ensure the cell is clean and sanitary. If other detainees are present in the cell, this inspection shall be done visually without removing other detainees.

(b) If an officer is alone, any other detainees in a cell should be directed to stand against the far wall of the cell prior to opening the cell door.



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(c) Facility keys used by the staff shall be returned to their secure location prior to leaving the building.

(d) Access to the booking and holding cell area is restricted to sworn officers.

(e) Maintenance and/or cleaning personnel shall be accompanied at all times by an officer when inside the holding facility when a holding cell is occupied by a detainee.

900.6.4 HOLDING CELLS, PERSONAL HYGIENE AND BEDDING

(a) Detainees shall have toilets and water available at all times (6 CCR 1010-13:10.0).

900.6.5 TELEPHONE CALLS

(a) Every detainee is entitled to make a reasonable number of telephone calls from a Detention Area as soon as possible after arrival, except during DUI investigation and testing process (CRS § 16-3-402).

(b) Calls between the detainee and his/her attorney shall be paid by the Agency and shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

(c) If the person is a custodial parent with responsibility for a minor child or caring for a dependent adult, the person should be entitled to make a reasonable number of completed telephone calls for the purpose of arranging care for the minor child or a dependent adult.

(d) There is no obligation for the officer to make a call on behalf of a detainee.

900.6.6 VISITS

(a) Any attorney in this state shall be permitted to see and consult any detainee, alone and in private (except in during DUI investigation and testing process (CRS §16-3-404)):

1. Upon the demand of a detainee.
2. Upon demand of a friend, relative, spouse, civil union partner, or attorney of the detainee if the detainee expressly consents to see or to consult with the attorney.

(b) A detainee shall be allowed to consult with an attorney as many times and for as long as reasonable.

(c) The attorney and the detainee shall be searched for weapons and contraband prior and after being admitted to a Detention Area or interview room.

(d) Attorneys must produce a current identification card or license from a recognized state regulatory or licensing department, as well as other matching appropriate identification.

(e) Interviews between attorneys and their clients shall not be monitored or recorded.

(f) With the exception of attorney visits, arrestees are not normally allowed visitation while being held at the Temporary Detention Area. However, there may be times when visitation is reasonable, and officers are urged to use a high level of reasonableness and safety when arranging for any visitation, assuring the security of the arrestee and the facility. Officers



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should also be mindful of protecting other detainees' privacy when determining if a visitation should be allowed.

900.6.7 MEDICATION

Detainees will not take any medication while in the custody of the Agency. If there is a medical emergency or the detainee insists on the need for medication, the detainee shall be transported to the county jail or an appropriate medical facility.

900.6.8 MEDICAL CARE

(a) Should a detainee be injured or become ill during detention, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid in a Detention Area to allow access to the detainee. The decision to transport a detainee to a medical facility will be the decision of a medical professional. The method and means of transportation is subject to the approval of the supervisor. If any detainee is transported from a Detention Area, the detainee will be accompanied by an officer. If the person is detained for a misdemeanor, an officer may release the person to facilitate medical care and transport.

(b) Psychiatric aid and treatment shall be made available for emergencies or upon referral by a licensed physician (6 CCR 1010-13:14.6).

900.6.9 RELEASE OF DETAINEES

(a) A Detention Area should be inspected for damage prior to the release or transportation of any detainee.

(b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted, they should be made. Photographic evidence should be obtained and documented to support additional charges.

(c) Detainees shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All property, except evidence, contraband or dangerous weapons, shall be returned.
2. The person being released will be escorted from a Detention Area to an exterior exit by an employee of the Agency. At no time will a released detainee be allowed in any secure area of the Agency without personal supervision by an officer.

900.6.10 RELEASE OF DETAINEE'S PROPERTY

(a) If a detainee is released to the court or an officer of another department, all property will be released to the court representative officer, who will be required to verify and sign for the property. The officer responsible for transporting a detainee to court is required to obtain the receiving officer's signature on the booking form as notice of receipt of the property.

(b) A supervisor shall be notified whenever a detainee alleges there is a shortage or discrepancy regarding the detainee's property. The supervisor will interview the person claiming the



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shortage prior to his/her release. The supervisor shall ensure that a search for the alleged missing items is complete and shall attempt to prove or disprove the claim. A written claim by the detainee shall be requested where the discrepancy cannot be resolved.

(c) All personal property that is unclaimed shall be properly disposed of pursuant to state law.

### 900.6.11 DETAINEE TRANSFERS

Generally and when circumstances permit, detainees of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating detainees is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a detainee is to be transported from a Detention Area to another facility by an officer, the officer shall:

(a) Verify the identity of each detainee.

(b) Ensure that all pertinent documentation accompanies the detainee, such as copies of booking forms, medical records when appropriate, an itemized list of the detainee's property and any warrant copies.

(c) Ensure that any known or suspected threat or danger the detainee may pose, such as escape risk, suicide potential or medical condition is known by transporting officer, recorded on the detainee's booking documentation and is transported with the detainee to the next facility. The transporting officer shall ensure such threat or danger is communicated in writing to intake personnel at the receiving facility.

(d) Document the authority for the release and the identity of the receiving officer and/or his or her department, including the date, time and location of the release.

### 900.6.12 DETENTION AREA SEARCHES

The Patrol Administrative Lieutenant should ensure that all Detention Areas are regularly inspected for contraband and physical security deficiencies.

The Patrol Administrative Lieutenant shall be notified of any discovered contraband or physical security deficiencies. The appropriate disposition of contraband and the remediation of physical security deficiencies shall be documented.

### 900.6.13 FACILITY SANITATION AND MAINTENANCE

All Detention Areas shall be maintained in good repair and in a clean and sanitary condition.

### 900.6.14 DEATH OF A DETAINEE

An officer who discovers a fatal injury or the death of a detainee while in the Detention Area shall immediately notify the Watch Commander.



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900.6.15 MEDIA ACCESS
In order to protect the privacy of detainees, the media will be restricted from the Temporary Detention Area anytime a detainee is present.

## 900.7 DETAINEE ESCAPES

In the event of an attempted escape from a Detention Area, the following measures should be taken:

(a) Agency Detention Areas be monitored by a video and audio recording system.

(b) If an escape attempt is underway, with or without an officer present, dispatch shall be immediately notified and should perform the following actions in sequential order:

1. Broadcast an immediate alarm over the radio system.
2. Notify the Watch Commander, other supervisors and other resources as directed by supervisors, to immediately respond to the Detention Area to prevent the escape and/or assist the officer involved.
3. Alert administrative personnel of the attempted escape using appropriate communication systems.

(c) All available police officers are to respond to aid in prevention of an escape.

(d) If the escape is successful, Dispatch will complete a National Criminal Information Center (NCIC) teletype broadcast to surrounding agencies.

900.7.1 USE OF FORCE TO PREVENT ESCAPE OR CAPTURE ESCAPEES
Officers attempting to prevent the escape shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to accomplish a legitimate law enforcement purpose.

## 900.8 FIRE AND LIFE SAFETY

Detention Areas are equipped with smoke detectors that trigger alarms. Areas are also equipped with a number of strategically located fire extinguishers.

The Patrol Administrative Lieutenant shall inspect Detention Areas at least two times per year, but preferably at least every four months, for security, control, conditions and the overall state of compliance to ensure:

(a) No flammable materials are stored in the Detention Area.

(b) Fire extinguishers are serviceable.

(c) Cell keys are available for emergency use.

(d) First-aid kits are readily available and completely stocked.

(e) Smoke detectors are operational.



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The facility shall be inspected annually by the Poudre Fire Authority. A written emergency operations plan and a fire hazard inspection checklist, approved by the state fire marshal, shall be implemented and evaluated at least once each calendar quarter.

900.8.1 EMERGENCY PROCEDURES

(a) In the event of a fire or other emergency requiring evacuation in a Detention Area, the employee who discovers it should immediately:

1. Notify Dispatch, the Watch Commander and on-duty patrol personnel simultaneously by police radio;
2. Initiate movement of all detainees to an area of safety through the utilization of the evacuation plan; and
3. Begin fire suppression procedures or other emergency mitigation actions, as appropriate.

(b) Responding officers should be responsible for:

1. The evacuation of detainees;
2. Obtaining medical services as needed;
3. Securing detainees in a temporary holding area;
4. Arranging transportation of detainees to the county jail or other holding facility as necessary; and
5. Initiating an investigation concerning the origin of the fire or other emergency, along with filing the necessary reports.

(c) If needed, cell keys and water closet keys are also located in a black lock box near the holding cells. The combination for the lock box will be the same as the door code. Instructions for turning water on or off should be left in the water closet and specified in writing in a manual available near the holding cells.

(d) During emergency situations, the cell doors will automatically unlock. To override the doors unlocking, officer should press the override button located at the computer desk in each main detention area.

(e) During emergency situations, access of all non-essential personnel is prohibited.

## 900.9 EMERGENCY EVACUATION

If an evacuation of a Detention Area becomes necessary, the following should be considered.

(a) Safety and security concerns should be considered in the following order:

1. Safety of public
2. Safety of Agency personnel



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3. Safety of detainees
4. Security of detainees

(b) Any person who believes evacuation is necessary should notify the Watch Commander.

(c) The Watch Commander will ensure notification of the appropriate personnel:

1. All available certified personnel.
2. The Poudre Fire Authority.
3. Emergency medical aid providers.
4. Division Deputy Chief.

### 900.9.1 EVACUATION PROCESS

When time permits, all detainees will be restrained as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Detention Areas.

### 900.9.2 SECURITY AND TRANSFER OF DETAINEES

In the event of an evacuation, all detainees will be transported to another facility.

If possible, juveniles will be kept separate from adult detainees, and females separate from male detainees.

Only after the safety and security of the detainees is assured will personnel not detailed to detainee security participate in fire suppression or other emergency activities.

### 900.9.3 CITY WIDE OR REGIONAL DISASTERS

In case of a City-wide or regional disaster, the Watch Commander may authorize the release of detainees. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.



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# Custody Searches

## 902.1 PURPOSE AND SCOPE

This Policy provides guidance regarding searches of persons in custody.

### 902.1.1 PHILOSOPHY

It is the Policy of this Agency that all custody searches should be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with this Policy and the law to protect the rights of persons subject to any search.

## 902.2 DEFINITIONS OF SEARCHES

Definitions related to this policy can be found in Policy 107 - Definitions.

## 902.3 ARREST AND TRANSPORTATION SEARCHES

An officer should conduct a search of an arrestee immediately after the arrest, when receiving an arrestee from another person, and before transporting an arrestee in any police vehicle.

## 902.4 BOOKING SEARCHES

For the safety of everyone in the holding facility, all detainees brought into the facility will be searched.

### 902.4.1 SEARCHES AT TEMPORARY HOLDING OR CUSTODIAL FACILITIES

Immediately upon securing weapons, officers bringing detainees into the holding facility shall thoroughly search their detainees.

All detainees brought into the facility shall be searched by an officer or other authorized employee of the facility before the officer bringing in the detainee relinquishes control. When a detainee has been handcuffed, the detainee should remain handcuffed until the search is substantially completed.

In the case of female detainees, all searches shall be conducted by a female officer or designated female employee. Male employees shall remain outside the closed door, however, they should remain available to assist immediately if needed. Should a female detainee become combative, an officer of either gender may be assigned to restrain her. The appropriate search may be completed when additional female officers are available to assist in the search.

### 902.4.2 HANDLING OF DETAINEE'S PROPERTY

Employees shall take reasonable care in the handling of a detainee's property to avoid discrepancies or losses.

Any personal property belonging to a detainee but retained by an officer for safekeeping shall be kept in a secure location until the detainee is released or transferred. Smaller items, such as a driver's license, pocket knife, wallet, prescription medication, jewelry and other similar property, shall be placed in a property bag. Any property too large to be secured in the facility shall be booked



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into Evidence for safekeeping. Any property that will not otherwise be accepted by a receiving facility in the event of a detainee transfer should also be booked into Evidence for safekeeping. All property shall be listed by objective description on the booking form.

Property belonging to the detainee but retained by an officer as evidence, shall be booked according to procedures. The detainee shall be advised that such property will be kept as evidence and if requested, the officer shall issue the detainee a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. When a receipt is issued, it should be mentioned in the arrest report.

902.4.3 VERIFICATION OF DETAINEE'S MONEY

All money belonging to the detainee and retained by an officer shall be counted in front of the detainee. When possible, the detainee shall initial the dollar amount on the booking sheet. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

## 902.5 STRIP SEARCHES

No person held at an Fort Collins Police Services facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband (CRS § 16-3-405(1)). Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

(b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).

(d) The person's actions or demeanor.

(e) Criminal history (level of experience in a custody setting).

No transgender or intersex detainee shall be searched or examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be



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determined during conversations with the detainee, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES

Strip searches at Fort Collins Police Services facilities shall be conducted as follows:

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search (CRS § 16-3-405(4)).

(b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115; CRS § 16-3-405(3)).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search (CRS § 16-3-405(3)). The search shall not be recorded through a visual or sound recording.

(d) Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.

(e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.

(f) The primary employee conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Watch Commander.
4. The name of the person who was searched.
5. The name and sex of the persons who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.

(g) A copy of the written authorization shall be retained and made available upon request to the detainee or the detainee's authorized representative.



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(h) No employee should view a detainee's private underclothing, buttocks, genitalia or female breasts while the detainee is showering, performing bodily functions or changing clothes, unless the detainee otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the detainee with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the detainee's consent and/or otherwise protect the detainee's privacy and dignity.

### 902.6 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

No strip search shall be conducted outside of the holding facility, except as follows:

(a) An officer must have authorization from the Watch Commander before conducting a strip search outside of the holding facility.

(b) The Watch Commander may authorize a strip search in the field only in exceptional circumstances, when transporting the person to be searched to the holding facility is impracticable, and when:

1. The officer articulates probable cause to arrest the subject and probable cause to believe that the subject is concealing a weapon or other dangerous items.
2. The officer articulates probable cause to arrest the subject and probable cause to believe that the subject is concealing a controlled substance and there is no reasonable alternative to ensure the arrestee cannot destroy or ingest the substance during transportation.

(c) The officer conducting the strip search shall be of the same gender as the person being searched.

(d) Whenever possible, a second officer of the same gender should assist in conducting the search as necessary.

(e) Officers conducting the search shall not touch the breasts, buttocks or genitalia of the person being searched.

(f) The strip search shall be conducted in an area of privacy so that the search cannot be observed by persons not participating in the strip search.

(g) The primary officer conducting the search shall prepare a written report to include:

1. The name of the Watch Commander who authorized the search.
2. The name of the person who was searched.
3. The name of the person who conducted the search.
4. The name of any person who witnessed the search.
5. The time and date of the search.
6. A description of the place at which the search was conducted.



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7. A list of the items, if any, recovered during the search.
8. The reason transporting the person to the holding facility prior to the search was impracticable.
9. The facts upon which the officer based his/her probable cause for the search.

(h) A copy of the report shall be maintained and a copy shall be given to the person who was searched.

**902.7 BODY CAVITY SEARCH**

A body cavity search at the holding facility may be conducted as follows:

(a) An officer shall not conduct a body cavity search. A body cavity search shall only be conducted by a physician or nurse (CRS § 16-3-405(5)). A facility operated by another entity (such as a hospital detention or custody facility) may require determination of which physician or nurse is capable or willing to perform the search.

(b) No person shall be subjected to a body cavity search without a search warrant unless there is a legitimate medical emergency that makes obtaining a warrant impracticable.

(c) Authorized medical personnel may conduct a body cavity search only for one or more of the following reasons:

1. There is probable cause to believe that the person to be searched is concealing evidence of the commission of a criminal offense, including fruits or tools of a crime, contraband or a deadly weapon that could not otherwise be discovered.
2. There is a legitimate medical or hygienic reason.

(d) No person shall be subjected to a body cavity search without written approval of the Watch Commander unless there is a legitimate medical emergency that makes obtaining written approval impracticable.

(e) A body cavity search must be performed under sanitary conditions.

(f) Except for medical personnel, persons present must be of the same gender as the person being searched.

(g) A body cavity search must be conducted in an area of privacy so that the search cannot be observed by persons not participating in the strip search.

(h) Upon completion of a body cavity search, the employee requiring the search shall complete a written report concerning the search, which shall include:

1. The written authorization for the search obtained from the Watch Commander.
2. If the body cavity search was conducted before or without the issuance of a search warrant, or if the body cavity search was conducted before or without the granting of written authorization from the Watch Commander, the legitimate medical reason or



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medical emergency that justified the warrantless search or made obtaining written authorization impracticable

3. The name of the person who was searched.
4. The name of the person or persons who conducted the search.
5. The name of any person who participated in the search.
6. The time and date of the search.
7. The place at which the search was conducted.
8. A list of the items, if any, recovered during the search.
9. The facts upon which the officer based his/her probable cause for the body cavity search.

(i) A copy of the report shall be maintained and a copy shall be given to the person who was searched. A copy of the search warrant and the result of a body cavity search shall be included in a written report and made available, upon request, to the detainee or the detainee's authorized representative.

**902.8 TRAINING**

The Training Sergeant shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex detainees.



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# Assault Prevention in Temporary Detention Areas

## 904.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees in the Fort Collins Police Services Temporary Holding Facilities (28 CFR 115.111).

### 904.1.1 DEFINITIONS

The following two definitions relate only to this policy for the purposes of clarifying their intended use herein:

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, arrestee or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire



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- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, arrestee or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, arrestee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, arrestee or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

### 904.2 POLICY

The Fort Collins Police Services has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Agency will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Fort Collins Police Services will take immediate action to protect detainees who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

### 904.3 PREA COORDINATOR

The Patrol Administrative Lieutenant will develop, implement and oversee department efforts to comply with PREA standards in the Fort Collins Police Services Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA standards.

(b) Ensuring that any contract for the confinement of Fort Collins Police Services detainees or arrestees includes the requirement to adopt and comply with PREA standards, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees (28 CFR 115.151).

(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and supervisors to an incident of sexual abuse (28 CFR 115.165).



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(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to permit, to the extent available, detainee access to victim advocacy services if the detainee is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The department shall not rely on other detainees for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's safety, the performance of first-response duties under this policy, or the investigation of a detainee's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee (28 CFR 115.154).
2. A protocol describing the responsibilities of the Agency and any other investigating department that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).



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(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this department's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the department's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

## 904.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Agency shall notify all detainees of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Agency and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials. This allows the detainee to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

### 904.4.1 MEMBER RESPONSIBILITIES

Agency members shall accept reports from detainees and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).



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No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 WATCH COMMANDER RESPONSIBILITIES
The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged detainee victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Agency shall, as permitted by law, inform the receiving facility of the incident and the detainee's potential need for medical or social services, unless the detainee requests otherwise (28 CFR 115.165).

**904.5 INVESTIGATIONS**
The Agency shall promptly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS
The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence.

(c) Identify and secure witnesses until steps can be taken to collect any evidence.

(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

(e) Notify the Criminal Investigations Division Lieutenant of the incident and ask for Crimes against Persons detectives and/or needed Forensic Services Detectives to respond and investigate, when applicable.



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If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 904.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Fort Collins Police Services.

(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee sexually abused another detainee in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 904.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### 904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).



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904.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Criminal Investigations Division Deputy Chief, or if the allegations may reasonably involve the Deputy Chief, to the Chief of Police. The Chief of Police shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel may be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees by a contractor or volunteer.

## 904.6 RETALIATION PROHIBITED

All detainees and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as transfers for detainee victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees or members who have reported sexual abuse and of detainees who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees, such monitoring shall also include periodic status checks.

## 904.7 REVIEWS AND AUDITS

904.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management



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officials under the direction of the Criminal Investigations Division Deputy Chief and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report, or a memorandum advising of no incidents, shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### 904.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data related to the Temporary Holding Facility. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews. If no incidents were reported, a review will not be completed. (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. If there were no reported incidents, a brief memorandum by the PREA Coordinator will be sent to the Chief of Police advising that no review was completed. A copy of the memorandum will be maintained in the PREA Coordinator file. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year's data and corrective actions with those from prior years.

(e) An assessment of the department's progress in addressing sexual abuse.

The report or memorandum advising of no incidents shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one,



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through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Fort Collins Police Services facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### 904.8 RECORDS

The Agency shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Agency, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

### 904.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Professional Standards Lieutenant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Agency's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all detainees.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.



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The Professional Standards Lieutenant shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees shall be trained within one year of the effective date of the PREA standards. The department shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.



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# Chapter 10 - Personnel



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# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

The employment policy of the City of Fort Collins shall provide equal opportunities for applicants and its employees, including an individual's gender, race, color, religion, creed, national origin, ancestry, age 40 years or older, marital status, disability, sexual orientation, genetic information, or other characteristics protected by law. For the purpose of this Policy "sexual orientation" means a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status and shall not show partiality or grant any special favors to any applicant, employee or group of employees in conformance with Title VII of the Civil Rights Act of 1964, the guidelines issued by the Equal Employment Opportunity Commission and Colorado law. The rules governing employment practices for this Agency are maintained by the City of Fort Collins Human Resources Department.

## 1000.2 APPLICANT QUALIFICATIONS

Candidates for job openings will be selected based on merit, ability, competence and experience. Candidates must successfully complete a hiring and selection process and must meet the standards of the position they have applied for.

## 1000.3 STANDARDS

Employment standards shall be established for each job classification and shall include minimally, the special training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The Fort Collins Police Training Unit maintains standards for all positions.

The challenge facing the Agency is one of developing a job-valid and non-discriminatory set of Policies that will allow it to lawfully exclude persons who do not meet the Fort Collins or State of Colorado hiring standards. The Colorado Peace Officer Standards and Training (POST) Board statutorily prescribes minimum standards for employment for certified employees and a pre-employment investigation of a candidate's background (CRS § 24-31-303(1(f) and CRS 24-31-304(3)).

## 1000.4 OFFICER SELECTION PROCESS

(a) Applicants for entry-level officer positions will apply to the Fort Collins Police Training Unit and are required to (CRS § 24-31-303):

1. Meet qualifications of POST and the Agency, as required by this Policy or law.
2. Pass an entrance examination.
3. Pass a physical agility test.
4. Obtain an acceptable passing score from a structured oral interview board.
5. Pass a structured integrity interview.



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6. Pass a Computerized Voice Stress Analysis interview.

(b) The highest ranking candidates will be required to successfully complete the following:

1. A background investigation
2. A final interview with the Professional Standards Lieutenant, Training Unit Sergeant and Training Unit Officers.

(c) The top candidates meeting Agency hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Physical examination
2. Drug test
3. Psychological examination
4. Vision examination

(d) An officer will be considered a Level 4 - Police Officer (as described in Policy 201 - Police Officer Classification System) upon:

1. Successful completion of a law enforcement academy (if required) and licensing.
2. Successful completion of mini academy.
3. Successful completion of field training.
4. Successful completion of introductory period.

1000.4.1 LATERAL TRANSFER OFFICER SELECTION PROCESS

Basic certified officer applicants (laterals) currently employed full time with other agencies or certifiable candidates that have successfully completed a state recognized P.O.S.T. police academy, may be deemed to have met various entry requirements and would be eligible to start the in-house mini academy as a Level 2 Police Officer (as described in Policy 201 - Police Officer Classification System.) All police officer applicants must still successfully complete the entire officer selection process.

1000.4.2 LATERAL TRANSFER DISPATCHER OFFICER SELECTION PROCESS

Civilian Dispatchers who have previous Emergency Services dispatch experience (years of service, similar experience, comparable size department and specific certifications) may be deemed to have met entry level requirements and would be eligible to start at a higher skill level. All Dispatch applicants must still successfully complete the entire Emergency Services Dispatcher selection process.



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### 1000.5 CIVILIAN SELECTION PROCESS

(a) Applicants for all civilian positions will apply to the City of Fort Collins Human Resources Department and are required to:

1. Meet Agency qualifications.
2. Successfully complete job specific employment examinations.
3. Obtain an acceptable passing score on other job-specific tests applicable to the position.
4. Obtain an acceptable passing score from a structured oral interview board.
5. Pass a structured integrity interview.
6. Pass a Computerized Voice Stress Analysis interview.
7. Successfully complete a background investigation.
8. Successfully pass a final interview conducted by an Agency supervisor.

(b) Candidates meeting Agency hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Psychological examination, at the discretion of the Deputy Chief of the Division filling the position.
2. Physical examination, if required for the position.
3. Drug test.
4. Hearing and vision test, if required.

(c) Regular employee status may be granted upon:

1. Successful completion of training.
2. Successful completion of introductory period.

### 1000.6 STAFF AND SPECIALIST POSITIONS

(a) Experienced applicants for management, supervisory positions, contractual or hourly positions will be considered from within the Agency and from individuals outside the Agency for positions that require specialized skills. These individuals must meet, or previously have met, the Agency employment criteria for certified or civilian employment, as appropriate to the position. If applicable, the selection process for the position may also include:

1. Successful completion of a specialized employment examination.
2. Successful completion of an assessment center process.
3. An acceptable score from a staff interview and/or board.



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4. If the applicant is from outside the Agency, they must successfully complete a structured integrity interview, Computerized Voice Stress Analysis interview and a background investigation.

(b) Candidates meeting Agency hiring criteria may then be given a conditional offer of employment, with hiring and appointment contingent upon the successful completion of the following:

1. Psychological examination, at the discretion of the Deputy Chief of the Division filling the position.
2. Physical examination, if required for the position.
3. Drug test.
4. Hearing and vision test.

(c) Regular employee status may be granted upon:

1. Successful completion of training.
2. Successful completion of introductory period.

## 1000.7 TECHNIQUES, TOOLS AND RECORDS

### 1000.7.1 DECEPTION DETECTION DEVICE

If a deception detection device is used in the selection process, the operator will be licensed and/or certified in the use of the device.

### 1000.7.2 BACKGROUND INVESTIGATIONS

Background investigations are conducted on all Agency employees prior to the final hiring decision and coordinated through the Training Unit Sergeant. Relevant information regarding the candidate's qualifications, integrity, lawful and unlawful past behavior, previous work performance and driving record, if applicable to the position, is included, along with interviews of individuals who are familiar with the candidate. This information is used to make an informed decision on the candidate's suitability for employment.

Background investigations shall be conducted by employees who have been trained in conducting background investigations or in accordance with the background investigation protocol adopted by the Agency.

### 1000.7.3 RECORDS RETENTION

All selection materials for those individuals hired, including the background investigation, will be placed in a folder and filed with the employee's personnel file. Employee selection materials will be maintained for the length of the time required for personnel files under the organization's records retention schedule. All selection materials for those individuals not hired will be maintained for a minimum period established by the organization's records retention schedule.



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Medical records and credit information shall be maintained in separate, secure files.

**1000.8 RECRUITMENT**

The Training Sergeant should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong Internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Training Unit should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.



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# Fitness Program

## 1001.1 PURPOSE AND SCOPE

Fort Collins Police Services believes that all organization employees are better prepared to do their jobs if they are physically fit. Improved performance benefits the Agency, the City, and the citizens we serve, as well as the employees themselves. Based on this belief, this policy provides for a fitness facility, orientation sessions, supervisory discretion and flexibility, fitness assessments, and fitness incentives.

## 1001.2 ENCOURAGEMENT

The Agency encourages all employees to reach and maintain a good level of fitness and provides assistance and support in the following ways:

(a) The Agency will have a physical fitness team made up of selected employees of the department as well as a designated supervisor appointed by the Chief of Police. Team members shall receive special training and will be responsible for development and oversight of fitness programs, facilities and equipment.

(b) The Agency provides a physical fitness training facility ("facility") and equipment.

(c) The Agency will provide a voluntary physical fitness assessment test twice a year which will include fitness improvement incentives.

(d) The Agency, through the fitness team, will provide various training and informational programs to employees collectively and individually to assist with fitness development.

(e) The fitness team will make periodic checks of the equipment of the facility and request maintenance or replacement as required through the Training Unit.

(f) With certain restrictions, the agency allows employees to use the facility during on-duty and off-duty hours.

## 1001.3 FACILITY

The facility is for the use of all Agency employees and authorized guests to develop their personal fitness under the following conditions. All users of the facility must follow the facility rules as established by the Fitness Team.

(a) Orientation Session Prior to Use. Prior to the on-duty or off-duty use of the facility, new employees and current employees who have not previously received facility orientation regarding safety and familiarization check-out with a certified member of the Fitness Team must attend such an orientation session. Scheduling of an orientation session shall be at the discretion of the employee's supervisor and the Fitness Team.

1. The orientation session shall include an explanation of the facility equipment and the rules of the facility. These sessions will be incorporated into the orientation schedule of new employees.



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2. The Training Unit is responsible for maintaining files which will contain records of the employees who have completed the orientation session and a description of the contents of the session.

3. The Training Unit is responsible for maintaining the facility use sign in logs and ensuring that the logs are available for sign in.

(b) On-duty Use. Employees may use the facility during on-duty hours only under the following conditions:

1. Employees who are normally compensated for their authorized on-duty break as part of their regularly scheduled work day may, at their on-duty supervisor's discretion, be allowed to take that break at the facility and exercise during that time. The same parameters that apply to regular breaks will apply (location, availability, etc.).

2. Employees who are compensated for their meal breaks as part of their regularly scheduled work day may be allowed to take that meal break at the facility and exercise during that time under the following conditions:

(a) The on-duty supervisor will determine if and when an employee may exercise at the facility in lieu of taking a meal break. It is understood that some shifts/ work groups may not have the necessary flexibility to allow exercising at the facility during meal breaks.

(b) The on-duty supervisor will evaluate staffing and deployment needs, call load, shift availability, and all other factors prior to allowing an employee to exercise at the facility in lieu of a meal break. An employee shall be considered "available" while exercising at the facility. For example, an employee may not be allowed to change clothes into full athletic gear and actually leave the facility to go jogging or exercise. The employee may only use their designated 40 minute meal break to work out and must monitor radio traffic and calls for service in order to be available and respond to calls for service if needed.

(c) Supervisory approval will occur at the daily shift briefing or other unit briefing with a specific time slot for the facility use assigned. As with all meal breaks, call load demands may cause cancellation of the approval or a change in the time slot.

(d) Officers who have been granted approval to use the facility during their meal breaks must make the necessary notifications regarding their location and availability to patrol supervisors and Fort Collins 911.

3. Employees may use the facility while on-duty to participate in fitness assessment tests as described below. Scheduling of such tests shall be at the discretion of the employee's supervisor and the Fitness Team.



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4. Employee attendance at the above-described orientation session will be considered to be on-duty.
5. Employee attendance at other testing or training sessions conducted at the facility may be considered to be on-duty when specifically authorized by the Chief of Police.

(c) Off-duty Use. All use of the facility, other than under those circumstances identified above for on-duty use, shall be considered off-duty and shall be subject to the following conditions:

1. Employees may use the facility during off-duty hours at their own risk.
2. Prior to using the facility while off-duty, employees are required to read, agree to, and sign a waiver/release of liability form. Once signed, this waiver/release form shall be applicable to the employee each time the employee is making off-duty use of the facility.
3. Employees may exercise with a non-employee adult guest. The employee must be present in the facility when the guest is present and must assume responsibility for the conduct of the guest. The employee must ensure that the guest reads, agrees to, and signs the posted sign-in sheet which states the general risks of using the facility and contains a waiver/release of liability at the top of each page.
4. Employees may exercise with their children providing the children are at least 12 years of age. The employee must be present in the facility when the children are present and must assume responsibility for the conduct of the children. The employee must ensure that an adult child reads, agrees to, and signs the posted sign-in sheet which states the general risks of using the facility and contains a waiver/release of liability at the top of each page. For a minor child, the employee must sign the posted sign-in sheet on behalf of the child. By signing in on behalf of the child, the employee understands that he/she is signing the waiver/release on behalf of the employee and the child.

(d) The Chief of Police or his designee may authorize other individuals or groups to use the facility at the Chief's discretion. These other individuals or groups may include, but are not limited to, other City employees or visiting officers from other jurisdictions. Each time prior to using the facility, such authorized guests are required to read, agree to, and sign the posted sign-in sheet which states the general risks of using the facility and contains a waiver/release of liability at the top of each page that is applicable to the guest while making use of the facility.

(e) No animals, except service animals as defined under the Americans With Disabilities Act, are permitted in the facility.



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### 1001.4 FITNESS ASSESSMENT TESTS

(a) The fitness team will be responsible for scheduling and administering voluntary assessment tests twice a year at about six month intervals. The purposes of the tests are to provide the members with information on their levels of fitness and to serve as an incentive to develop good fitness. Fitness testing instruments must be approved by the Chief of Police or designee and maintained in department training files. Awards will be granted based on participation and performance.

(b) The fitness team will be responsible for the specifics of the testing process under the following guidelines:

1. Each full time employee may earn up to a maximum of twenty (20) hours of award time per test, based on their participation and over-all performance. Part time employees may earn pro-rated award time based on their normal work schedule. In addition, the department may provide other incentives or award times as recommended by the fitness team.

    (a) Employees can continue to accrue an unlimited number of Award Time; however, an employee may only carry over, from one leave benefit year to the next, a maximum of 240 hours. Any hours above that cap will be eliminated at the end of the leave benefit year.

    (b) Award time will not be converted to cash at any time.

2. Tests used and award time schedule will be approved by the Chief of Police and kept on file with the appointed fitness team supervisor.

3. Fitness instructors may conduct assessments to determine a member's ability to participate in the process; if there is an indication that the member is ill, injured, or not physically able to participate, fitness instructors have the authority to refuse a member's participation. Employees on light duty or modified duty are prohibited from testing unless they provide a note from their doctor indicating the employee is able to participate in the fitness test and listing any restriction if necessary.

4. Should a member be injured during the testing process, the member shall cease testing and notify the instructor at once. Medical attention should be sought, if needed and appropriate reports completed.

5. Members may test during regular work hours if scheduling permits, or may be granted flex time if they test during non-work hours.

6. In fairness to all members, the tests must be completed during the time frame specified in the announcement of the tests in order to be eligible for awards. Members who just do testing as a requirement of their job assignment, but who cannot complete the testing during the specified time frame may do the test earlier or later to meet the job requirements, but will not receive incentive awards.



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7. Members will be notified of their results as well as any awards earned. Files of results will be retained for member information, for the instructors' program evaluation, and for the department to gather generalized statistical information.
8. Fitness assessments can only be conducted by certified current fitness team members. Current fitness team members must be certified through the Cooper Institute as a Law Enforcement Fitness Specialist.

## 1001.5 POLICE OFFICER HIRING PROCESS FITNESS TESTING

(a) The fitness team will conduct the physical fitness readiness testing for all Agency hiring requirements.

(b) All fitness team members participating in the administration of the fitness hiring tests must have completed the Fort Collins Police Fitness testing Procedures orientation.

(c) A minimum of two fitness team members are required for each new hire testing group, with additional team members present as needed for safety and efficiency of scoring applicants.



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# Evaluation of Employees

## 1002.1 PURPOSE AND SCOPE

The Agency's employee performance evaluation system is designed to record work performance for both the Agency and the employee, providing recognition for good work and developing a guide for improvement.

## 1002.2 POLICY

The Agency utilizes a performance evaluation system to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion and termination. The evaluation system is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Agency evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, creed, ancestry, national origin, religion, age 40 years or older, disability, marital status, sexual orientation, genetic information, or other characteristics protected by law.

## 1002.3 EVALUATION PROCESS

(a) Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the immediate supervisor for their input.

(b) All sworn and civilian supervisory personnel shall be trained on the completion of performance evaluations within one year of the supervisory appointment.

(c) Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

(d) Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

(e) Non-introductory employees demonstrating substandard performance shall be notified of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity and shall be documented by the supervisor.



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## 1002.4 EVALUATION FREQUENCY

(a) Introductory employees will receive performance evaluations during their introductory period and prior to the end of their introductory period. Introductory employees must receive a satisfactory evaluation in order to complete their introductory period.

(b) Non-introductory employees will receive performance evaluations at least annually.

### 1002.4.1 VOLUNTEER EVALUATIONS

Volunteer evaluations are described in Policy 384 - Volunteer Program.

## 1002.5 SPECIAL EVALUATIONS

Regular employees are subject to three types of performance evaluations:

**Annual** - An employee performance evaluation shall be completed once each year by the employee's immediate supervisor.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, a memorandum shall be completed by the current supervisor documenting the employee's performance during the time of supervision.

**Special** - A special evaluation may be completed any time the rater or the rater's supervisor determine one is necessary for other reasons, including an assessment of employee performance that appears to have become substandard. Generally, when used to demonstrate those areas of performance that appear to be substandard the evaluation would include follow-up action (e.g., work plan, remedial training, retraining). The evaluation form and any documentation shall be submitted as one package.

### 1002.5.1 SYSTEM AND RATINGS

Supervisors will evaluate employees according to the competencies specified by the City as defined in the Police Officer Evaluation Manual and the Dispatcher Evaluation Manual.



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# Promotion

## 1004.1 PURPOSE AND SCOPE

It is the Policy of Fort Collins Police Services to promote qualified individuals to supervisory positions as vacancies occur in those positions. Minimum eligibility requirements are established to assist in accomplishing this goal. The philosophies of the Agency regarding the qualities, values, and skills sought in the promotional process are stated in the promotion announcement documents for each rank.

### 1004.1.1 ELIGIBILITY

(a) Eligibility to compete for a position of Sergeant, Lieutenant, Dispatch Supervisor or Dispatch Manager shall be determined by the application due date. The application due date will be established in the written announcement of the pending testing/hiring process. Each candidate will be required to submit written intent to test, which will serve as their application to the testing process.

(b) The minimum requirement to compete in a Sergeant testing process is five years as a sworn police officer, which shall include the following minimum criteria:

1. Service as a sworn police officer with Fort Collins Police Services for not less than five years immediately prior to the application due date; and
2. Service in the Fort Collins Police Services Patrol Division for not less than two years prior to the application due date.

(c) Only Sergeants and Dispatch Supervisors of Fort Collins Police Services and outside Dispatch Supervisor applicants who possess a bachelor's degree from an accredited college or university and who have held that rank for a minimum of three years immediately prior to the application due date are eligible to compete in a Lieutenantor Dispatch Manager testing process.

## 1004.2 PROMOTIONAL TESTING PROCESS AND ELIGIBILITY LIST

(a) A promotional testing process generally takes place annually.

(b) The Agency may initiate a testing process based on a forecast of organizational needs.

(c) A promotional testing process will be used to establish a promotional eligibility list for the rank.

(d) The promotional eligibility list will be in effect for one year but can be extended by the Chief of Police up to two years.

## 1004.3 SELECTION PROCESS FOR SWORN OFFICERS

(a) This provision outlines the procedures to be used in the promotion of qualified employees to supervisory positions as vacancies occur. This provision shall not be applicable to temporary



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acting assignments. The Agency reserves the right to establish and determine the qualities, work history, experience, and skills sought for promotion of employees as well as the need and timing of the promotional process.

(b) The following procedures shall be utilized in the promotional process to the rank of Sergeant and Lieutenant:

1. All applicants shall be required to complete a professional history evaluation, intended to measure the applicant's existing supervisory skills, experience, training, and education. Prior to scoring the completed evaluations, the Agency will establish a minimum score requirement that will permit applicants to move on to the next step in the process.

2. Remaining applicants shall be required to complete an assessment center which has been professionally audited and validated. The assessment center may include various interview boards, presentations, and role play scenarios. The designated employee bargaining agent shall be given the opportunity to designate a qualified employee representative acceptable to the City to participate in every segment of the assessment center that utilizes an Agency employee to evaluate the performance of an applicant.

3. The applicant's score from the professional history evaluation shall be combined with his/her score from the assessment center. The City will establish a minimum score requirement that will permit applicants to move on to the next step in the process.

4. Prior to any promotional selection, the top six (6) considered applicants shall be required to interview with the Chief of Police and members of the Executive Staff designated by the Chief.

    (a) The Executive Staff interview will be conducted after previous parts of the test are completed, scored and the candidates have secured the established passing score.

    (b) The Chief of Police, in his discretion, may choose when to schedule Executive Staff interviews for the top six (6) applicants with passing scores from the professional history evaluation and the assessment center.

    (c) A scored interview will be conducted by the Executive Staff, and the score from this interview will be factored into the overall score that the candidate earned in the previous steps of the process.

    (d) The weight of the scoring for all stages of the promotional process wil be published to candidates at the beginning of the process.

    (e) Absent the Chief's finding of a compelling reason not to promote a candidate, promotions will be made in order beginning with the highest total score received by the candidates



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(f) If there is a tie in total score after it is rounded to two decimal points, after the Executive Staff interview, senority will be the first tie breaker. Then FC# assigned based on hire date will be the final tie breaker.

**1004.4 NON-SWORN PROMOTION PROCEDURES**

The following procedures shall beutilized in the promotional/hiring process for the position of Supervisor or Manager :

(a) This provision outlines the procedures to be used in the promotion/hiring of qualified employees to supervisory positions as vacancies occur. This provision shall not be applicable to temporary acting assignments. The Agency reserves the right to establish and determine the qualities, work history, experience and skills sought for promotion/hiring of employees as well as the need and timing of the promotional/hiring process. These processes may be opened to applicants outside the Agency, and if opened to the public, will allow time for Human Resources' application components before the testing/evaluation steps listed below begin.

1. The applicants shall be required to complete a professional history evalution, intended to measure the applicants existing supervisory skills, experience, training and education. Prior to scoring the completed evaluations, the Agency will establish a minimum score requirement that will permit applicants to move on to the next step in the process.
2. Remaining applicants shall be required to complete an assessment center which has been professionally audited and validated. The assessment center may include various interview boards, presentations, and role play scenarios. The designated employee bargaining agent shall be given the opportunity to partcipate in every segment of the assessment center that utilizes an Agency employee to evaluate the performance of the applicant.
3. The applicant's score from the professional history evaluation shall be combined with his/her score from the assessment center. The Agency will establish a minimum score requirement that will permit applicants to move on to the next step in the process.
4. Prior to any promotional selection, the top six (6) applicants shall be required to interview with the Chief of Police and the Executive Staff.

    (a) The Executive Staff interview will be conducted after previous parts of the test are completed, scored and the candidates have secured the established passing score.

    (b) The Chief of Police, in his discretion, may choose when to schedule Executive Staff interviews for the top six (6) applicants with passing scores from the professional history evaluation and the assessment center.



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(c) A scored interview will be conducted by the Executive Staff, and the score from this interview will be factored into the overall score that the candidate earned in the previous steps of the process.

(d) The weight of the scoring for all stages of the promotional process will be published to candidates at the beginning of the process.

(e) Absent the Chief's finding of a compelling reason not to promote a candidate, promotions will be made in order beginning with the highest total score received by the candidates.

(f) If after the Executive Staff interview, there is a tie in total score rounded to two decimal points between current Agency employees, seniority in rank will be the first tie breaker. Then FC# will be the final tie breaker.

## 1004.5 SENIORITY AND ANNOUNCEMENT OF PROMOTIONS

Personnel Directive

(a) Whenever an employee is promoted, the Chief of Police shall issue a Personnel Directive for that promotion to the employee.

(b) The Personnel Directive will provide the employee(s) with the date the promotion will take effect and if more than one employee is promoted to the same rank on the same day, the Directive will list their order of seniority.



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# Transfer and Rotation

## 1005.1 PURPOSE AND SCOPE

Fort Collins Police Services recognizes that the overall efficiency and effectiveness of the organization is positively impacted by people at all levels of the organization who have developed a high degree of expertise and experience through a variety of assignments. It is also recognized that certain highly specialized assignments do not lend themselves to frequent rotation.

The purpose of the following Policy is fourfold: first, to ensure that sworn personnel are provided with opportunities to function in a variety of assignments within the organization; second, to ensure that the criteria for transfers and rotations is fair and equitable throughout the organization; third, to ensure that the valuable commodities of experience, knowledge, and continuity are maintained and fourth, as a value to the Agency for succession planning purposes. These four purpose areas are in the best interest of the Agency.

### 1005.1.1 POLICY

(a) Police officers are subject to transfer when such movement is considered to be in the best interest of the Agency, the best interest of the affected officer, or both, as determined by the Chief of Police. There are no permanent assignments for police officers, and no officer should plan to remain in any particular assignment indefinitely. Officers do not have a property right in any duty assignment. Fort Collins Police Services reserves the right to make assignments of officers to help meet the overall goals, direction, and needs of the Agency. Transfers do not constitute promotions or demotions.

(b) To ensure compliance with this Policy, the Assistant/Deputy Chiefs of the Divisions will co-administer this Policy through the utilization of personnel resource plans.

(c) An Assistant/Deputy Chief may request exemptions or exceptions to this Policy from the Chief of Police. Final approval in the selection of personnel for all assignments and/or positions within Fort Collins Police Services rests with the Chief of Police.

## 1005.2 SUPERVISORY AND MANAGEMENT POSITIONS

Lieutenants and sergeants are subject to transfer from one assignment to another depending on the needs of the Agency. Those supervisors are generally subject to rotation after three to five years in a position outside of the patrol shift schedule. Factors which will be taken into consideration regarding the timing of such transfers shall include individual performance, position vacancies, opportunities for employee development, individual preference and the needs of the Agency.

When there is an anticipated vacancy in a supervisory or management position, the Assistant/Deputy Chief of the affected Division will notify all eligible personnel at that rank and determine which personnel are interested in applying for the vacancy. The Assistant/Deputy Chief shall conduct an interview process with the candidates to select the best person for the position based on demonstrated knowledge, skills and abilities, the potential for career development of the candidate and the needs of the Agency. If there are no applicants for an anticipated vacancy, the



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Division Assistant/Deputy Chief may select a qualified person to fill the vacancy after consultation with the Executive Staff. The Chief of Police shall approve the selection of supervisory and management personnel.

### 1005.3 ELIGIBILITY AND RESTRICTIONS

(a) In order to prevent interference with career development, only officers who have completed two years, from date of hire, as a sworn Fort Collins Police Services officer shall be considered for an Extended Duty, Temporary Duty or Special Duty Assignment. This two year period must be of continuous service, immediately preceding the application due date. However, when no acceptable candidate applies for an opening, the Chief of Police may waive the two-year eligibility requirement.

(b) Restrictions may be placed on Extended Duty Assignments or Special Duty Assignments that would limit or prohibit individuals occupying those assignments from competing for other assignments and/or promotions within the Agency for a specified period of time. When such restriction exists, it shall be provided to all potential applicants as part of the written criteria for the assignment. Examples of assignments that have restrictions include Canine Officers and School Resource Officers.

### 1005.4 EXTENDED DUTY ASSIGNMENTS

(a) Personnel Directive

1. Whenever an officer accepts an Extended Duty or Temporary Duty Assignment, the Chief of Police shall issue a Personnel Directive for that assignment to the officer.
2. The Personnel Directive will provide the officer with information about the assignment and its anticipated duration.

(b) Duration of Assignment

1. Extended Duty Assignments have an initial limit of seven years. The seven-year time period starts when the officer assumes the Extended Duty Assignment he/she was selected for. At the end of the initial period, an incumbent may test to remain in their position. If the incumbent is selected for the position, the officer will remain in their position unless they choose to rotate to another assignment. The officer will be required to retest for their position every two years after their initial seven years if they want to remain in their assignment. Nothing precludes an officer from rotating from one extended duty assignment to another.

    (a) When an incumbent has reached the maximum time allowed for his/her position and rotation is due, but there is a lack of applicants or candidates deemed acceptable by the Division Assistant/Deputy Chief, the Chief of Police may grant the incumbent an additional one year in the assignment before the position is again considered for rotation and opened to candidates. The incumbent officer can then test again for her or his own position. Rotations will occur with the normal patrol shift rotation dates, following



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the maximum time allowed, except for School Resource Officers, whose positions will rotate at the end of the given school year.

2. There are a limited number of job assignments within the Department which are so technical and/or job knowledge specific that it would not be practical to rotate personnel after seven years. For these positions, the assignment will be for up to fifteen years duration. While these assignments may change due to Department need and/or advances in technology. Current positions designated for extended rotations are the Intelligence Officer, Forensic Services Detectives and Computer Forensic Detectives.
3. The Criminal Investigations Division Administrative Assistant shall compile and maintain a matrix showing the rotation dates of personnel in Extended Duty and Temporary Duty assignments which will be available on the Department shared computer drive. Personnel will rotate assignments according to this matrix. Rare exceptions to the seven-year duration may occur when it is determined that it is in the best interest of the Agency to delay or accelerate a given rotation. These exceptions must be documented in a personnel resource plan and approved by the Chief of Police.
4. Officers in Extended Duty Assignments may apply for other assignments or request reassignment to other positions at any time unless they agreed to a minimum year commitment for their current assignment. If these reassignments are granted, they may affect personnel resource plans and are subject to approval the Chief of Police.
5. Officers in Extended Duty Assignments may be reassigned by the Agency at any time with or without cause, in the best interest of the agency.

### 1005.5 TEMPORARY DUTY ASSIGNMENTS

(a) The Chief of Police shall determine the number and placement of Temporary Duty Assignments (TDAs). While a TDA is normally for up to a three year period, the duration of a specific TDA may change based on Division or Agency needs.

(b) Officers in a TDA are eligible to apply for Extended Duty assignments. If granted an Extended Duty Assignment within the same unit that they serve as a TDA, the duration of their Extended Duty Assignment will be reduced by the number of years they served in a TDA. Movement from a TDA directly to an Extended Duty Assignment in a unit other than in the one they served as a TDA shall not impact the duration of the Extended Duty Assignment.

### 1005.6 SPECIAL DUTY ASSIGNMENTS

The Chief of Police or his designee shall determine the number, placement, and duration of Special Assignments.

NOTE: Field Training Officer (FTO) is a specialized assignment; however, due to the base of experience necessary to be an effective trainer, the eligibility for that assignment requires the candidate to be a level 5 officer with three years of police experience on solo patrol, two of which must be with Fort Collins Police Services.



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## 1005.7 SELECTION PROCESS

(a) The goal of a selection process is to find qualified candidates who can perform the job and to provide a fair opportunity for all. The following selection process shall be used for Extended Duty Assignments and, Temporary Duty Assignments.

1. After the Executive Staff approves the current year's Personnel Resource Plan the Patrol, Criminal Investigations and Administrative Divisions shall send a memorandum to police officers announcing selection processes for positions within their Divisions. The memorandum will:

   (a) List a due date for submission of letters of interest and name the supervisor or manager to whom the letters are to be sent.

   (b) Be sent two weeks in advance of the beginning of the selection process.

   (c) List any openings that may be filled from the list created by the process in the following year.

   (d) Announce that an eligibility list will be created at the conclusion of each selection process which will remain in effect for one year.

2. All prospective candidates shall submit written notice indicating their interest to the named supervisor by the given due date.

3. The supervisor(s) from each Division shall develop and design a selection process that meets the unique needs of each assignment. Division Assistant/Deputy Chiefs must approve each process.

4. The names of those candidates who are identified through the selection process as acceptable for the assignment shall be placed on an eligibility list which will be valid for one year as defined by the Patrol Division rotation schedule. An Assistant/ Deputy Chief, in his or her discretion, may terminate an eligibility list at any time and may remove a candidate from an eligibility list as a result of poor performance or disciplinary action that occurred at any time while they were testing for or actually on the eligibility list.

(b) Selecting Officers to fill vacant team positions

1. When a team vacancy occurs the unit supervisor will make a selection from the eligibility list that is current at the time the vacancy occurs. The supervisor will make their selection recommendation to the team lieutenant who will approve or deny the selection. If the Division Assistant/Deputy Chief supports the selection he/she will make the final recommendation to the Chief of Police. If the Chief concurs the officer will be notified of his/her selection.

2. If an eligibility list is terminated or exhausted prior to the Patrol Division schedule rotation, and a vacancy occurs, a new process will be conducted to fill vacancies that occur during the remainder of the patrol rotation year.

(c) Special Assignment selection process



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1. When vacancies occur in special units, the unit supervisor, after consultation with his/ her Lieutenant, will conduct a selection process to fill the position. All other qualified candidates will remain on an eligibility list to fill vacancies that occur during the remainder of the patrol rotation.

### 1005.8 PLANNING FOR PERSONNEL MOVEMENT

(a) The management of personnel resources is a dynamic, ever-changing process. The goal of this annual assessment is to review department personnel resources, make necessary adjustments and plan any future rotation.

(b) The Criminal Investigations Division Administrative Assistant shall maintain an updated rotation matrix outlining future and historical rotation by unit, officer name and year of rotation for all of the units in the agency for which the transfer and rotation policy applies.

(c) Personnel Resource Plans are written by unit managers (generally Lieutenants) for the purpose of planning for personnel movement in the agency. . Unit managers shall prepare and submit written Personnel Resource Plans to their respective Assistant/Deputy Chiefs prior to the annual Estaff review and assessment meeting. This meeting will typically occur about 90 days prior to the Patrol Division schedule rotation.

(d) The Division Personnel Resource Plan will include a section for each unit that is subject to the transfer and rotation policy. It will include a brief statement about each member of the unit that includes the date assigned to the unit, the date the individual is scheduled to rotate from the unit, any special skills possessed by the individual that may impact succession planning, and any other unique personnel challenges in the unit (such as multiple members scheduled to rotate at the same time, etc.).

(e) The Executive Staff shall review and approve each Division's Personnel Resource Plan. Personnel Resource Plans, any department surveys and rotation matrix information will be reviewed by the Executive Staff. This annual review and assessment shall occur annually about 90 days prior to the Patrol Division schedulr rotation.



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# Anti-Retaliation

## 1008.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or collective bargaining agreement.

## 1008.2 POLICY

Fort Collins Police Services has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1008.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise protected activity; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct against an employee who has engaged in protected activity, including but not limited to:

- Unjustified refusal to hire or deny a promotion.
- Unjustified extension of the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.



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### 1008.4 COMPLAINTS OF RETALIATION

Any employee who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff employee, Chief of Police, the Police Services H.R. Partner, or the City's Human Resources Director.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee is part of the investigative process.

### 1008.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that employees under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the complaints process described in Policy 328

(b) Receiving all complaints in a fair and impartial manner

(c) Documenting the complaint and any steps taken to resolve the problem

(d) Acknowledging receipt of the complaint, notifying the [Chief of Police/Sheriff] via the chain of command and explaining to the employee how the complaint will be handled

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy

(f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing

(h) Not interfering with or denying the right of an employee to make any complaint

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy

### 1008.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.



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Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all employees the prohibition against retaliation

(b) The timely review of complaint investigations

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence

(d) The timely communication of the outcome to the complainant

## 1008.7 RECORDS RETENTION AND RELEASE

The Professional Standards Unit shall ensure that documentation of investigations is maintained in accordance with the established retention schedules.



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# Reporting of Employee Charges and Convictions

## 1010.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform their official duties. Therefore, all employees shall be required to promptly notify the Agency of any past and current criminal convictions or pending criminal charges.

## 1010.2 DOMESTIC VIOLENCE CONVICTIONS AND PROTECTION ORDERS

Colorado and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, civil union partner, cohabitant, parent, child) (18 USC § 922; CRS § 18-12-108).

All employees are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and have a duty to promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1010.3 CRIMINAL CONVICTIONS

Any person convicted of a felony is prohibited from being a peace officer in the State of Colorado (CRS 24-31-305(1.5)(a)).

If a person is convicted of a misdemeanor crime listed in CRS § 24-31-305(1.5) after July 1, 2001, they may not obtain POST certification without a waiver or may have their POST certification suspended or revoked.

Even when legal restrictions are not imposed by statute or by the courts upon conviction of a criminal offense, criminal conduct by an employee of this Agency may prohibit him/her from carrying out law enforcement duties.

### 1010.3.1 COURT ORDERS

All employees shall promptly notify the Agency if they are part of any criminal or civil court order. Court orders may prevent peace officers from possessing a firearm or require suspension or revocation of their peace officer POST certificate (see generally CRS § 24-31-303).

## 1010.4 CRIMINAL CHARGES

All employees who are charged with the following offenses, whether the offense allegedly occurred on-duty or off-duty, must report the charges verbally and in writing to their supervisors as soon as possible during business hours and not later than when the employee returns to work:

(a) Any felony offense.

(b) Any non-traffic misdemeanor offense.

(c) The following traffic offenses:



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1. Driving while license denied, suspended or revoked.
2. Eluding or attempting to elude a police officer.
3. Hit and run, or leaving the scene of an accident, or failure to give notice, information, aid and/or report to police when involved in an accident resulting in injury to, serious bodily injury to or death of any person or damage to a vehicle.
4. Driving under the influence of intoxicating liquor and/or drugs, driving while impaired by intoxicating liquor and/or drugs, or driving with excessive alcoholic content, or driving with ability impaired.
5. Speed contest.
6. Reckless driving.
7. The employee must provide a copy of the citation or charging document to his or her supervisor within a week of the date of the charged offense.

(d) Criminal conduct by employees may result in disciplinary action, possibly including termination of employment, even when the alleged conduct occurred off-duty when it relates to qualifications for or performance of the employee's job. Moreover, the City may investigate alleged criminal misconduct or allegations of employee conduct that may violate the public trust and take disciplinary action regardless of whether the alleged offense results in a conviction.

(e) All employees and all retired officers with a department-issued identification card shall promptly notify their immediate supervisor, or the Chief of Police in the case of retired officers, in writing of any past or current criminal arrest or conviction, regardless of whether the matter is currently on appeal and regardless of the penalty or sentence.

(f) All certified employees and all retired officers with a department-issued identification card shall also promptly notify their immediate supervisor, or the Chief of Police in the case of retired officers, in writing if the employee becomes the subject of a domestic violence restraining order or similar court order.

(g) Any employee whose criminal conviction unduly restricts or prohibits that employee from fully and properly performing his/her duties may be disciplined including, but not limited to, suspension without pay, reassignment and/or termination.

Any employee failing to provide prompt written notice pursuant to this Policy may be subject to discipline.

### 1010.4.1 NOTIFICATION TO THE DISTRICT ATTORNEY

Some convictions may require that the Agency notify the District Attorney. In addition, if the Agency receives a credible report of agency employee misconduct including untruthfullness, an intentional deceptive act or a criminal offense for which the POST board may deny certification or recertification, the Agency will notify the District Attorney. These notifications will be consistent with



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the provisions of a Memorandum of Understanding between the Agency and the District Attorney and are related to the District Attorney's obligations required by Brady v. Maryland and its progeny and Rule 16 of the Colorado Rules of Criminal Procedure.



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# Alcohol and Drug Use

## 1012.1 PURPOSE AND SCOPE

The intent of this Policy is to deter the misuse or abuse of substances that create a threat to the safety and health of any employee or member of the public. The Agency discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

While this Policy describes specific guidelines and procedures which are included here as a ready reference for employees regarding Drug and Alcohol Use, all employees are to be familiar with and are bound by City Personnel Policy 8.11 - Controlled Substances and Alcohol. Where the two policies are inconsistent, this Policy shall control.

## 1012.2 GENERAL GUIDELINES

Alcohol and drug use in the workplace or while on-duty can endanger the health and safety of employees and the public. Except as set forth in this policy, such use shall not be tolerated.

The consumption of alcohol by on-duty personnel is prohibited except as authorized in the performance of an official special assignment. Personnel who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance and shall only consume alcohol with the prior authorization of a Division Deputy Chief.

Any substance that when ingested by a person causes impairment, however slight, is an intoxicant including, but not limited to, alcohol, illicit drugs and controlled substances.

Impairment to any degree, however slight, by intoxicants or the odor of alcoholic beverages on the body or breath while on duty or in uniform is prohibited except as provided in this Policy.

The affected employee shall notify their shift supervisor as soon as the employee is aware that he or she will not be able to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.

### 1012.2.1 USE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY

To promote a safe and efficient work environment, the Agency prohibits using, consuming, possessing, having in the body, or distributing alcohol and controlled substances (except prescribed medications) by Agency employees and while working for the City at any location, or while operating City vehicles at any time (City Personnel Policy 8.11.A).

### 1012.2.2 USE OF MEDICATIONS

The City recognizes that employees will sometimes need to take over-the-counter drugs and medications as prescribed by their physicians. It is not a violation of this Policy for employees to possess and use medication. However, if the use of such medication appears to affect the employee's ability to perform her or his job safely or effectively, then the City may, in its discretion, require the employee to take appropriate action, which may include but is not limited to doing one or more of the following (City Personnel Policy 8.11.1):



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(a) Obtain further information from her or his physician. For example, information about how long the medication must be taken and verification that the employee can perform her or his job without jeopardizing the health or safety of herself or himself and others while taking the medication;

(b) Be examined by a physician or other health care provider designated by the City in order to determine the employee's ability to perform job functions;

(c) Take a leave of absence while taking the medication, and the employee may use available sick leave or injury leave (whichever applies), vacation time, and compensatory time off in accordance with City leave policies;

(d) Accept an assignment to modified duty in accordance with Policy 1054 - Modified Duty.

(e) Because the possession and use of marijuana, whether for medical use or otherwise, constitutes a federal offense and because the use of marijuana is not compatible with the performing of any job with the City, the City will not accommodate the medical use of marijuana for any reason. For purposes of this Policy, the use of medical marijuana as recognized by state law is not considered a prescribed or otherwise permitted medication.

1012.2.3 OFF-DUTY

Off-duty employees of the Agency shall refrain from consuming alcoholic beverages to the extent that it results in behavior which discredits them as an employee of the Agency or brings discredit to the Agency, or renders the employee unfit for his/her regular tour of duty.

When notified of an immediate call to duty or placement on standby status as described in Policy 391 - Personnel Recall, an employee who has consumed an amount of an alcoholic beverage or taken any drug that would tend to adversely affect the employee's senses or judgment or consumed an alcoholic beverage within four hours shall notify his/her supervisor . The call to duty or placement on standby status may be delayed if the supervisor determines that such is necessary to ensure that the employee is not impaired and does not have a significant amount of alcohol in the body at the time of reporting for duty.

Employees will not consume alcohol while On-Call, when notified of an immediate call to duty, or when an employee is placed on standby status.

## 1012.3 EMPLOYEE ASSISTANCE PROGRAM

A voluntary Employee Assistance Program is available to assist employees who wish to seek help for alcohol and drug problems. Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Program or their insurance provider. There may also be available a variety of insurance coverages which provide treatment for drug and alcohol abuse. Employees may contact the Human Resources Department, their insurance provider or the Employee Assistance Program for additional information.

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.



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Employees may use leave for confidential visits consistent with Policy 1014 - Sick Leave.

## 1012.4 SUPERVISOR RESPONSIBILITIES

If an employee informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with the safe and efficient performance of his/her duties, the employee may be required to obtain clearance from his/her physician before he/she continues to work.

If a supervisor reasonably believes, based upon objective facts, that an employee's ability to perform his/her duties safely and efficiently may be impaired by the consumption of intoxicants, the supervisor shall ask the employee whether he/she has consumed any alcohol or other drugs and, if so the amount and type of alcohol or other drug consumed, the time of consumption and the name of the person who prescribed the controlled substance.

### 1012.4.1 ASSESSMENT OF PROBABLE CAUSE FOR CRIMINAL INVESTIGATION

The involved supervisor is expected to consider the facts of the situation and assess whether or not probable cause exists to believe the employee has committed a violation of law. If that assessment is that probable cause exists, then the supervisor shall ensure that standard criminal processes are followed prior to proceeding with the administrative investigation with reasonable suspicion testing.

## 1012.5 REASONABLE SUSPICION

(a) Employees covered by this Policy will be required to submit to tests for controlled substances and/or alcohol when one or more trained supervisors or any City official has reasonable suspicion based on specific, contemporaneous, articulable observations that the actions, appearance, behavior, speech or body odors of the employee on duty shows symptoms of the use or presence in the employee's body of a controlled substance or alcohol.

(b) When a supervisor reasonably suspects that an employee may have alcohol and/or a controlled substance in her or his system during working time, the supervisor should immediately and as confidentially as possible remove the employee from any potentially dangerous situation (such as prohibit the employee from driving or operating machinery). The supervisor should then immediately consult with the next level of supervision in order to reach a conclusion as to whether or not sufficient identifiable facts exist which would lead a reasonable person to suspect that the employee had alcohol and/or a controlled substance in her or his system during working hours. If, from the facts known to the supervisors at the time, the conclusion is reached that the employee is suspected of having alcohol and/or a controlled substance in her or his system during working hours, the supervisor shall make arrangements for the immediate testing of the employee pursuant to procedures set forth below. If reasonably possible, the supervisor shall consult with the Human Resources Department prior to requiring an employee to submit to an alcohol or controlled substance test and, in any event, shall notify the Human Resources Department as soon as reasonably possible after a test is imposed (City Personnel Policy 8.11.4).



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(c) The smell of alcohol on the employee's body or breath by itself will constitute reasonable suspicion requiring an alcohol test, unless the supervisor determines after consultation with the next level of supervision that there are convincing facts to the contrary (such as a call to duty situation where the supervisor has determined that at the time of reporting for duty the employee is not impaired by alcohol, and the time between the ingestion of the alcohol and the report for duty is sufficient so that the amount of alcohol in the employee's body should be insignificant, assuming a dissipation rate of .015 per hour; or the employee has had alcohol spilled on his/her clothes). Such tests shall be part of an administrative investigation conducted in accordance with the procedures outlined for administrative investigations in Policy 1020 - Administrative Investigations.

(d) When an employee has been arrested pursuant to CRS 42-4-1301 (Driving Under the Influence) and was at the time of arrest driving a City vehicle or was driving to or from work in their personal vehicle, the City may require screening tests subsequent to those statutorily required.

(e) The result of the required reasonable suspicion test is considered inadmissible in any criminal proceeding against the employee. The employee may refuse the test, but that refusal may result in discipline up to and including termination of employment.

### 1012.5.1 REASONABLE SUSPICION TESTING PROCEDURE

(a) Alcohol testing procedures will consist of an initial screening portable breath test (PBT) administered by Agency personnel. If the PBT is .01 grams of alcohol per 210 liters of breath or less, the test shall be considered to be negative. If the PBT provides a reading for alcohol in an amount above .01, the employee will be transported to a City-approved collection site for a confirmatory test conducted pursuant to the Procedures For Transportation Workplace Alcohol Testing Programs (49 CFR Part 40).

(b) Controlled Substance testing procedures will be as set forth in the Procedures For Transportation Workplace Drug Testing Programs (49 CFR Part 40), using the split sample method except that an initial screening test at the City-approved collection site may be utilized prior to splitting the sample, sealing, and shipping the samples for laboratory analysis. In the event that an initial screening at the collection site provides results below the initial test cutoff levels as provided in 49 CFR §40.87, the sample will be destroyed and the result will be reported as negative. In the event that an initial test is at or above any of the initial test cutoff levels, the sample will be split, sealed, and shipped to a designated testing laboratory for confirmatory testing.

### 1012.5.2 SCREENING TEST REFUSAL

Any employee who refuses to take an alcohol or controlled substances test required by the City may be subject to disciplinary action. In addition, any employee who tests positive for alcohol or for a controlled substance (except for the employee's prescribed medication) in any amount may be subject to disciplinary action, up to and including termination of employment. Because of the accuracy limits inherent in current alcohol testing techniques, a positive test for an alcohol



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concentration of less than .02 will not, by itself, constitute grounds for discipline. The following behavior constitutes a refusal (City Personnel Policy 8.11.9):

(a) Failure to provide a urine specimen or breath sample;

(b) An inability to provide a sufficient urine specimen or breath sample without a valid medical explanation;

(c) Tampering with or attempting to adulterate the specimen or collection procedure;

(d) Verbal declaration, obstructive behavior, refusal to sign the Alcohol Testing Form;

(e) Physical absence resulting in the inability to conduct the test;

(f) Substituting a specimen;

(g) Not reporting to the collection site in the time allotted;

(h) Leaving the collection site prior to test completion;

(i) Failure to permit an observed or monitored collection when required;

(j) Failure to take a second test when required;

(k) Failure to undergo a medical examination when required;

(l) Failure to cooperate with any part of the testing process;

(m) Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, after being directed to do so by the City;

(n) Having a verified adulterated or substituted test result;

(o) For an observed collection, failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;

(p) Possess or wear a prosthetic or other device that could be used to interfere with the collection process; or

(q) Admit to the collector or MRO that the specimen has been adulterated or substituted.

### 1012.6 COMPLIANCE WITH FEDERAL DRUG FREE WORKPLACE ACT

As required by the federal Drug Free Workplace Act (41 USC § 8103):

(a) Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on City premises or while on-duty except as specifically permitted by these policies.

(b) Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the employee or others due to drug or alcohol use.



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(c) Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

(d) No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the Agency will take appropriate disciplinary action, up to and including termination, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

### 1012.7 CONFIDENTIALITY

The Agency recognizes the confidentiality and privacy due employees. Disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process. The written results of any screening test will be provided to the employee. The written results of any screening tests and all documents generated relating to chemical abuse treatment are considered confidential medical records and shall be maintained securely and separately from the employee's personnel file.



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# Sick Leave

## 1014.1 PURPOSE AND SCOPE

Employees of this Agency are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel Policies or applicable collective bargaining agreement. Employees may also be entitled to additional unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (29 CFR 825.100).

## 1014.2 EMPLOYEE RESPONSIBILITIES

(a) Sick leave may be used for absences described in the applicable City Personnel Policies or collective bargaining agreement.

(b) Sick leave is not considered vacation. Abuse of sick leave may result in discipline and/or denial of sick leave benefits. Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational or other activity that may impede recovery from the injury or illness.

(c) Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

### 1014.2.1 NOTIFICATION

(a) Employees are encouraged to notify their immediate supervisor, the on-duty supervisor or other appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than two hours before the start of their scheduled shift if practicable. If an employee is unable to contact the supervisor in the case of an emergency, every reasonable effort should be made to have a representative contact the supervisor.

(b) When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever reasonably possible, provide notice to the Agency as soon as reasonably possible and with no less than 30-days' notice of the intent to take leave.

## 1014.3 EXTENDED ILLNESS

(a) Employees on extended absences shall, if possible, contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and/or the inability to return to work.

(b) Nothing in this section precludes a supervisor, based upon reasonable cause, from requiring a physician's statement if three or fewer sick leave days are taken.



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### 1014.4 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this Policy. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.



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# Communicable Diseases

## 1016.1 PURPOSE AND SCOPE

This Policy provides guidelines for Agency personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury as required by state and federal guidelines (29 CFR § 1910.1030(a)). The Policy will offer direction in achieving the following goals:

- To identify, inform and train all Agency employees regarding the communicable disease risks to which they may be exposed while performing their specific job assignments;
- To manage the risks associated with blood borne pathogens, aerosol transmissible diseases and other potentially infectious substances;
- To assist Agency personnel in making decisions concerning the selection, use, maintenance, limitations, storage and disposal of personal protective equipment (PPE);
- To protect the privacy rights of all Agency personnel who may be exposed to or contract a communicable disease during the course of their duties; and
- To provide appropriate testing, treatment and counseling should an employee be exposed to a communicable disease.

## 1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODILY FLUIDS

All Agency personnel who may be involved in providing emergency medical care or who come in contact with another person’s blood or bodily fluids (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

### 1016.2.1 EXPOSURE CONTROL OFFICER

The Agency's Internal Affairs Sergeant has been designated by the Chief of Police as the Exposure Control Officer (ECO). The ECO shall be responsible for the following:

(a) Coordinate communications between the department, area hospitals, Risk Management, and the county and state health departments.

(b) Coordinate and provide a comprehensive infection control education program that meets or exceeds regulation 29 CFR 1910.1030. Technical assistance may be provided by the City's Health and Safety Manager or local Occupation Health Services.

(c) The overall management of the blood borne Exposure Control Plan (ECP).

(d) The ECO will work with Agency management and the City's Risk Manager to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning blood borne pathogens and other communicable diseases.



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(e) The ECO will conduct program audits to maintain a current ECP. This audit will take place at the rotation of the ECO.

(f) The ECO will maintain a current list of police personnel requiring training, will develop and implement a training program, maintain class rosters and quizzes and periodically review the training program.

(g) The ECO will review and update the ECP annually (on or before January 1 of each year) or upon rotation of the ECO.

Agency supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.

### 1016.2.2 UNIVERSAL PRECAUTIONS

All human blood and bodily fluids, such as saliva, urine, semen and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between bodily fluid types, all bodily fluids are to be assumed potentially infectious.

### 1016.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is the last line of defense against communicable diseases and other hazardous exposures. Policy 1017 - Personal Protective Equipment describes the equipment issued to all officers.

The protective equipment is to be kept in each police vehicle and replaced if it has been used or damaged during the shift, or is otherwise in need of replacement.

### 1016.2.4 IMMUNIZATIONS

All Agency personnel who, in the line of duty, respond to emergency medical calls or may be exposed to or have contact with a communicable disease shall be offered appropriate immunization treatment. Personnel have the option of declining immunizations, but will be required to sign a declination form; which will be kept in a permanent file by the ECO.

### 1016.2.5 WORK PRACTICES

All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or bodily fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves should be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other bodily fluids. Should one's disposable gloves become contaminated with blood or other bodily fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.



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All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

#### 1016.2.6 INFORMATION AND TRAINING

All employees shall participate in occupational exposure training commensurate with the requirements of his/her position. The training shall be provided:

(a) At the time of initial assignment to tasks where an occupational exposure may take place.

(b) At least annually after the initial training.

(c) Whenever the employee is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

The occupational exposure training should meet the minimum standards set by state and federal OSHA regulation (29 CFR § 1910.1030(g)(2)(vii)) and the Ryan White Comprehensive AIDS Resource Emergency Act.

### 1016.3 DISPOSAL AND DECONTAMINATION

The following procedures will apply to the disposal or decontamination of equipment or personnel after responding to an event that involved contact with a person's blood or bodily fluids.

#### 1016.3.1 USE OF WASTE CONTAINERS

Officers shall dispose of biohazards with the onscene fire response vehicle or ambulance, at the attending clinic or hospital with its approval or in an appropriately marked biohazard waste container immediately upon arrival.

Sharps containers, when utilized, shall be collapsible, leak proof, red and appropriately labeled with a biohazard warning, and routinely emptied.

#### 1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES

Personnel shall immediately wash their hands either while on-scene or as soon as practicable following the removal of potentially contaminated gloves. Antibacterial soap and warm water shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water. If large areas of the employee's skin are contaminated, the employee shall shower as soon as reasonably possible, using warm water and soap. Medical treatment may be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.



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All hand, skin and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen or other areas where food is prepared and/or stored.

### 1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE

All sharps and items that cut or puncture (e.g., broken glass, razors and knives) shall be treated cautiously to avoid cutting, stabbing or puncturing one's self or any other person. If a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching sharps with the hands shall be avoided. Use a device, such as tongs to collect evidentiary items and a broom and/or dustpan, to clean up debris. If the material must be handheld, protective gloves must be worn. When practical, place the material in a puncture proof container.

### 1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT

Contaminated disposable supplies (e.g., gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

### 1016.3.5 DECONTAMINATION OF NON-DISPOSABLE AND PERSONAL PROTECTIVE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as reasonably practicable. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station or police station for proper cleaning and disinfecting. Porous surfaces, such as nylon bags and straps, shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by the Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, corners, crevices, portable radios and external microphones. Equipment cleaning shall not be done in the kitchen, bathrooms or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as vomit, feces and blood clots should first be removed (e.g., using a disposable towel or other means to prevent direct contact) and then properly disposed.



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1016.3.6 DECONTAMINATION OF CLOTHING
Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible. If the clothing must be dry-cleaned, place it in a biohazard waste bag, deliver to the dry-cleaner, and inform them of potential contamination.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.7 DECONTAMINATION OF VEHICLES
Contaminated vehicles and components, such as the seats, radios and doors, shall be washed with soap and warm water and disinfected with approved cleaning supplies as soon as feasible. When a gross contamination has taken place, the ECO should be contacted for further instructions.

1016.3.8 DECONTAMINATION OF STATION AND CLEANING AREA
The cleaning station inside the main police building Sally Port will serve as the area for cleaning/ decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be maintained in a clean and sanitary order at all time. When cleaning is necessary, the ECO shall be contacted so that such services may be coordinated.

The application of cosmetics along with consuming food and drink are prohibited in this designated area at all times.

## 1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and ensure the best protection and care for the employee.

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
In order to provide appropriate and timely treatment should exposure occur, all employees shall verbally report a suspected airborne or blood-borne exposure to their immediate supervisor and complete a Worker's Compensation Injury/Exposure Report as soon as possible, and not more than 24 hours following the exposure or suspected exposure. The report shall be submitted to the employee's immediate supervisor.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as reasonably practicable following the incident, while gathering the following information:

(a) Name and social security number of the employee exposed;

(b) Date and time of incident;

(c) Location of incident;

(d) The potentially infectious materials involved;



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(e) Source of material or person;

(f) Current location of material or person;

(g) Work being done during exposure;

(h) How the incident occurred or was caused;

(i) PPE in use at the time of the incident; and

(j) Actions taken post-event (e.g., cleanup and notifications).

The supervisor and employee should be aware shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source. If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought.

### 1016.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or suspects he/she was exposed to a communicable disease shall be seen by a physician (or qualified health care provider) as soon as reasonably possible.

The employee shall be made aware of the laws and regulations concerning disclosure of the identity and infectious status of a source. If possible, the exposed employee will be informed of the source's test results.

The health care professional will provide the ECO and/or the City's Health and Safety Specialist with a written opinion/evaluation of the exposed employee's situation. This opinion shall only contain the following information:

- If a post-exposure treatment is indicated for the employee;
- If the employee received a post-exposure treatment;
- Confirmation that the employee received the evaluation results;
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident that will require further treatment or evaluation; and
- Whether communicable disease testing from the source is warranted, and if so, the possible diseases to be tested.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

### 1016.4.4 COUNSELING

The Agency shall provide the exposed employee, and his/her family if necessary, the opportunity for counseling and consultation. The employee is further encouraged to seek support through the Office of Human Services or the Peer Support Team if they feel it would be helpful.



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1016.4.5 CONFIDENTIALITY OF REPORTS
Most of the information involved in the process must remain confidential. The ECO shall ensure that all records and reports are kept confidential.

The ECO shall be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures that took place as a result of an exposure.

The City's Risk Manager should be responsible for maintaining the name and social security number of the employee and copies of any information provided to the consulting health care professional as a result of an exposure.

This information is confidential and shall not be disclosed to anyone without the employee's written consent, except as required by law. Test results from persons who may have been the source of an exposure are to be kept confidential as well.

## 1016.5 SOURCE TESTING

Testing for communicable diseases of a person who was the source of an exposure to an employee of this Agency should be sought when it is desired by the employee or otherwise appropriate. It is the responsibility of the ECO to ensure the proper testing and reporting occur. These methods include:

- Obtaining voluntary consent that covers testing for any communicable disease from any person who may be the source of an exposure.
- Determining if the source person is compelled to submit to testing under any lawful provision.
- Applying for a court order to compel testing of the source person.

1016.5.1 EXPOSURE FROM A NON-ARRESTEE
Upon notification of an employee's exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate;

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for specimens of blood for testing. The ECO should document the consent as a supplement to the Worker's Compensation Injury/Exposure Report;

(c) The result of the tests should be made available to the source and the exposed employee; and

(d) If consent is not obtained, the ECO should promptly consult with City Attorney's Office and consider requesting that a court order be sought for appropriate testing.



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### 1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the employee's supervisor or ECO should take the following steps:

(a) Seek consent from the person who was the source of the exposure and seek a court order if consent is not given;

(b) Take reasonable steps to immediately contact the Larimer County Jail (or applicable detention facility) and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the county health department can order testing;

(c) In all cases, comply with the reporting and testing schemes required by law;

(d) Remain in contact with the Larimer County Jail or applicable detention center to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee; and

(e) The results of the tests should be made available to the exposed employee.



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# Respiratory and Personal Protective Equipment

## 1017.1 PURPOSE AND SCOPE

Agency employees are potentially exposed to health hazards during routine operations. These hazards include lack of oxygen, harmful concentrations of dusts, mists, fumes, smoke, gases, vapors, and liquids which may represent conditions harmful or Immediately Dangerous to Life or Health (IDLH).

The primary objectives of this Policy are to preserve the health of employees and to allow employees to safely function in adverse atmospheric environments so that they can provide emergency services to citizens and co-workers. The Agency shall provide appropriate personal protective and respiratory protection equipment to employees when such equipment is necessary to protect the health and safety of the employee.

However, it is not the intent of the Agency to authorize employees to operate in a clean-up or mitigation role for hazardous material or biological/chemical weapon incidents. Agency personnel, absent specialized training as described in 29 CFR 1910.120, serve as emergency responders to immediately render aid to citizens or to protect an area for specialized emergency responders.

While the frequency of the need to operate in such adverse environments may be low, the need to be able to safely and effectively operate in those environments when they do exist is very high from a health and safety standpoint.

### 1017.1.1 POLICY

This Policy is consistent with the OSHA Respiratory Protection, Personal Protective Equipment (PPE), and Records standards listed under 29 CFR 1910. It is the Agency's intent to maintain that consistency.

The provisions of this Policy are mandatory.

### 1017.1.2 DEFINITIONS

The following terms shall have the following meanings:

(a) "Qualified" means to be capable of effectively providing emergency and other crucial services consistent with their positions using designated respiratory and/or personal protective equipment for the specified levels of protection in adverse environments for not less than a 30-minute continuous period of time. An employee will be considered qualified if the employee is deemed medically qualified and has achieved an acceptable fit factor for the designated respiratory equipment in the specified protection level.

(b) "Protection Level A" means a respiratory equipment system with a totally encapsulating chemical protective suit and includes a self-contained breathing apparatus (SCBA).

(c) "Protection Level B" means a respiratory equipment system which includes a self-contained breathing apparatus (SCBA) with a splash/chemical resistant ensemble to include suit, gloves, and boots.



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(d) "Protection Level C" means a respiratory equipment system which includes a full-face respirator with an air filter cartridge (air purifying) and a splash/chemical resistant ensemble to include suit, gloves, and boots.

### 1017.2 ABILITY TO USE PERSONAL PROTECTIVE EQUIPMENT

Employees in the following positions, regardless of rank or assignment except as specifically noted, must be qualified in the use of city-designated protective equipment for the following levels of protection:

(a) Police officers through the rank of Deputy Chief - Level C;

(b) Community service officers - Level C;

(c) Lab personnel including Criminalists, Supervisors, and Managers - Level C;

(d) SWAT Officers, Assistant Team Leaders, and Team Leaders - Level B;

(e) NCDTF detectives and Sergeants - Level B;

(f) Bomb Squad assigned police officers and Sergeants - Level B; and

(g) Emergency Preparedness Team Officers and Sergeants - Level C or B as determined by the team Commander and depending on the duties of the member.

The designated respiratory equipment or PPE issued to an employee may be modified or adjusted within a protection level if:

(a) It is necessary based on the need of the employee; and

(b) The cost (both in dollars and administratively) of the alternative equipment is not unduly burdensome to the Agency; and

(c) The employee is able to meet the above use standard with the alternative equipment.

Being qualified is considered an essential function of the above listed positions. Depending upon the needs of the Agency and the availability of respiratory equipment, employees may voluntarily become qualified in the use of different types of respiratory equipment.

### 1017.3 MEDICAL EVALUATION

(a) Using respiratory equipment may place a physiological burden on an employee that varies with the type of respirator worn, the job, workplace conditions, and the medical status of the employee. A physician or other licensed health care professional designated by the Agency (PLHCP) shall determine whether or not an employee has any medical conditions that would preclude the use of a respirator in the specified protection level. The PLHCP will consider the guidance presented in the American National Standards Institute document ANSI Z88.6 in performing medical evaluations.

(b) To become qualified in the use of designated respiratory equipment within a protection level, an employee must complete a medical history questionnaire approved by the



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Policy Administrator. The Policy Administrator or designee will forward the completed questionnaire to the PLHCP for review.

1. Employees will be permitted to fill out the questionnaire during work hours.
2. Employees who have difficulty interpreting the questionnaire may seek clarification from the Policy Administrator or an authorized designee.
3. The Policy Administrator will gather the completed questionnaire and forward it to the PLHCP in such a manner so that the employee's answers are only available to the PLHCP.

(c) The PLHCP will review the completed questionnaire to determine whether or not the employee appears to be medically qualified for the use of the designated respiratory equipment within the specified protection level. The PLHCP may request additional information from the employee in making this determination. For protection Level A or B, the PLHCP will also gather and consider the employee's work history information.

1. If the PLHCP determines that the employee is medically qualified, the PLHC will so notify the employee and the Policy Administrator.
2. If the PLHCP is unable to determine that the employee is medically qualified, the PLHCP will refer the employee for a follow-up medical exam.

(d) The PLHCP conducting the follow-up medical exam will review the medical questionnaire and information provided by the Policy Administrator concerning respiratory equipment availability, workplace needs, and circumstances under which the equipment will be needed. The PLHCP will complete a Respirator Certification form providing a written determination regarding the employee's ability to be qualified in the use of the designated respiratory equipment within the specified protection level and, if applicable, providing any recommendations regarding optional ways for the employee to become qualified. The Respirator Certification form will be provided to the employee and the Policy Administrator.

1. The follow-up medical examination may include any medical tests, consultations, or diagnostic procedures that the PLHCP deems necessary to make a final determination.
2. The employee will be given the opportunity to discuss the medical questionnaire and the examination with the PLHCP prior to the issuance of a Respirator Certification form that does not determine that the employee is medically qualified in the use of the designated respiratory equipment within the specified protection level.
3. The follow-up medical examination shall be conducted by a PLHCP chosen by the Agency and at no cost to the employee. The examination time will be considered compensable time.



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4. The results of the medical examination will be kept confidential, except that those management employees who have a need to know the results because of their responsibility to supervise the employee will have access to the results.

1017.3.1 FIT TESTING

(a) To become qualified in the use of the designated respiratory equipment within the specified protection level, an employee must be quantitatively fit tested before being assigned a respirator and achieve an acceptable fit factor for each respirator that will be worn.

1. No facial hair that comes between any part of the sealing surface of the facepiece and the face or that interferes with valve function will be allowed during the testing.

(b) The Agency will make a number of models and sizes of the respiratory equipment available within a protection level in order to provide correct fit and to increase the likelihood of employees being able to meet the use standard.

(c) The results of the fit test will be recorded on the Respirator Fit Test Record form.

1017.3.2 REMEDIAL PROGRAM

(a) An employee who is determined by a physician to be unqualified for medical reasons or for a failure to achieve an adequate fit will be placed on modified duty by his/her Deputy Chief.

(b) The Policy Administrator and the employee's supervisor will meet with the employee to determine whether or not a remedial program can be implemented that is likely to result in achievement of the qualification status within six months. The employee may be re-evaluated for qualification at the request of the employee.

(c) If it is determined that the employee is not likely to become qualified within six months, has not made a good faith effort to follow a remedial program, or has not become qualified within six months, the employee's employment may be terminated based on the employee's inability to perform an essential function of the job.

(d) Under exceptional circumstances, an employee may apply to the Director of Human Resources to extend modified duty for up to a total of twelve months from the date of being determined to be unqualified. The decision whether to grant or deny the request is completely within the discretion of the City.

1017.3.3 FOLLOW-UP EXAMINATION AND TESTING AFTER INITIAL QUALIFICATION

(a) A fit test will be administered not less than annually and will be administered whenever an employee: changes makes, models or sizes of respirators; perceives that the respirator does not seal properly; or experiences any condition which alters the configuration of the face, e.g., weight change of ten pounds or more, broken nose, loss of teeth, or facial surgery.

(b) An employee may also be required to complete a new medical history questionnaire, undergo a new medical examination, and/or undergo a new fit test if:



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1. The employee reports signs and symptoms related to the employee's use of a respirator, such as shortness of breath, dizziness, chest pains, or wheezing;
2. A supervisor reasonably suspects that the employee may no longer be qualified;
3. There is a change in the type, model or size of the respiratory equipment to be used by the employee; or
4. Conditions under which the respiratory equipment may be used change, thereby increasing substantially the physiological burden placed on the employee; or
5. The employee has been exposed to hazardous substances at concentrations above the permissible exposure limits without the necessary PPE being used.

## 1017.4 POLICY ADMINISTRATOR RESPONSIBILITIES

The Chief of Police will designate an Agency supervisor as the Policy Administrator who is responsible for the administration of this Policy and has the following duties:

(a) Evaluate potential hazards and recommend appropriate respiratory protection and other personal protective equipment where necessary.

(b) Assist in providing respiratory medical exams, fit tests, and selection of appropriate protective equipment.

(c) Coordinate with service providers to ensure that employees are properly protected from workplace contaminants including advising the service providers of other personal protective equipment the employee will be wearing.

(d) Provide the PLHCP with the information required for them to conduct respiratory equipment users' medical evaluations.

(e) Review this Policy not less than annually and recommend revisions to it as necessary to ensure that employees are protected from hazards.

(f) Ensure that employees are provided training and administer recordkeeping.

(g) Maintain knowledge of current standard of care with regard to respiratory protection and PPE to make recommendations for changes in equipment and procedures as needed.

### 1017.4.1 SUPERVISOR RESPONSIBILITIES

Supervisors and Managers have the following duties:

(a) Identify conditions that may require the use of respiratory equipment or PPE and consult with the HAZMAT personnel for assistance in assessing respiratory hazards.

(b) Ensure that employees attend related medical exams, fit tests, and training before their use of the equipment.

### 1017.4.2 EMPLOYEE RESPONSIBILITIES

Employees within the scope of this Policy have the following duties:



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(a) Become qualified to use the specified PPE and maintain such qualification.

(b) Contact their supervisor for assistance in evaluating potential hazards that may require PPE.

(c) Use the provided PPE in accordance with manufacturer's instructions and provisions of this Policy.

(d) Report any malfunction of equipment, concerns with respirator fit, or other problems to their supervisor.

(e) Clean, inspect, and maintain respiratory equipment in a serviceable condition.

(f) Notify his/her supervisor and the Program Administrator of changes in their medical status that may impact his/her ability to safely use and be qualified to use the specified respiratory equipment.

(g) Complete and file with the Policy Administrator and the City's Risk Management Office a hazardous exposure report any time that an employee believes he/she may have been exposed to a hazardous substance.

(h) All Agency personnel who are issued PPE will keep that equipment readily available in their assigned vehicle unless they are assigned to the Criminal Investigations Division and engaged in undercover duties.

(i) Employees will inspect that equipment at least annually for any damage or wear that would compromise its protective qualities. Any such damaged equipment will immediately be reported to their supervisor for replacement.

## 1017.5 USE OF RESPIRATORY EQUIPMENT

(a) Only respiratory equipment purchased by the Agency will be utilized and then only within the protection level as designated by OSHA for the hazards present.

(b) Employees who are required to be qualified to wear a tight fitting respirator must be clean-shaven where any part of the respirator seal touches the face. Facial hair will also be prohibited when it interferes with the function of the valves.

1. Only personnel assigned to the Special Investigations Unit, or who are working undercover with the permission of their Division Deputy Chief, will be allowed to have facial hair that does not comply with this Policy. However, those personnel will not be allowed to complete a fit-test or operate in an environment that requires a respiratory protection device unless they meet any current OSHA requirements that relate to respiratory protection.

(c) Employees may use corrective or protective eyewear in a manner that does not interfere with the seal of the faceplate of a respirator. Eyewear with straps or temple bars that pass through the sealing surface of the respirator facepiece shall not be used. The Policy Administrator will coordinate acquiring proper eyewear for the employee at the City's expense.



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(d) Hats, headphones, jewelry, or other articles that may interfere with a respirator facepiece seal are not permitted.

(e) To ensure proper sealing, an employee must perform a fit check each time the employee wears his/her respirator.

1017.5.1 RESPIRATOR TRAINING

(a) Prior to use, employees shall be trained in the use and care of respiratory equipment. Employees must also receive annual refresher training.

(b) Training shall also be conducted whenever:

1. Changes in the workplace or the type of respiratory equipment require new or additional training;
2. Employees demonstrate that they have not retained the requisite understanding or skill; or
3. Any other situation in which retraining appears necessary to ensure safe respiratory equipment use.

(c) At a minimum, annual training shall include:

1. The importance of respiratory protection;
2. Factors that impair respiratory equipment effectiveness, such as poor fit, maintenance, and improper use;
3. Capabilities and limitations of respiratory equipment;
4. Use of respiratory equipment in emergency situations;
5. Inspection of materials;
6. Procedures for donning, doffing, and using respiratory equipment;
7. Procedures for checking the seals of the respiratory equipment;
8. Maintenance and storage; and
9. Recognizing the medical signs and symptoms that may limit or prevent the effective use of respiratory equipment.

(d) Employees must demonstrate knowledge and skills to satisfy training requirements.

## 1017.6 RECORDKEEPING

(a) The Policy Administrator must maintain the following records:

1. Respiratory equipment certification from the PLHCP;
2. Selection and fit test records until the next fit test is administered;
3. Copy of written respiratory protection Policy; and



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4. Respirator inspection records that include the name (or signature) of the person who made the inspection, the findings, required remedial action, and a serial number or other means of identifying the inspected respirator until replaced following a subsequent certification (consistent with 29 CFR 1910.134(h)(3)(iv)(B)).

Employee training records will be maintained by the Training Unit.

## 1017.7 PERSONAL PROTECTIVE EQUIPMENT

(a) In addition to applicable respiratory equipment, every police officer and community service officer will be issued basic Personal Protective Equipment (PPE). PPE shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter. Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(b) Specialized units such as SWAT or the NCDTF, while following the above guidelines, will determine the appropriate equipment needed for their specialized roles beyond the basic PPE issued by the Agency.

(c) The basic equipment will include, but not be limited to:

1. Helmet for protection against overhead hazards and falling debris,
2. Air purifying respirator and cartridges as described in this Policy,
3. Splash/chemical resistant suit,
4. Splash/chemical resistant gloves,
5. Splash/chemical resistant boots or boot covers, and
6. Adhesive tape appropriate for sealing seams between PPE interfaces (i.e. Suit and gloves).

### 1017.7.1 PPE TRAINING

Prior to use, employees shall be trained to an Awareness Level and in the use and care of the PPE they are issued. Employees must also receive annual refresher training.

(a) Training shall also be conducted whenever:

1. Changes in the workplace or the type of PPE require new or additional training;
2. Employees demonstrate that they have not retained the requisite understanding or skill; or
3. Any other situation in which retraining appears necessary to ensure safe PPE use.

(b) At a minimum, annual training shall include:



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1. The importance of PPE;
2. Factors that impair PPE effectiveness, such as poor fit, maintenance, and improper use;
3. Capabilities and limitations of PPE;
4. Use of PPE in emergency situations;
5. Inspection of materials;
6. Procedures for donning, doffing, and using PPE;
7. Maintenance and storage; and
8. Recognizing the medical signs and symptoms that may limit or prevent the effective use of PPE.

(c) Employees must demonstrate knowledge and skills to satisfy training requirements.



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# Smoking and Tobacco Use

## 1018.1 PURPOSE AND SCOPE

This Policy establishes limitations on the use of tobacco products by employees and others while on-duty or while City facilities or vehicles.

## 1018.2 POLICY

(a) Smoking and other use of tobacco is generally not allowed during working time.

(b) Employees may only smoke or use tobacco products during break time, lunch time or other non-working time.

(c) Uniformed employees may only smoke or use tobacco products if they are out of the view of the public.

(d) Smoking and other use of tobacco by employees is prohibited at incidents, community events and any time employees are in public view representing the Agency.

(e) Employees may not smoke or use tobacco in City buildings except where expressly permitted. Smoking and other use of tobacco is also prohibited in City vehicles. In addition, employees who choose to smoke in their private vehicle when conducting City business should be sensitive to the effects of second hand smoke on other employees who are with them.

(f) Employees are expected to use good judgment and help maintain a safe and clean environment in connection with smoking and the use of tobacco products on City property. Accordingly, no person shall smoke or use tobacco within 15 feet of an entryway of any City building, and should discard ashes, cigarette butts and other tobacco residue in ashtrays or other safe receptacles.

## 1018.3 ADDITIONAL PROHIBITIONS

No person shall smoke or use any tobacco product inside City facilities and no employee shall smoke tobacco products within 15 feet of an entryway of any City building (CRS § 25-14-204).



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# Administrative Investigations

## 1020.1 PURPOSE AND SCOPE

The Agency is committed to high ethical standards. We are an integral part of the community, and the Agency exists to serve the needs of citizens. The people entrust us with considerable authority, and we must be responsive to their concerns.

The primary purpose of this Policy is to establish the procedures to be used in administrative investigations of Agency employees to ensure fair treatment of complaining parties, witnesses, and employees. Another purpose of this Policy is to establish certain guidelines for criminal investigations of Agency employees and to delineate the differences between, and the separation of administrative and criminal investigations of Agency employees. It is not the intent of this Policy to discourage legitimate complaints.

This Policy applies to all administrative and criminal investigations of alleged misconduct by Agency employees or authorized volunteers, whether such investigations are initiated internally or as the result of a citizen complaint.

### 1020.1.1 TYPES OF INVESTIGATIONS

Personnel complaints consist of any allegation of misconduct or improper job performance against any Agency employee that, if true, would constitute a violation of Agency Policy, City Policy, federal, state or local law. Misconduct allegations or complaints may be generated internally or by the public.

Personnel complaints shall be classified in one of the following categories:

(a) Performance complaint

(b) Level One Investigation

(c) Level Two Investigation

### 1020.1.2 INVESTIGATIVE FINDINGS

At the conclusion of a Level One or Level Two investigation, one of the following findings shall be used:

(a) "Not Involved": The employee was not involved in the incident.

(b) "Unfounded": The allegation was false, or not factual.

(c) "Exonerated": The incident occurred, but the employee's behavior did not violate any City or Agency rule, regulation, Policy, procedure or Training Directive.

(d) "Not Sustained": There is insufficient evidence to prove or disprove the allegation.

(e) "Sustained": The allegation is supported by sufficient evidence establishing that the employee violated one or more City or Agency rule, regulation, Policy, procedure or Training Directive.



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There is no official finding required in a performance complaint, only that it was resolved and by what method.

## 1020.2 INVESTIGATIONS PROCESS

The purpose of this section is to outline the process used to investigate the conduct of Agency employees. It is intended to provide a guideline for supervisors to follow and also give employees an expectation of the investigation process. While an attempt has been made to give examples of situations that could be classified under these levels, it is not intended to define every situation. Supervisors are expected to exercise good judgment in classifying investigations and discuss any uncertain situations with their chain of command.

(a) The Chief has primary authority to conduct all administrative and criminal investigations of Agency employees, or cause them to be conducted. In accordance with City policy, Police Services may investigate sexual harassment complaints filed in the Agency through established administrative investigation procedures after consulting with Human Resources staff.

(b) The Chief or City Manager may request and authorize the City's Human Resources Department to conduct an administrative investigation.

(c) While conducting an investigation, the Professional Standards Unit (PSU) is delegated the Chief's authority for the purpose of directing an administrative investigation. The PSU has the authority to require all employees to make a full and complete disclosure pertaining to the commission of, or omission of, any act which might be in conflict with their duties and obligations as an employee of the Agency or pertaining to the duties and obligations of any other employee of the Agency.

(d) The Chief may direct any supervisor to conduct an administrative or criminal investigation. When doing so, they have the same authority as the PSU described above.

Supervisors shall review the applicability of Policy 1021 - Early Intervention System concerning complaint initiation, investigation, and tracking.

Legal advice regarding investigative procedures or corrective action will be provided by the City Attorney's Office.

### 1020.2.1 AVAILABILITY OF COMPLAINT FORMS

Complaint packets will be maintained in the Agency public lobby and on the Agency's website. Forms may also be available at other government offices and facilities. Complaint packets in languages other than English may also be provided as determined necessary or practicable.

Each Agency supervisor shall be responsible for monitoring public satisfaction or inquiries regarding the personnel complaint process and shall forward to the Professional Standards Lieutenant any suggestions for improvement or changes.



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### 1020.2.2 SOURCE OF COMPLAINTS

Any person who believes that an Agency employee has been involved in improper conduct has the right to make a complaint. In fact, under some circumstances Agency employees may be obligated under the law and under Directives of this Agency to report improper conduct of other employees, as well as have a professional obligation to report such conduct. It is the Policy of this Agency to investigate all such complaints expeditiously, effectively, and impartially, and to take appropriate action, all in accordance with this Policy and other applicable law.

Anonymous complaints and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

### 1020.2.3 ACCEPTANCE OF COMPLAINTS

All allegations of employee misconduct will be screened by the Professional Standards Unit or the employee's supervisor. If, during that initial screening process, it is determined that the employee's behavior was outside of accepted Agency standards the complaint, even if minor, will be entered into the Internal Affairs Case Management System (IACMS).

All complaint packets will be courteously accepted by any employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed verbally either in person or by telephoning the Agency and will be accepted by any employee. If a supervisor is not immediately available to take a verbal complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant.

The following should be considered when taking a complaint:

(a) Satisfactory resolution of performance complaints will normally involve a misunderstanding of tactics and procedures, that once explained achieves a fair and reasonable resolution of the complaint that is satisfactory to all parties involved. Though the complainant may be satisfied following such explanation, the supervisor shall enter the complaint into the IACMS if it is determined that the employee behaved in a manner not consistent with accepted Agency standards.

(b) If a complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be gathered and the person provided with information as to how a complaint packet may be obtained. However, if the intoxicated person insists on filing the complaint, the complaint shall be taken and properly processed.

(c) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with a parent or guardian present, and after the parent or guardian has been informed of the circumstances prompting the complaint.

### 1020.2.4 COMPLAINING PARTY RIGHTS AND RESPONSIBILITIES IN AN ADMINISTRATIVE INVESTIGATION

Individuals wishing to comment or complain about the conduct of Agency employees will be treated with respect and professionalism.



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(a) The complainant shall have the right to have one representative of his or her choice present while being interviewed during an administrative investigation.

(b) The representative's role shall be restricted to that of an advisor to the complainant, and not as a participant in the questioning and/or investigation.

(c) Complainant interviews shall be scheduled at the mutual convenience of the Agency and the complainant, and not at the convenience of the complainant's representative, if any.

(d) Interviews shall be conducted at a reasonable hour, unless the seriousness of the investigation requires immediate action.

(e) The duration of an administrative interview of a complainant shall be for a reasonable period of time, and shall allow for reasonable personal necessities and rest periods.

(f) The complainant has the right to a copy of his or her statement.

(g) The complainant has the right to notification of the findings of a Level One or Level Two investigation. If the investigation has not been reviewed by the Citizen Review Board, the complainant has the right to request such review by filing a written request with the Chief of Police or the City Manager's Office within 15 calendar days of the complainant's receipt of the written findings. A written complaint, even if minor and would have fit the criteria to be investigated as a performance complaint, will be elevated to a Level One when the Agency is made aware that a written complaint has been submitted to the Citizen Review Board.

### 1020.3 INITIAL SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct or receives a citizen complaint shall take reasonable steps to prevent aggravation of the situation.

In general, the primary responsibility for the investigation of a performance complaint shall rest with the employee's immediate supervisor. The Chief or the authorized designee may, however, direct that another supervisor investigate it. The supervisor shall be responsible for the following:

(a) A supervisor receiving a complaint involving allegations of a potentially serious nature shall ensure that the employee's chain of command, is notified as soon as practicable.

(b) During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of any potential witnesses.

(c) When appropriate, immediate medical attention should be provided and photographs of alleged injuries as well as accessible areas of non-injury should be taken.

    1. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the employee's Deputy Chief or the Chief of Police, who will initiate appropriate action.



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(d) A supervisor investigating an allegation of misconduct by an employee shall ensure that the procedural rights of the employee are followed pursuant to Policy, the collective bargaining agreement if applicable, and state and federal law.

(e) When the nature of a complaint relates to sexual, racial, ethnic, or other forms of prohibited harassment or discrimination, the supervisor receiving the complaint shall gather basic facts and then promptly notify his or her chain of command, who will in turn notify the PSU. If found to be a credible allegation, PSU will contact the Human Resources Department and the Chief of Police for direction in addressing the complaint.

## 1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

Employees may be required by the City to go on administrative leave at any time with or without cause or notice at the sole discretion of the City. Such notice shall be in writing to the affected employee. Circumstances under which such a leave may occur include, but are not limited to, the following:

(a) To make inquiries into or investigate a work-related matter;

(b) To remove the employee from the workplace pending a pre-deprivation hearing or decision;

(c) To protect the employee;

(d) To protect the public;

(e) To protect the other employees or property in the workplace; or

(f) To further any other work-related or business related purpose.

### 1020.4.1 ADMINISTRATIVE LEAVE

Unless otherwise stated in the collective bargaining agreement, an employee placed on administrative leave will be subject to the following:

(a) The determination of paid versus unpaid leave will be made in accordance with City Personnel Policies and Procedures.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any Agency equipment or vehicle as deemed appropriate by the Chief of Police.

(c) An employee placed on administrative leave shall not take any action as an Agency employee or in an official capacity without the prior approval of his or her Deputy Chief. The employee shall be required to continue to comply with all Policies and lawful orders of a supervisor.

(d) An employee placed on administrative leave may be temporarily reassigned to a different shift, generally within normal business hours, during the pendency of the investigation. The employee must remain available for contact at all times during the assigned working hours.

(e) At such time as any employee placed on administrative leave is returned to full and regular duty, the employee shall be returned to his/her regularly duty assignment.



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## 1020.5 ADMINISTRATIVE VS. CRIMINAL INVESTIGATIONS

Employees may be subject an administrative investigation and/or a criminal investigation to determine the factual basis of any complaint. It is the Policy of this Agency to distinguish between the two types of investigations to protect the rights of employees.

(a) The purpose of an administrative investigation is to determine whether or not any City or Agency rules, regulations, Policies, procedures, or department training Directives have been violated.

  1. Except as otherwise specifically provided in any other Agency Policy, all administrative investigations of Agency employees shall be conducted pursuant to and in accordance with the provisions of this Policy.

(b) A criminal investigation is conducted to determine if alleged misconduct may be the basis for filing of criminal charges. The Chief has the authority to order a criminal investigation of any alleged wrongdoing instead of or in addition to an administrative investigation.

  1. All criminal investigations of Agency employees by this Agency shall be conducted in accordance with Colorado law and applicable provisions of this Policy. The Chief, however, may direct that the investigation of any alleged criminal wrongdoing by an Agency employee be conducted by an outside law enforcement department.

### 1020.5.1 GENERAL CONDUCT OF INVESTIGATIONS

Administrative and criminal investigations shall be conducted separately and managed by different individuals. The criminal investigator shall not have access to evidence, results, and other information that came from compelled disclosures made as part of the administratively investigated employee or that were obtained from leads furnished by such disclosures. Additionally, information that is regulated by the Colorado Open Records Act, such as the contents of an employee's personnel file, shall only be released in a manner consistent with that Act.

An administrative investigation may parallel a criminal investigation and/or any prosecution.

(a) The Chief shall be notified as soon as practicable when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request that a criminal investigation by an outside law enforcement or prosecutorial department be conducted parallel to the administrative investigation.

(b) An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian under the state and federal constitutions and the employee may not be administratively ordered to provide any information to a criminal investigator.

(c) No information or evidence administratively compelled from an employee may be given to the criminal investigator who is investigating the employee who is compelled to provide the information.

(d) Any law enforcement department is authorized to release limited information concerning the arrest of a peace officer which has not led to a conviction. However, no disciplinary action



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shall be taken against the accused employee based solely on an arrest or crime report. An independent administrative investigation shall be conducted in accordance with Agency Policy.

## 1020.6 INVESTIGATIVE PROCESS

The purpose of this section is to outline the process used to investigate the conduct of Agency employees. It is intended to provide a guideline for supervisors to follow and also give employees an expectation of the investigation process. While an attempt has been made to give examples of situations that could be classified under these levels, it is not intended to define every situation.

(a) Supervisors are expected to exercise good judgment in classifying investigations and discuss any uncertain situations with their chain of command.

(b) A difference of opinion between an employee and a citizen concerning the employee's decision to issue a traffic citation will not ordinarily be subject to an administrative investigation.

(c) A difference of opinion between an employee and a citizen concerning the citizen's guilt or innocence for a crime will be decided within the confines of the criminal justice system, and will not ordinarily be subject to an administrative investigation.

(d) When considering this Policy, supervisors shall consider the applicability of the Early Intervention System Policy concerning complaint initiation, investigation, and tracking.

(e) Legal advice regarding investigative procedures or corrective action will be provided by the City Attorney's Office.

### 1020.6.1 ADMINISTRATIVE SEARCHES

Any employee may be compelled to disclose personal financial information pursuant to proper legal process if such information tends to indicate a conflict of interest with official duties, if the employee is assigned to or being considered for a special assignment, or to determine if the employee is engaged in unlawful activity.

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Agency.

Assigned lockers and storage spaces should only be administratively searched in the employee’s presence, with the employee’s consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place.

All other Agency areas (e.g., desks, office space and assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.



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1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT

Complaints about employee performance or conduct shall be investigated uniformly per the guidelines in the Policy and also in the Early Intervention System (EIS) Policy.

(a) Performance complaints

1. General: It is expected that an employee's supervisor will investigate any performance issue that comes to the attention of the Agency by any source. This may involve a citizen's perception about an employee's behavior; a minor violation of Agency Policy, procedure or practice; or a concern expressed about the way an incident was handled. Subsequent performance issues involving similar conduct by the same employee within a twelve-month period may result in the elevation of the investigation to Level One. All performance complaints that are not satisfactorily resolved are to be entered into the Internal Affairs Case Management System.

   (a) Performance issues typically require minimal investigation and usually consist of speaking with the concerned party and the employee(s) involved. The supervisor has broad latitude in resolving the issue. This type of investigation is not appropriate for allegations that require the review of the Citizen Review Board pursuant to Section 2-139 (2)(a) and (b) of the City Code.

2. Investigator: Performance complaints are generally investigated by supervisors or acting supervisors.

3. Documentation: Performance complaints are generally noted in a supervisor's file. If a complaining party is not satisfied with the outcome of a performance complaint, the supervisor will prepare an EIS Incident Entry documenting the complaint.

4. Disciplinary and/or corrective action: Action taken would generally be, but is not limited to, oral counseling, mandated training, modification of job duties, written apology, and consideration in the employee's next performance evaluation.

5. Findings: There is no official finding required in a performance complaint investigation, only that it was resolved and by what method. However, if the complaint was received in writing, a finding is required.

6. Review Process: Discipline of oral counseling or oral reprimand (with an accompanying Disciplinary Action Form) may be imposed by the employee's supervisor without further review prior to imposition. Prior to imposing a written reprimand, suspension, involuntary demotion, or termination of employment, the supervisor shall forward the investigation and disciplinary recommendations through the involved employee's chain of command for review and comment. Each supervisor in the chain of command shall review the investigation and prepare written recommendations as to the administrative discipline and/or corrective action necessary. It shall then be forwarded to the Chief for his or her review and



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consideration. The Chief shall review the completed file of the administrative investigation, the chain-of-command supervisors' recommended discipline and/or corrective action, and take one of the following actions:

(a) Send the case back for additional investigation; or

(b) Authorize and/or impose any appropriate administrative discipline and corrective action. Prior to the Chief making his or her disciplinary decisions where the chain of command has recommended the imposition of a suspension, involuntary demotion, or termination of a classified employee who has completed the introductory period, a pre-decision hearing will be scheduled and conducted as described in the City of Fort Collins Personnel Policies and Procedures. As soon as practical after the Chief renders his or her decision and determines whether any discipline and/or corrective action should be imposed, the affected employee and the employee's chain of command shall be notified in writing.

(b) Level One Investigation

1. General: A Level One investigation involves an allegation that an employee violated clearly established Agency Policies, Directives, procedure or practice and may be brought to the attention of the Agency by any source. A Level One investigation involves an allegation that if substantiated could result in disciplinary action beyond that usually expected in a performance complaint. A Level One investigation is not appropriate for allegations that require the review of the Citizen Review Board pursuant to Section 2-139 (2)(a) and (b) of the City Code. However, the Chief can forward any investigation to CRB at his or her discretion.

(a) Some examples of investigations that should be considered Level One include, but are not limited to, allegations that:

i. The police tactics used were inappropriate or unwarranted, but do not rise to the level of a Use of Force allegation that would be classified as a Level Two investigation.

ii. An employee's behavior presented a significant safety risk to another person or a significant threat of property damage.

iii. An employee's driving presented a significant safety risk to another person or a significant threat of property damage, whether or not it resulted in a motor vehicle accident.

iv. An employee was involved in dishonest, untruthful or fraudulent conduct.

v. An employee engaged in conduct that tends to seriously impair the operation or morale of the Agency, may cause the public to lose



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confidence in the police department, violates the public trust, or affects the reputation of the Agency or any employee.

vi. An employee's treatment of others was biased, unequal, or discriminatory in nature, but not rising to the level of a civil rights violation that would be classified as a Level Two investigation.

vii. An employee participated in sexual harassment of another employee or citizen. Subsequent Level One investigations involving similar conduct by the same employee within a twelve-month period, may result in the elevation of the investigation to a Level Two Investigation.

2. Investigator: The Professional Standards office, or at the Chief's discretion, another investigator may be assigned to conduct the Level One investigation.

3. Documentation: A thorough investigation and documentation using approved Professional Standards forms are required in a Level One investigation. All Level One investigations will be entered into the IACMS. Documented statements from involved parties are preferred unless circumstances make this impossible or unreasonable.

4. Disciplinary action: A sustained Level One complaint may result in, but is not limited to, an oral or written reprimand, mandated training, suspension, demotion or termination. The Agency may also consider corrective action, modification of job duties, or other methods of correcting the behavior, regardless of the official finding.

5. Finding: Level One investigations require an official finding as defined in this Policy.

6. Review process: The completed file in a Level One Investigation shall be forwarded through the involved employee's chain of command for review and comment. Each supervisor in the chain of command shall review the investigation and findings, and prepare written recommendations as to the findings and administrative discipline and/or corrective action necessary. It shall then be forwarded to the Chief for his or her review and consideration. The Chief shall review the completed file of the administrative investigation, the chain-of-command supervisors' recommended findings, discipline and/or corrective action, and take one of the following actions:

   (a) Send the case back for additional investigation

   (b) Render one of the findings as defined in this Policy and authorize and/or impose any appropriate administrative discipline and corrective action. Prior to the Chief making his findings and disciplinary decisions where the chain of command has recommended the imposition of a suspension, involuntary demotion, or termination of a classified employee who has completed the introductory period, a pre-decision hearing will be scheduled and conducted as described in the City of Fort Collins Personnel Policies and Procedures. As soon as practical after the Chief renders his or her decision and determines whether any discipline and/or corrective action should be imposed, the



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affected employee and the employee's chain of command shall be notified in writing. The complainant, if any, shall also receive written notification of the findings.

(c) Level Two Investigation

1. General: A Level Two investigation is one in which review by the Citizen Review Board may be required or anticipated. It includes allegations that:

   (a) A police officer or community service officer used force or discharged a firearm in violation of an Agency Policy or applicable law;

   (b) An employee committed a crime;

   (c) As a result of a police officer's or community service officer's act or failure to act, a person sustained severe injury or death or suffered a civil rights violation;

   (d) A police officer or community service officer used deadly force, whether or not the use of such force results in death; or

   (e) Any other matter the Chief or the City Manager determines should be a Level Two investigation or forwarded to the Citizen Review Board for review.

2. Investigator: The Professional Standards Unit shall generally have the responsibility for conducting a Level Two investigation. At the Chief's discretion, another investigator may be assigned to conduct the investigation.

3. Documentation: A thorough investigation and documentation using approved Professional Standards forms are required in a Level Two investigation. All Level Two investigations will be entered into the IACMS. Documented statements from involved parties are preferred unless circumstances make this impossible or unreasonable.

4. Disciplinary action: A sustained Level Two complaint may result in, but is not limited to, an oral or written reprimand, mandated training, suspension, demotion or termination. The Agency may also consider corrective action, modification of job duties, or other methods of correcting the behavior, regardless of the official finding.

5. Finding: Level Two investigations require an official finding as defined in this Policy.

6. Review process: The completed file in a Level Two investigation shall be forwarded through the involved employee's chain of command for review and comment. Each supervisor in the chain of command shall review the investigation and findings, and prepare written recommendations as to the findings and administrative discipline and/or corrective action necessary.

   (a) When a Force Review Board is required as described in Policy 301 - Response to Resistance Reporting and Review, that review will be conducted simultaneously with the chain of command review. If required by the City



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Code (sections 2-139 and 2-140), both investigation files shall be forwarded to the Citizen Review Board for review.

(b) The Chief of Police will then make a final review and decision based on the investigation and recommendations received. Prior to the Chief making his findings and disciplinary decisions where the chain of command has recommended the imposition of a suspension, involuntary demotion, or termination of a classified employee who has completed the introductory period, a pre-decision hearing will be scheduled and conducted as described in the City of Fort Collins Personnel Policies and Procedures. As soon as practical after the Chief renders his or her decision and determines whether any discipline and/or corrective action should be imposed, the affected employee shall be notified in writing. The complainant, if any, shall also receive written notification of the findings.

1020.6.3 SPECIAL EXAMINATIONS

(a) Administrative investigators may employ any investigative procedure, method, or tool that is reasonable and appropriate to each specific case, which may include, without limitation:

1. polygraphs;
2. intoxilyzers;
3. blood tests;
4. urine tests;
5. finger printing;
6. photographs;
7. audio and video recordings;
8. medical examinations;
9. psychological examinations;
10. laboratory examinations;
11. lineups; and
12. financial disclosures.

(b) An employee under investigation may request such tests and examinations if it is reasonable to believe that such tests or examinations would be beneficial to the employee's defense. The Agency shall pay for the costs of such tests and examinations requested by the employee, unless they would be duplicative of tests or examinations already conducted by the Agency, in which case the employee shall be responsible for the costs of any such duplicative tests and examinations.



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(c) An employee under investigation may be compelled to submit to such tests and examinations that the investigator has reasonable grounds to believe may yield information or evidence relevant to the investigation. Refusal of an employee to submit to such tests and examinations shall subject the employee to disciplinary action, up to and including termination from employment with the Agency.

(d) Polygraph examinations for supervisory-initiated or complainant-initiated administrative investigations will not be administered without specific prior approval of the Chief of Police. An employee who is the subject of a complainant- initiated administrative investigation shall not be required to take a polygraph examination unless the complainant has first undergone a polygraph examination and been found to have been truthful as to the material allegations, in the opinion of the examiner. An employee who is the subject of a supervisory-initiated administrative investigation may be required to take a polygraph examination regardless of whether or not any other person has first undergone a polygraph examination. When polygraph examinations are administered, they will be specifically, directly, and narrowly related to the performance of the employee's official duties, and to the issues raised in a specific investigation.

1. Should an employee refuse to take a polygraph examination after being ordered to do so by the Chief in accordance with the above provision, the employee shall be subject to disciplinary action up to and including termination from employment within the Agency for refusal to obey an order.
2. An examiner outside the Agency, chosen by the Chief shall administer polygraph examinations required under this Policy. The cost of such examinations shall be borne by the Agency.
3. Employees, complainants, and witnesses may take another polygraph examination for the purposes of seeking a second opinion. The cost of second-opinion polygraph examinations shall be borne by the party seeking the second examination.
4. All polygraph examinations in administrative investigations shall be recorded by audio and/or video equipment.
5. The results of all polygraph examinations shall be included in the investigator's report.
6. All polygraph examinations shall be specifically directed and narrowly related to the particular administrative investigation being conducted. All questions used shall be previewed with the person taking the exam. All parties involved in the chain-of-command review may consider the polygraph examiner's report. However, polygraph reports shall be construed only as an opinion to be considered together with all other aspects of the investigation.

### 1020.6.4 ADMINISTRATIVE INVESTIGATIONS PROCEDURES

(a) Timeliness



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1. Administrative investigations shall be completed in an expeditious manner and consistent with the applicable deadlines set forth at Section 2-140 of the City Code having to do with review by the Citizen Review Board.
2. Allegations of past improper conduct by an Agency employee may be the subject of an administrative investigation regardless of the amount of time passed since the alleged misconduct.

(b) Conduct, Notification and Documentation of Investigation

1. The investigator conducting the administrative investigation shall, as soon as practical, notify the affected employee and the employee's chain of command in writing of the fact that the investigation is being conducted, unless the Chief determines that such notification may compromise the investigation. The investigator shall also refer the affected employee to the policies pertaining to the employee's rights and responsibilities relative to the investigation.
2. The Chief shall be promptly advised of any allegation of misconduct serious enough to possibly require immediate action, such as relieving the employee from duty.
3. While conducting an administrative investigation, the role of the investigator is that of a fact-finder. His or her purpose is to establish, as accurately and thoroughly as practical, the facts surrounding the incident, which precipitated the administrative investigation, and to render his or her finding. Administrative investigations shall be conducted in a fair and impartial manner.
4. Administrative investigations shall be conducted using all standard investigative methods, procedures, and tools appropriate and reasonable under the circumstances.

### 1020.6.5 EMPLOYEE RIGHTS AND RESPONSIBILITIES IN AN ADMINISTRATIVE INVESTIGATION

(a) Every Agency employee is required to establish and maintain a working knowledge of all City or Agency rules, regulations, Policies, procedures, and Training Directives. In the event of a performance complaint or alleged misconduct, it will be presumed that the employee was familiar with the City or Agency rules, regulations, Policies, procedures, and Training Directives in question.

(b) All Agency employees are required to fully and truthfully cooperate in administrative investigations. During an administrative investigation, no employee can be disciplined for refusal to make a statement to a supervisor or answer a supervisor's questions unless he or she was first given an administrative investigation advisement (otherwise known as Garrity advisement) by a supervisor. The advisement shall include, in essence, the following:

1. That the employee is required to answer truthfully all questions specifically directed and narrowly related to the performance of official duties.



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2. Refusal to answer such questions truthfully will subject the employee to discipline, up to and including termination.

3. Any statements the employee makes, including answers to questions, and any evidence which is gained as a result of such statements, cannot be used against the employee in any subsequent criminal proceedings.

(c) While an administrative investigation is ongoing, no employee against whom a complaint has been filed, nor the employee's representative or attorney, shall contact any complainant or witness concerning the complaint or its investigation unless authorized to do so in writing by the Chief, nor shall any employee interfere with the investigation. However, once an investigation has been completed, if the employee receives notice that a pre-decision hearing is to be held, the employee and/ or his or her attorney may then contact the complainant or other witnesses in the investigation for the limited purpose of preparing information to present at the pre-decision hearing. The employee shall respect the right of the complainant or other witnesses to choose not to talk to the employee, or his or her attorney, regarding the investigation or the subject matter thereof. Further, no employee shall intimidate, threaten or harass any complainant or witness or attempt to persuade such complainant or witness to withhold or falsify any testimony or to absent him or herself from any administrative proceeding.

(d) Any employee who becomes the subject of an administrative investigation shall be entitled to the following administrative process, which shall generally include the right to:

1. Be informed in writing, within a reasonable period of time of the complaint being filed, of the existence of the complaint and/or charge which initiated the administrative investigation, except that such disclosure may be withheld until the investigation is completed if the Chief determines that disclosure might jeopardize the investigation;

2. An opportunity to respond to the complaint and/or charge;

3. The Agency's consideration of the employee's response;

4. A hearing before imposition of serious discipline. However, this pre-decision hearing is not applicable to authorized volunteers or classified employees who have not completed the introductory period, and unclassified employees as defined in the City of Fort Collins Personnel Policies and Procedures. Serious discipline means a suspension without pay, involuntary demotion, or termination of employment;

5. Receipt of decision concerning discipline within a reasonable period of time; and

6. If discipline is imposed, the opportunity to initiate a grievance, appeal, or issue resolution process as provided by applicable City of Fort Collins Personnel Policies and Procedures or any collective bargaining agreement that supersedes City Policies and Procedures. The grievance and appeal processes are not applicable to authorized volunteers or classified employees who have not completed the



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introductory period and unclassified employees as defined in the City of Fort Collins Personnel Policies and Procedures.

(e) An employee under administrative investigation shall have the right to be informed of the name and rank of the officer in charge of any interview or procedure required of the employee in the investigation prior to any interview or procedure. The employee shall also have the right to the presence of one representative of his or her choice during any such interview or procedure required of the employee in the investigation. However, the representative of the employee shall not be a witness or the subject or potential subject of the administrative investigation which is being conducted concerning the employee or be involved in either the employee's administrative or criminal investigation or be a supervisor in the chain-of-command of the employee. The employee shall also have the right to be informed prior to the interview or procedure of all other persons to be present during such interview or procedure, as well as which persons will participate in the interview or procedure.

(f) The representative's role shall be restricted to that of an advisor to the employee, and not as a participant in the questioning or investigation. The employee's representative may not interfere with the questioning or investigation.

(g) Administrative investigation interviews of the employee shall be conducted at reasonable hours, unless the seriousness of the allegation requires immediate action.

(h) Administrative investigation interviews shall be at a time convenient to the Agency, and not at the convenience of the employee or of the employee's representative.

(i) The duration of an administrative interview of an employee shall be for a reasonable period of time, and shall allow for reasonable personal necessities and rest periods.

(j) An employee being interviewed shall not be subjected to offensive language or threatened with transfer or discipline. The investigator shall make no promise or offer of a reward to the employee as an inducement to answer questions.

(k) An employee under administrative investigation may not review his or her investigation file until the investigation is completed. However, once the investigation is completed, the employee may review the file in accordance with this Policy.

(l) The administrative interview of the employee may be recorded on audio and/or videotape by the Agency. The employee may request that the interview is recorded by the Agency and the employee is provided with a copy of the recording.

(m) The administrative interview of the employee will take place in a private area within the Fort Collins Police Services building, or at any other location agreed to by both the Agency and the employee.

(n) The Agency shall not discriminate against an employee when the conditions of employment and the standards of investigation procedures are utilized on his or her behalf. No employee should be discharged, demoted, disciplined, or denied promotion, or be threatened with any



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such treatment by reason of the lawful exercise of the rights granted herein, or the exercise of any rights under any existing administrative grievance procedure.

## 1020.7 ADMINISTRATIVE DISCIPLINE AND CORRECTIVE ACTION

(a) As a result of corrective action for a performance issue, subject to the grievance and appeal procedures of the City of Fort Collins Personnel Policies and Procedures or any collective bargaining agreement that supersedes City Policies and Procedures, if applicable, any supervisor acting within the scope of his or her supervisory duties may administer oral counseling, mandated training, or reprimand (with an accompanying Disciplinary Action Form), and/or impose corrective action for a minor violation of any Agency rule, regulation, Policy, procedure, or Training Directive.

(b) Subject to the grievance and appeal procedures of the City of Fort Collins Personnel Policies and Procedures or any collective bargaining agreement that supersedes City Policies and Procedures, if applicable, the Chief is authorized to impose and shall be the final authority as to the imposition of administrative discipline and corrective action within the Agency. He or she may follow, but is not bound by, the findings and recommendations of supervisors or of the Citizen Review Board.

(c) The imposition of discipline or corrective action as a result of an administrative investigation shall in no way preclude further sanctions imposed in any subsequent civil or criminal proceeding. Conversely, the outcome of any criminal or civil proceeding against an employee of this Agency shall not preclude the imposition of administrative discipline or corrective action.

(d) A finding of "Exonerated" or "Not Sustained" as defined in this Policy does not prohibit the Chief or supervisors from recognizing potential employee problems and requiring corrective action.

(e) Any employee who refuses to submit to the procedures described in this Policy after being ordered to do so by the Chief or the employee's supervisor may be subject to disciplinary action up to and including termination of employment from the Agency.

### 1020.7.1 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file. The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline or official finding by the Chief.

## 1020.8 ADMINISTRATIVE INVESTIGATION FILES

(a) Files relating to administrative investigations are confidential, the property of the Agency, and shall be maintained by the PSU. Access to such files shall be limited to PSU personnel and those specific persons authorized by the Chief. However, a supervisor conducting an



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ongoing administrative investigation of an employee may have access to all administrative investigation files of that employee, if the Chief first approves such access.

(b) Except as provided in this Policy, records pertaining to administrative investigations shall not be released without the prior approval of the Chief.

(c) After an administrative investigation has been completed and reviewed by the Chief, employees may request, in writing, permission from the Chief to review the contents of an administrative investigation file in which they are accused of misconduct. The Chief may deny the employee inspection of all or any part of such an administrative investigation file if the Chief determines such inspection is not in the best interest of the Agency or of any witness involved, or that such inspection would compromise the investigation.

1. Unless otherwise permitted by the Chief, such "review" by the employee shall be limited to reading and cursory note-taking, and shall not include photocopying or otherwise recording the entire contents of the file.

2. However, upon written request, an employee accused of misconduct shall be provided with a copy of his or her statement(s).

(d) Administrative investigation files will be maintained and archived in accordance with the agency’s records retention schedule and State law.

### 1020.9 DISCIPLINARY ACTION INFORMATION RELEASE

On occasion, it is necessary and appropriate to administer corrective action or actual discipline to an employee in order to correct his or her behavior. While supervisors and staff members may be informed of a disciplinary action, discipline is a private matter that should be kept between the employee, his or her supervisors, and other people directly involved in the incident. Therefore, it is Agency Policy to keep disciplinary matters confidential, and to maintain personnel files in a secure area with controlled access. Exceptions to the Policy concerning disciplinary action information release may be made at the discretion of the Chief of Police.



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# Early Intervention System

## 1021.1 PURPOSE AND SCOPE

The Fort Collins Police Services Early Intervention System (EIS) shall provide accurate and accessible accounts of an employee's performance record, allowing both the employee and supervisory staff the ability to quickly identify areas of risk or concern and initiate appropriate disciplinary or non-disciplinary assistance as needed to improve performance.

All early intervention records are considered a part of the permanent administrative Investigation file of an employee and shall be provided all confidentiality associated with internal records under law.

Early Intervention records will be recorded and stored in the electronic Internal Affairs Case Management System (IACMS). The IACMS is a secure software application where investigations can only be accessed by an employee's chain of command or personnel assigned to the Professional Standards Unit. All dispositions and discipline will be recorded and stored in the IACMS.

## 1021.2 RESPONSIBILITIES

The Professional Standards Unit, is responsible for collecting performance indicators and other relevant data to generate and provide a quarterly Performance History Audit Report for each officer to the appropriate Deputy Chief. Though generated quarterly, each Performance History Audit will contain data from a one-year time period.

## 1021.3 SYSTEM DESCRIPTION

The EIS is intended to be an employee assistance instrument which helps supervisors identify at-risk activities and behaviors in order to prevent possible employee misconduct. The EIS assists supervisors in identifying at-risk behaviors by monitoring occurrences of performance indicators, and by generating alerts for supervisory assessment whenever thresholds for performance indicators are reached. Supervisors determine what, if any, intervention is appropriate and ensure the employee fulfills intervention obligations. Supervisors also evaluate the need for a post-intervention assessment and complete it when appropriate.

## 1021.4 PERFORMANCE INDICATORS

The following Performance Indicators have been incorporated into the EIS as areas of risk to the employee or department:

(a) Use of force.

(b) Vehicle pursuits.

(c) Vehicle collisions involving City-owned vehicles.

(d) Performance complaints.



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(e) Level I investigations.

(f) Level II investigations.

1021.4.1 THRESHOLD
Thresholds causing an alert will be as follows:

(a) When an employee generates any combination of three activities in Performance complaints, Level I investigations, Level II investigations, vehicle pursuit, or vehicle collisions involving City-owned vehicles during any twelve-month period.

(b) When an employee generates any combination of five activities in Performance complaints, Level I investigations, Level II investigations, vehicle pursuit, or vehicle collisions involving City-owned vehicles during any eighteen-month period.

(c) The Agency may also set appropriate threshold levels for issues regarding use of force.

1021.4.2 INTERVENTIONS
Interventions are strategies to align employee conduct with the Agency's expectations and include oral counseling, retraining, discipline or other interactions an employee must complete to address concerns noted as a result of the supervisory assessment.

## 1021.5 SYSTEM DESIGN AND RESPONSIBILITIES

The computer-based EIS applications will track event data for each employee for all performance indicators described in this Policy. Additionally it may:

(a) Automate the alert process to the supervisory chain-of-command;

(b) Provide supervisor-reporting fields;

(c) Provide status queues for reviewers; and

(d) Enable employees to review summary counts of their own performance categories.

1021.5.1 OFFICER RESPONSIBILITIES
Employees involved in a Type 1 or Type 2 Use of Force will complete, prior to the end of their shift, an Early Intervention System (EIS) incident report to collect data for purposes of training, resource allocation, analysis and related purposes as described in Policy 301- Response to Resistance Reporting and Review.

1021.5.2 SUPERVISOR RESPONSIBILITIES
Supervisors shall:

(a) Review all routed Type 1 or Type 2 Use of Force entries from employees they directly supervise and refer to Policy 301 - Response to Resistance Reporting and Review for disposition regarding the appropriateness of the use of force reported.

(b) Enter all Performance Complaints that are not satisfactorily resolved and all Level I and II complaints into the EIS system. Satisfactory resolution of Performance Complaints



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will normally involve a misunderstanding of tactics and procedures, that once explained achieves a fair and reasonable resolution of the complaint that is satisfactory to all parties involved.

(c) Enter all vehicle pursuits and vehicle collisions involving City-owned vehicles.

(d) Access the EIS at least weekly to identify any alerts associated with employees they directly supervise. Once an alert is generated by the system the supervisor is required to:

1. Review the system records associated with the alert to determine if early intervention is applicable. Supervisors should consider each of the following areas in terms of whether an employee exhibits any behaviors where an intervention may help improve the employee's work performance:

   (a) Verbal and non-verbal communication;

   (b) Tactics;

   (c) Safety; and/or

   (d) Employee behavior, both on and off-duty (that may be affecting work performance).

2. Send recommendations for intervention, other than Oral Counseling, through the employee's chain of command for review and approval. If an intervention is not warranted a chain-of-command review is not required.

3. If an intervention is approved by the chain of command, the supervisor will coordinate and implement the intervention, and record the action taken in the EIS record.

   (a) Intervention assigned - Summary of actions were assigned or planned and the result of the intervention.

   (b) Intervention Not Assigned - Summary of why an intervention was not necessary.

4. Identify and Record Post-Intervention Assessments as a means of determining if an intervention was successful.

   (a) Initial Reporting - Determine if a post-intervention assessment will occur, identify the date for the evaluation to be conducted and record that date in the automated EIS record.

   (b) Additional Interventions - If the supervisor concludes a need for additional intervention, other than Oral Counseling, the supervisor will review that need and recommend follow-up intervention to the chain of command. Upon approval of the chain of command, the supervisor shall implement the intervention.

   (c) Complete and Document - In cases where a post-intervention assessment is completed, the supervisor will ensure:



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1. That the results are reviewed by the chain of command;
2. That any additional interventions are coordinated and completed; and
3. The results are documented in the automated EIS system.

1021.5.3 EIS COORDINATOR RESPONSIBILITIES

(a) The EIS Coordinator will follow-up on assigned interventions and monitor their progress and closure.

(b) The EIS Coordinator will ensure that any required updates or changes to the EIS or the EIS Directive are completed.

(c) Annually, the EIS Coordinator shall complete a written report for the Chief of Police that provides summary data and information about the EIS, including the number and types of interventions.

## 1021.6 INTEGRATION WITH OTHER POLICIES OR DIRECTIVES

(a) Because a threshold alert does not, by itself, establish the need for any level of discipline, the fact that an employee has received an alert shall not by itself constitute grounds for discipline.

(b) The assessments made by an employee's supervisor and chain-of-command of the performance indicator (activities/behaviors) causing the alert may lead to the imposition of corrective action and/or discipline. The EIS is not intended to supersede the provisions of this Manual and the collective bargaining agreement concerning internal investigations and the imposition of discipline. The EIS will operate in combination with those provisions.

## 1021.7 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered part of the employee's personnel file (or where appropriate his/her Internal Affairs file) and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to an officer's personnel files as outlined in the Policy 1026 - Personnel Files.



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# Seat Belts

## 1022.1 PURPOSE AND SCOPE

The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This Policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle collision. This Policy will apply to all employees operating or riding in City vehicles.

## 1022.2 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints when operating or riding in Agency-owned, leased or rented vehicles and while operating or riding in privately owned vehicles while on-duty. Drivers are responsible for ensuring all occupants, including non-employees, are in compliance with this Policy (CRS § 42-4-237). The consequences of not utilizing a seat belt could be serious injury, the refusal of the City insurance carrier to cover injuries, and/or possible disciplinary action in accordance with City personal regulations.

### 1022.2.1 TRANSPORTING CHILDREN

(a) An approved child restraint system should be used for all children younger than 8 years of age (CRS § 42-4-236(2)).

(b) Rear seat passengers in a cage-equipped vehicle may have reduced clearance that requires careful seating and positioning of seat belts. Due to this reduced clearance, children and the child restraint system may be secured properly in the front seat of these vehicles; provided this positioning meets the vehicle and the child passenger safety seat system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the passenger side air bag should be deactivated. If this is not possible, officers should consider arranging alternative transportation.

## 1022.3 TRANSPORTING PRISONERS

(a) Safety belts or another Agency-approved prisoner restraint system in the rear seat of the patrol vehicle are required unless the prisoner in uncooperative with the procedure. When possible, the prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The seat belt or prisoner restraint system are not intended to be a substitute for handcuffs or other appendage restraints.

(b) Prisoners are not to be secured to a fixed object or piece of equipment while being transported.

(c) Officers should not generally transport more than one person at a time in a police vehicle; however, situations may arise where it may be necessary to transport more than one person. In these cases, officers should separately restrain each person consistent with Policy 306, Restraint Devices.



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(d) Officers must take a prisoner's physical condition into consideration before transporting. Precautions must be taken to avoid positional asphyxia.

(e) Officers will be vigilant in observation and/or contact of the arrestee at all times with any arrestee that is transported to a hospital, psychiatric institution, or location other than a detention facility. Officers will be cognizant of potential escape and infliction of injury to self or others and will prohibit contact from any unauthorized person(s).

1022.3.1 TRANSPORTING PRISONERS - TIME RECORDING
Any officer transporting a prisoner shall record the times of departure and arrival of the transport as well as the mileage of the transport vehicle at both the beginning and end of the transport.

1022.3.2 SEARCH OF TRANSPORTATION VEHICLES
Vehicles used for transportation of prisoners should be searched at the beginning of each shift and again after anyone has been transported in the vehicle.

### 1022.4 INOPERABLE SEAT BELTS

(a) No Agency vehicle shall be operated if the seat belt in the driver's position is inoperable. No person shall be transported in a seating position in which the seat belt is inoperable.

(b) No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belt system, except for vehicle maintenance and repair staff, who may do so only with the express authorization of the Chief of Police.

(c) Employees who discover an inoperable restraint system shall promptly report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

### 1022.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS
Vehicles manufactured and certified for use without seat belts or other restraint systems may be operated without seatbelts.



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# Body Armor

## 1024.1 PURPOSE AND SCOPE

The purpose of this Policy is to provide officers with guidelines for the proper use of body armor.

## 1024.2 POLICY

It is the Policy of the Fort Collins Police Services to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

## 1024.3 ISSUANCE OF BODY ARMOR

(a) The Training Sergeant, or his designee, shall ensure that body armor is issued to all uniformed personnel when they begin service with Fort Collins Police Services and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

(b) The Training Sergeant shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 1024.3.1 USE OF BODY ARMOR

The use of body armor is required as follows:

(a) Uniformed personnel shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

1. Uniformed personnel may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

(b) Uniformed personnel shall only wear Agency-approved body armor while working in an official capacity.

1. Uniformed personnel may be excused from wearing body armor when he or she is involved in undercover or plainclothes work that his or her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

### 1024.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this Policy through routine observation and periodic documented inspections. Employees using body armor should, annually, inspect the body armor for fit, cleanliness and signs of damage, abuse and wear.



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1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

(a) Body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks. Officers assigned supplementary body armor (SWAT, CIU, Canine) may store their supplementary body armor in their assigned vehicles.

(b) Body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer or the Training Sergeant to request care instructions.

(c) Body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

(d) Body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.



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# Personnel Files

## 1026.1 PURPOSE AND SCOPE

This Policy governs the maintenance, retention and access to Agency and Internal Affairs personnel files. It is the Policy of the Agency to maintain the confidentiality of personal data in personnel and Internal Affairs files pursuant to state law.

## 1026.2 FORMAL PERSONNEL FILES IN HUMAN RESOURCES DEPARTMENT

The Human Resources Department maintains the main personnel files for all employees. Documents that contain medical or credit information about an employee or family member are maintained in a separate file.

### 1026.2.1 INFORMAL DEPARTMENTAL FILES

In addition to files located at the Human Resources Department, department or division heads or supervisors may maintain informal files. However, copies of all documents relating to pay, performance, oral and written warnings, other disciplinary or corrective action, references, and background checks must be sent to the Human Resources Department. After an employee leaves employment, the entire contents of departmental files must be sent to the Human Resources Department. Supervisors in the Agency may maintain electronic or paper files for their respective units for use in ongoing supervision and for completing performance reviews.

Documents that contain any medical information about an employee or family member should generally be forwarded to the Human Resources Department for inclusion in the medical files. However, where departments need to maintain medical information, such as doctor's reports describing work limitations, departments must keep those documents in separate files that are locked and restricted to access only by the supervisor as needed. Documents that contain any credit information about an employee or family member must be forwarded to the Human Resources Department for inclusion in the credit files.

The departmental file should contain at least the following:

(a) Personal data, including marital status, family members, educational and employment history or similar information.

(b) A photograph of the employee.

(c) Personnel action reports reflecting assignments, promotions and other changes in the employee's employment status.

(d) Performance evaluation reports regularly completed by the appropriate supervisor and signed by the affected employee.

(e) Documents reflecting any commendation, congratulation or honor bestowed on an employee by a member of the public or by an employee for an action, duty or activity that relates to official duties.



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(f) Disciplinary Action Forms.

Once a document or information is placed in the employee's personnel file, whether the formal file or in the informal departmental file, it may not be removed except as required by law. However, the Director of Human Resources may, in his or her discretion, place documents from personnel files into other files. In addition, the City may periodically discard time sheets, leave of absence slips and other routine documents from files based upon the City's document retention schedule.

If an employee believes that information in his or her file is not accurate, the employee may submit a memorandum expressing the employee's opinion and providing additional information. Supervisors may also add information to correct or update previous entries

1026.2.2 SUPERVISOR'S FILE

The Supervisor's file should contain, but is not limited to:

(a) Supervisor log entries, case notes and other materials intended to assist the supervisor in the completion of timely performance evaluations.

    1. Once the permanent performance evaluation form has been made final, the underlying foundational material and/or duplicate copies may be purged in accordance with the current records retention schedule.

1026.2.3 ADMINISTRATIVE INVESTIGATIONS FILE

Administrative investigation files shall be maintained under the exclusive control of the Professional Standards Unit (PSU). Access to these files may only be approved by the Chief or the supervisors of the Professional Standards Unit. These files shall contain the complete investigation of all formal complaints of employee misconduct regardless of disposition.

(a) Each investigation file shall be sequentially numbered within a calendar year with any other alphabetical and/or numerical characters as approved by the PSU.

(b) Each investigation file arising out of a formal citizen's complaint or a complaint involving discriminatory harassment or hostile work environment shall be kept according to the current records retention schedule and/or by the decision of the Chief.

1026.2.4 TRAINING FILES

An individual training file shall be maintained by the Training Sergeant for each employee. Training Unit files will contain records of all training and education mandated by law or the Agency, including firearms and defensive tactics qualifications.

(a) It shall be the responsibility of the involved employee to provide the Training Unit or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Unit shall ensure that copies of such training records are placed in the employee's training file and maintained for the duration of their employment before being transferred to the Human Resources Department at separation.



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1026.2.5 INFECTION CONTROL FILE

A confidential infection control file shall be maintained by the Infection Control Officer and will be separate from all other files and shall be maintained in accordance with OSHA's 1910.1030. It shall contain all documents relating to:

(a) Name and social security number of affected personnel.

(b) Immunization records.

(c) Circumstances of exposure to any communicable or infectious diseases.

(d) Post-exposure medical evaluation, treatment, and follow-up.

Infection control records shall become a permanent part of the employee's personnel health file at the Human Resources Department and will be maintained for the duration of employment plus 30 years.

## 1026.3 RELEASE OF PERSONNEL FILE INFORMATION

(a) By law, certain information about employees is confidential and cannot be made available to the public, whether or not it is contained in a formal personnel file. Examples of confidential information as currently defined by law include home address and telephone number, and financial, medical, psychological, testing and other information maintained because of the employer-employee relationship. However, the following information is available for public inspection: employment applications, employment agreements, amounts paid or benefits provided in connection with termination of employment, performance ratings or any compensation paid to an employee.

(b) Any questions about whether certain information or a particular document in the personnel file is confidential should be directed to the Director of Human Resources.

(c) Nothing in this section is intended to preclude review of personnel files by the Human Resources Director, an employee's supervisor or manager, the City Manager, the City Attorney or other attorneys or representatives of the City in connection with official business.

(d) Supervisors that need to review personnel files may access those files through the Professional Standards Administrative Assistant. Supervisors will protect the confidentiality of the personnel files they review.

1026.3.1 REFERENCES AND REQUESTS FOR INFORMATION ABOUT EMPLOYEES

Upon receiving a signed release form from a former or current employee, supervisors may, at their discretion, provide oral references or letters of reference regarding employees. Supervisors are strongly encouraged to contact the Human Resources Department to discuss the content of the reference and drafts of such letters. Copies of any written information must be sent to the last known address of the subject employee or former employee.



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Any employee who is asked about where another employee works for purposes of personal delivery of legal documents, such as subpoenas, court orders or lawsuits, should please forward those requests to the employment law attorney in the City Attorney's Office.

## 1026.4 REQUESTS FOR DISCLOSURE FROM OUTSIDE THE AGENCY

(a) Only written requests for the disclosure of any data contained in any personnel record will be considered. Any employee receiving a request for disclosure of personnel files shall promptly notify the Human Resources Department.

(b) All requests for disclosure that result in access to an employee's personnel data shall be logged in the corresponding file and the affected employee shall be notified.

(c) Requests from newspapers, television stations, and other press for information about personnel policies and practices, compensation and benefits, or specific employees should be forwarded to the Director of Human Resources.

### 1026.4.1 RELEASE OF CONFIDENTIAL INFORMATION

No employee of this Agency may disclose private or confidential personnel data without the written consent of the affected employee or written authorization of the Chief of Police or an authorized designee, except as provided by this Policy, pursuant to lawful process or court order.

Any person who willfully and knowingly discloses confidential information contained in a personnel file, including but not limited to, an officer's home address or telephone number may be guilty of a crime.

## 1026.5 EMPLOYEE ACCESS TO HIS/HER FILES

Upon request, an employee may review his/her personnel file, except for letters of reference regarding the employee.

Employees may be restricted from accessing personnel or administrative investigation files containing any of the following information:

(a) Ongoing administrative investigation.

(b) Completed administrative investigations except as determined by the Chief.

(c) Criminal investigations involving the employee, except as provided by law.

(d) Psychological examinations ordered by the Agency, except as determined by the Chief.



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# Agency Awards Program

## 1030.1 PURPOSE AND SCOPE

(a) The Agency expects a high level of professional conduct from all of its employees. However, when an individual or unit performs their duties in a manner that exceeds the standards of the Agency, it is the Policy of the Agency to formally recognize this exceptional work.

(b) In addition, the Agency recognizes that the support and cooperation of our citizens is essential for the control of crime in our community. In order to encourage citizen involvement, it is the Policy of Fort Collins Services to officially commend and recognize those citizens who assist in the apprehension of criminals, the prevention of crime, and the safety of the community.

## 1030.2 PROCEDURE

(a) All Agency employees, volunteers and members of other public safety organizations are eligible for awards.

(b) Citizen Awards are reserved for civilians who are not employees of the Agency.

### 1030.2.1 NOMINATIONS FOR AWARDS

(a) Any employee may nominate an eligible individual for an award.

(b) Special attention should be taken by the nominator to determine if the project and or event is part of an employee's day-to-day duties or if it exceeds the standards of the Agency. If it is part of an employee's day-to-day duties, a service commendation should be written in lieu of submitting an award nomination.

(c) All nominations must be made in writing or submitted electronically using the appropriate forms. All nominations for the preceding calendar year must be submitted by February 28.

1. If the nomination is for an Exemplary Service Award, the nomination form is submitted to the supervisor of the nominated Agency employee or volunteer for his/her comments and then forwarded to the Awards Review Board through the office of the Chief of Police.

2. If the nomination is for a Citizen Award, the nomination form will be submitted to the Awards Review Board through the office of the Chief of Police.

### 1030.2.2 REVIEW OF NOMINATIONS

Nominations are reviewed by the Awards Review Board and then forwarded with their recommendations to the Chief of Police.



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1030.2.3 LETTERS OF COMMENDATION

(a) Any supervisor may recommend a Letter of Commendation for an employee after reviewing the circumstances with his/her chain of command. Supervisors generally present Letters of Commendation to employees during team or Division meetings.

(b) After reviewing an award nomination, the Awards Review Board may find that a Letter of Commendation is the appropriate recognition.

1. Letters of Commendation recommended by the Award's Board should be forwarded to the appropriate Deputy Chief for review. The Deputy Chief will forward a recommendation to the Chief of Police for review. If approved, the Chief of Police will present a Letter of Commendation that results from an award nomination.

(c) Letters of Commendation will then be kept in the employee's personnel file.

**1030.3 AWARDS REVIEW BOARD**

The Awards Review Board consists of nine members as follows:

(a) A Lieutenant

(b) A Sergeant

(c) Two employees from the Criminal Investigations Division

(d) Two employees from the Patrol Division

(e) Two employees from the Information Services Division

(f) One employee from Administration

(g) 2 Administrative Assistants

1030.3.1 SELECTION OF BOARD MEMBERS

(a) On or before June 1, the Awards Board will notify Executive Staff of upcoming vacancies on the board.

(b) On or before July 1, the Executive Staff will select the Lieutenant and any Sergeant-or-above positions.

(c) On or before July 1, each Division will submit the names of the selected employees in writing to the Executive Administrative Assistant.

1. Board members from the various Divisions will be responsible for nominations from their Divisions.

(d) If a vacancy occurs after the board is seated, it will be filled by the appropriate Division or the Executive Staff.

(e) Leadership of the board will consist of the Lieutenant who will be the chairperson for the board. The Co-chairperson will be elected by the board.



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1030.3.2 TERM OF SERVICE

(a) Board members serve for three years. The terms begins on August 1 and ends three calendar years later on July 31.

(b) Upon completion of their term of service, board members are not eligible for another term for one year.

(c) If a board member is transferred out of their current Division, they will remain on the board until July 31 at which time the Division will select a new member.

1030.3.3 MEETINGS

(a) Meetings will be held the first Tuesday of each month, July through December. Meetings will be held the first and third Tuesdays of each month from January to June.

(b) A minimum of five board members must be present at a meeting in order for the board to take any action.

1030.3.4 RESPONSIBILITIES

(a) The Awards Review Board is responsible for reviewing award nominations.

(b) If a nomination does not contain all the necessary information, it may be returned to the person who filed the nomination to be amended.

(c) If necessary, the board may investigate each incident for which an award nomination is received, including but not limited to:

1. Review of the award nomination and all other documentation related to the nomination.
2. Interviews with employees involved in the nomination.
3. Interviews with witnesses or employees who have knowledge of the details regarding the nomination.

(d) After reviewing each nomination, the board will forward the nomination form to the Chief of Police along with a written recommendation as to which award, if any, is appropriate.

1. The Chief of Police may elect not to follow the Award Review Board's recommendation; however, if this occurs, the Board and the Chief shall meet to discuss the decision.

(e) Subcommittees comprised of board members may be established to facilitate each year's awards ceremony.

1030.3.5 BUDGET

(a) A budget request and the event date will be submitted by the Chairperson of the Awards Review Board to Executive Staff by October 1st of each year for the coming year.



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1030.3.6 AWARDS CEREMONY

Awards are presented annually by the Chief of Police at a formal public awards ceremony. The event date for the ceremony will be submitted with the budget by October 1 of each year.

## 1030.4 EXEMPLARY SERVICE AWARDS

(a) Definitions

1. Above and Beyond the Call of Duty - An act performed that is clearly one of personal initiative, bravery, and/or willingness to risk one's own life.
2. Exemplary - Worthy of imitation; ideal; serving as a model.
3. Extreme Risk - A condition which is highly likely to result in death or serious bodily injury.
4. Significant Risk - A condition which may result in death or serious bodily injury.
5. Operational Risk - A condition which involves personal danger but is unlikely to result in death or serious bodily injury.
6. Police Action - An action which is performed for the conservation of peace, enforcement of laws, or the investigation of a criminal complaint.
7. Individual - An individual can be a sworn officer, a police civilian employee, a police K9 or a City of Fort Collins employee.

1030.4.1 MEDAL OF HONOR

(a) This is the Agency's highest award for valor.

(b) The Medal of Honor may be awarded when a police employee:

1. While acting above and beyond the call of duty,
2. Saves or attempts to save another person who is in danger of death or serious bodily injury, and
3. Knowingly places himself/herself at extreme risk.

(c) The act justifying this award must be the type of act that, if not performed, would not subject the individual to any justified criticism.

1030.4.2 MEDAL OF VALOR

(a) This is the Agency's second highest award for valor.

(b) The Medal of Valor may be awarded to a police employee who:

1. While acting above and beyond the call of duty,
2. Saves or attempts to save another person who is in danger of death or serious bodily injury, and



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3. Knowingly places himself/herself at significant risk.

(c) The act justifying this award must be the type of act that, if not performed, would not subject the individual to any justified criticism.

1030.4.3 DISTINGUISHED SERVICE MEDAL

(a) The Distinguished Service Medal may be awarded to a police employee who:

1. Saves or attempts to save another person who is in danger of death or serious bodily injury, and the individual is at operational risk; or who
2. Apprehends a violent criminal suspect in the commission of a crime, and the individual is at significant risk.

(b) The act justifying this award must be an act which renders the individual conspicuous and well above the expected standard.

1030.4.4 MEDAL OF MERIT

(a) The Medal of Merit may be awarded to a police employee who:

1. Saves or attempts to save another person who is in danger of death or serious bodily injury, and
2. There is no risk of death or serious bodily injury to the individual.

1030.4.5 PURPLE HEART

(a) The Purple Heart may be awarded to a police employee who:

1. Suffers death or serious bodily injury while in the performance of a police action or by felonious assault upon his/her person.
2. The Purple Heart may be given in addition to any other award for the same incident.

1030.4.6 POLICE CHIEF'S COMMENDATION

(a) The Police Chief's Commendation may be awarded to an individual, because of a specific event or incident, which:

1. Through personal initiative, tenacity, and effort solves a major crime or series of crimes; or
2. Through personal initiative and effort develops a program which greatly enhances the goals of the Agency; or
3. Demonstrates selfless conduct during a time of crisis or emergency and who does not meet the criteria for any of the medal awards excluding the Purple Heart.



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(b) The Police Chief's Commendation consists of a plaque to be presented to each recipient along with a printed certificate.

1030.4.7 POLICE CHIEF'S UNIT COMMENDATION

(a) The Police Chief's Unit Commendation may be awarded to an entire division, section, unit or group of individuals brought together by a specific event or incident or the accumulated events over a year, which:

1. Through the group's initiative, tenacity, and effort solves a major crime or series of crimes; or
2. Through group's initiative and effort develops a program which greatly enhances the goals of the Agency; or
3. The group demonstrates selfless conduct during a time of crisis or emergency and who does not meet the criteria for any of the medal awards excluding the Purple Heart.

(b) The Police Chief's Unit Commendation consists of a unit plaque to be presented to the unit. Each recipient will receive a printed certificate.

1030.4.8 HUMANITARIAN AWARD

(a) Can only be presented to a police employee and may be given to an employee who:

1. While not involved in an official police capacity, develops or contributes greatly to a valuable and successful community affairs program through contribution of his/her own time or,
2. The employee demonstrates selfless conduct during a time of crisis or emergency for the benefit of another person or person.

(b) The Humanitarian Award will consist of a plaque to be presented to the recipient along with a printed certificate.

1030.4.9 COMMITMENT TO EXCELLENCE AWARD

(a) The Commitment to Excellence Award may be given to an individual or unit who:

1. Demonstrates exemplary initiative while performing a police action; or
2. Performs their assigned function in an exemplary manner; or
3. While involved in an official police capacity develops or contributes greatly to a valuable and successful community affairs program through contribution of his/her own time.

(b) The Commitment to Excellence Award will consist of a plaque to be presented to the recipient along with a printed certificate.



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### 1030.5 CITIZEN AWARDS

(a) Distinguished Service Commendation

1. The Distinguished Service Commendation may be awarded to a citizen who:

    (a) Voluntarily assists the Agency under circumstances which involve significant risk to their safety; or

    (b) Saves or attempts to save the life of another; or

    (c) Performs a series of selfless acts showing devotion to others.

2. The Distinguished Service Commendation will consist of a plaque to be presented to the recipient along with a printed certificate.

(b) Meritorious Service Citation

1. The Meritorious Service Citation may be awarded to a citizen who renders assistance to the Agency but who does not qualify for the Distinguished Service Commendation.

2. The Meritorious Service Citation will consist of a plaque to be presented to the recipient along with a printed certificate.



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# Fitness for Duty

## 1032.1 PURPOSE AND SCOPE

All employees are required to be free from any physical, emotional, or mental condition that might adversely affect their ability to perform their duties and responsibilities. The purpose of this Policy is to ensure that all employees of this Agency remain fit for duty and able to perform their job functions

## 1032.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of employee's to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each employee shall perform his/her respective duties without physical, emotional or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations or belief shall be promptly reported to a supervisor.

## 1032.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the employee's chain of command, including the employee's Deputy Chief, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty. If the relief from duty is based in whole or part on an emotional or mental condition, the Director of Human Services shall also be promptly notified.



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### 1032.4 NON-WORK RELATED CONDITIONS

Any employee suffering from a non-work related condition that warrants a temporary relief from duty may be required to use sick leave or other paid or unpaid (if other applicable paid leaves are not available) time off in order to obtain medical treatment or other reasonable rest period.

### 1032.5 WORK-RELATED CONDITIONS

Any employee suffering from a work-related condition that warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

In conjunction with the employee's chain of command, including the employee's Deputy Chief, any employee whose actions or use of force in an official capacity result in death or serious bodily injury to another person may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with City and Agency Policy and law, and

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### 1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) The Chief of Police may authorize that an employee be ordered to undergo a physical and/or psychological examination (fitness for duty examination) when there is a reasonable belief, based on objective evidence, that:

  1. An employee's ability to perform essential job functions will be impaired by a physical and/or psychological condition; or

  2. An employee will pose a direct threat to him/herself or others due to a physical and/or psychological condition.

(b) The order shall indicate the date, time, and place for the examination.

(c) The examining physician or therapist will provide the Agency with a report indicating that the employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action or grievance, the examining physician or therapist may be required to disclose any and all information that is relevant to such proceeding.

(d) To facilitate the examination of any employee, the Agency will provide all appropriate documents and available information to assist in the examination, evaluation and/or treatment.



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(e) All reports and examinations or evaluations submitted by the treating physician or therapist shall be part of the employee's private medical file.

(f) Any employee ordered to receive a fitness-for-duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be subject the employee to discipline, up to and including termination.

(g) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

(h) If an employee is deemed unfit for duty by the Agency, the employee may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

### 1032.7 PROCESS REQUIREMENTS

Under certain circumstances, removal from duty and termination of employment resulting from a fitness-for-duty examination may require specific pre- and/or post- action process as outlined in other policies, including the Policy 1020 - Administrative Investigations and the Collective Bargaining Agreement.



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# Meal Periods and Breaks

## 1034.1 PURPOSE AND SCOPE

This Policy regarding meals and breaks, insofar as reasonably possible, it shall conform to City Personnel Policy. Staffing a 24-hour police operation requires significant flexibility regarding meal and break times. The provisions of this Policy may be temporarily waived or modified by a supervisor to accommodate the needs of the Agency and employees. Under no circumstances will employees receive overtime compensation for missed meal or break periods.

### 1034.1.1 MEAL PERIODS

(a) Employees are entitled to a meal period during their normal work day. Meal periods generally range from 30 minutes to 1 hour, depending on assignment. The time spent for the meal period shall not exceed the authorized time allowed.

(b) Employees who are not subject to answering calls for service will not be compensated during their meal period.

(c) Emergency Services Dispatchers working a normal shift shall remain in or within a reasonable proximity to the building during meal periods, and are subject to recall to the dispatch center. These personnel will be compensated for their meal period.

(d) Community Service Officers and Patrol Officers who are in uniform and assigned to a patrol district or other patrol duties when they are responsible for answering calls for service will take their meal period within the City, subject to call, and shall monitor their radios. These personnel will be compensated for their meal period.

### 1034.1.2 15-MINUTE BREAKS

(a) Although not required, a full time employee may take up to two 15-minute paid break periods during the work day, near the midpoint, for each four hour work period. Only one 15-minute break shall be taken during each four hours of duty. No 15-minute breaks shall be taken during the first or last hour of an employee's shift.

(b) Sworn officers and Dispatch employees may be allowed by a supervisor to combine their two 15-minute break periods into one 30-minute break. These breaks will not be combined with an employee's meal period without supervisory approval.

(c) Employees assigned to the police facility shall generally remain in the police facility for their breaks. This does not prohibit them from taking a break if they are outside the facility on official business.

(d) Emergency Services Dispatchers working a normal shift shall remain in or within a reasonable proximity to the building during break periods, subject to recall to the dispatch center. These personnel will be compensated for their break period.



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(e) Community Service Officers and Patrol Officers who are in uniform and assigned to a patrol district or other patrol duties when they are responsible for answering calls for service will take their 15-minute breaks (or combined 30-minute break) within the City, subject to call, and shall monitor their radios. These personnel will be compensated for their break period.



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# Payroll Record Procedures

## 1036.1 PURPOSE AND SCOPE

Payroll records are submitted to Administration on a biweekly basis for the payment of wages.

### 1036.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

### 1036.1.2 TIME REQUIREMENTS

All employees are paid on a biweekly basis, usually on a Friday. Exceptions may occur based on the business needs of the City. Payroll records shall be completed and submitted to Administration no later than 8:00 a.m. on the Monday morning after the end of the pay period, unless specified otherwise.

### 1036.1.3 SUPERVISOR RESPONSIBILITIES

(a) Supervisors or their designee shall review and approve all exceptions to their employee's regular schedule; to include overtime, training, flex time, time-trades, meetings and time off.



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# Work Periods and Overtime

## 1038.1 PURPOSE AND SCOPE

It is the Policy of the Agency that non-exempt employees shall be compensated for all time worked. Such employees shall be compensated for overtime worked in accordance with applicable state and federal laws and regulations and as agreed to in the collective bargaining agreement.

### 1038.1.1 AGENCY POLICY

Because of the nature of law enforcement work, and the specific needs of the Agency, a degree of flexibility concerning overtime policies must be maintained.

Nonexempt employees are not authorized to volunteer work time to the Agency. When practicable, requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule (within the same work week) to compensate for the time worked, rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a request for such a period, the employee shall comply. Employees must have prior approval before utilizing accrued compensatory time. The supervisor may take into account factors such as workload, scheduling, and resource availability prior to granting approval. The employee may not exceed the number of compensatory hours identified in the collective bargaining agreement, if the employee is a member of the bargaining unit.

### 1038.1.2 COLLECTIVE BARGAINING UNIT PROCEDURES

(a) Non-exempt employees shall be compensated for all time worked. Such employees shall be compensated for overtime worked in accordance with applicable state and federal laws and regulations and pursuant to this provision.

(b) All employees shall be on a seven-day, 40 hour work period schedule. The work period shall start at 0001 hours of each Monday and run for a seven consecutive day period. The reporting of work time shall use one-tenth of an hour (six minutes) system.

(c) Overtime compensation may be in the form of wages, known as "overtime pay," or time off, known as "compensatory time." Only non-exempt employees are eligible to earn overtime pay (unless otherwise authorized in this Policy) or earn or use compensatory time. Exempt employees are ineligible to earn overtime pay or compensatory time, but may informally flex their time in accordance with City policy and as approved by the employee's supervisor.

(d) Overtime pay shall be paid at a rate of time-and-one-half, based on the employee's hourly rate.



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(e) In lieu of overtime pay, non-exempt employees may request to accrue compensatory time, and supervisors have the discretion to grant or deny such requests based upon personnel needs, budgetary constraints, and other business reasons. One-and-one-half hours of compensatory time is earned for each hour of overtime worked.

1. An employee in the dispatch career line shall not accrue more than one hundred twenty hours of compensatory time unless the advance permission of the employee's Deputy Chief is obtained. An employee in sworn positions and community service officers shall not accrue more than one hundred twenty hours of compensatory time unless the advanced permission of the employee's Deputy Chief is obtained.

    (a) In no event shall an employee accrue more than two hundred forty hours of compensatory time.

2. Employees must have prior approval before utilizing accrued compensatory time. Such factors as workload, minimum staffing requirements, overtime costs for replacement employees and resource availability shall be taken into account prior to granting approval to determine whether the grant of compensatory time would be unduly disruptive to the operation of the Agency.

    (a) Upon the request of an employee for use of compensatory time the City will attempt to allow the use of compensatory time within one hundred twenty days of the request.

3. Use of accrued compensatory time shall not be used for imposing or affecting disciplinary action. Employees may request payment for their accrued compensatory time by making a written request to their supervisor. The City may, in its sole discretion, approve or deny the request. Additionally, the City may, in its sole discretion, when the City determines it cannot grant use of compensatory time within one hundred twenty days and the employee has not withdrawn his/her request, cash out the employee for the requested compensatory time amount, whether or not the employee has requested payment. Compensatory time shall be convertible to cash payment at the time of termination of employment. Upon promotion to exempt status, the promoted employee's Compensatory Time balances will be paid to the employee in cash or otherwise expended in accordance with City Policy.

(f) All non-exempt employees shall be advised by their supervisor of their official daily starting time and quitting time. Such employees are not authorized to start work prior to their officially scheduled starting time, nor are they authorized to work beyond their officially scheduled quitting time without prior supervisory approval. This paragraph shall not apply to those situations where a police officer responds to a police emergency or takes action on observed violations while operating a police vehicle while off-duty.

(g) Non-exempt employees shall only receive overtime compensation in any of the following situations:



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1. Hours actually worked (including Standby Compensation per that provision of the Collective Bargaining Agreement) exceeds 40 hours in the seven-day work period.
2. The combination of hours actually worked (including Standby Compensation per that provision of this Agreement) and the use of holiday, vacation, emergency, compensatory, award, or sick leave exceeds 40 hours in the seven-day work period. For purposes of determining eligibility for overtime compensation, employees may not use more than 40 hours of the specified leave in any work period, nor may an employee use more than 8 or 10 hours of the specified paid leave in any workday, depending upon the length of the employee's regularly scheduled workday.
3. Hours an employee is required to work when the employee was previously approved by his/her supervisor to be on vacation, holiday, compensatory, or award time leave.
4. Hours for subpoenaed court appearances per that provision of this Policy Manual.
5. Hours for Immediate Call to Duty time per that provision of this Policy Manual.

(h) Supervisors may adjust any employee's work schedule within the designated work period to reduce the impact of overtime compensation within the stated work period.

(i) With the exceptions of sworn police officers and community service officers working a patrol schedule and dispatchers, meal breaks will not be compensated unless work demands are such that it precludes an employee from taking a meal break. Employees shall be relieved of all duties, including answering the telephone, and be free to leave their duty post during their non-compensated meal breaks. Except for sworn police officers working a patrol schedule and dispatchers, prior supervisory approval must be obtained for compensation of meal breaks.

## 1038.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

## 1038.3 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the collective bargaining agreement provides that a minimum number of hours will be paid, (e.g., two hours for court.)

### 1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be accounted for in increments of 6 minutes.

## 1038.4 GENERAL PROCEDURES

(a) General



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1. All non-exempt employees shall be paid overtime or receive compensatory time in any of the following situations:
   (a) Hours actually worked (including Standby compensation as described herein) exceeds 40 hours in the seven-day work period.
   (b) The combination of hours actually worked (including Standby compensation as described herein) and the use of holiday, vacation, compensatory, award, emergency (for bargaining Unit members only) or sick leave exceeds 40 hours in the seven-day work period. For the purposes of determining eligibility for overtime compensation, employees may not use more than 40 hours of the specified paid leave in any work period, nor may an employee use more than 8 or 10 hours of the specified paid leave in any workday, depending upon the length of the employee's regularly scheduled workday.
   (c) Hours an employee is required to work when the employee was previously approved by his/her supervisor to be on vacation, holiday, compensatory, or award time leave.
   (d) Hours for subpoenaed court appearance as described herein.
   (e) Hours for Immediate Call to Duty time as described in Policy 391 - Personnel Recall.
2. Supervisors may adjust any employee's work schedule within the designated work period to reduce the impact of overtime compensation within the stated work period.
3. With the approval of the Assistant Chief, a Deputy Chief, a Lieutenant or civilian equivalent manager is authorized additional compensation at a rate of time-and-one-half during incidents/events when their primary duties are that of operational managers and when the work is performed during normal off-duty hours for emergent, non-planned events. This includes but is not limited to such positions and events as:
   (a) Community events where a Lieutenant or civilian equivalent manager is in charge of personnel and/or acting as the police Incident Commander or within the Incident Command Structure.
   (b) A major incident/natural disaster where a Lieutenant or civilian equivalent manager is in charge of personnel and/or acting as the police Incident Commander or within the Incident Command Structure.
   (c) Other operational events as approved.
4. A Lieutenant or civilian equivalent manager that is required to work on a holiday, at their option, may either:



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(a) Record on their time sheets both their hours worked and the holiday hours, so they will essentially receive double pay for the day; or

(b) Record only the hours worked and take the holiday time off at a later date before the end of the payroll year.

1038.4.1 STANDBY STATUS

"Standby status" is defined as a non-exempt employee being instructed by any supervisor or designee to be available for immediate call to duty.

(a) Standby status is in effect any time the department restricts an employee so that he/she must be immediately available to respond to duty via notification by pager, telephone, or any other accepted method of notification.

(b) Standby compensation shall commence at the time that the restriction begins, as designated by the supervisor. Standby status will end at the notification of the employee by a supervisor or designee, or at the predetermined scheduled conclusion.

(c) The department shall notify the employee of the standby hours, when possible, at the initial standby notification.

(d) Time spent on designated standby status shall be considered time worked for the calculation of overtime within a work week. Standby status is much more restrictive than On-Call status.

1038.4.2 SUBPOENAED COURT APPEARANCE

(a) This article applies to non-exempt employees placed on the Municipal Court docket or who receive subpoenas requiring their appearance in court or DOR hearings (including Express Consent hearings).

(b) Since the granting of overtime is based on Agency need, should both the prosecutor's office and the court (or, in the case of a DOR matter, the hearing officer) excuse a non-exempt employee from further testimony, the continued presence of the employee in the proceedings will not be compensable. Prior to testimony, or upon the completion of testimony, the employee shall, to the extent possible, seek to determine if his/her continued presence is required. If it appears that the employee is not needed for further testimony, they shall request to be excused.

(c) Court-related meal breaks shall not be compensated.

(d) Non-exempt employees shall submit their overtime requests as soon as possible after a court appearance to a supervisor for approval.

(e) Off-duty attendance at any court or DOR hearing pursuant to this article will be compensated at time and one-half for either the actual time the non-exempt employee spends or for two hours, whichever is greater, provided that the two hour minimum does not overlap with the employee's regularly scheduled work hours. At the request of the employee and with



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the approval of the supervisor, the employee may be granted compensatory time in lieu of overtime compensation.

(f) Employees may receive the two-hour minimum compensation only two times per day. In the event that there are three scheduled meetings, time will be compensated at the rate of actual time worked in addition to the two 2-hour minimum.

1038.4.3 FILINGS AND MEETINGS WITH DISTRICT ATTORNEY

The need for a non-exempt employee to file a case with the District Attorney's Office outside of his/her scheduled duty shift, or attend required meetings with the District Attorney's Office scheduled outside a non-exempt employee's duty shift shall not be considered subpoenaed court appearance status and shall be considered as overtime. Employees will be compensated for either the actual time spent completing such filings and attending such meetings or for the minimum of two hours at the rate of time and one-half (after the employee has reached their 40-hour work week), whichever is greater, provided that the two hour minimum does not overlap with the employee's regularly scheduled work hours or with any subpoenaed court appearance time as described in the prior section.

1038.4.4 ON-CALL STATUS

(a) Employees required by the department to be On-Call and respond when requested shall be compensated at the rate of 1.5 hours of straight time pay for each day for which the employee is On-Call.

(b) An Employee is considered On-call when he/she is directed to be available and designated as On-call for a specified time period as determined by a supervisor via telephone, pager, police radio, or other means of communication so that they are available for and capable of reporting for work within a reasonable time frame, which is generally defined as 30 minutes or less. These individuals may be supplied with a Personal Communication Device (PCD) to ensure their availability. On-call status limitations and response requirements are less severe than those associated with Standby status, and the employee is permitted to engage in personal activities that are not inconsistent with the purposes for being On-Call.

1038.4.5 OFF-DUTY WORK RESULTING FROM AN AGENCY-ASSIGNED VEHICLE

Off-duty work by a non-exempt employee resulting from car plan usage will not be compensated unless it exceeds one-tenth of an hour (6 minutes) in one contact.

(a) All off-duty contacts must be called in to the Dispatch.

1038.4.6 TIME TRADES

(a) Time trade is defined as an employee voluntarily agreeing to work the requesting employee's normally scheduled work hours. The requesting employee shall then work the granting employee's normally worked shift at a later, mutually agreed upon date. The employees participating in this time trade must be within the same division and of the same rank.



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(b) Time trades shall be allowed providing the employees notify and obtain advance approval of their supervisors of the time trade. Once agreed upon and approved, employees will be responsible for working the shift or hours they agreed to work. If an employee is unable to fulfill their time trade obligations, it is his/her responsibility to arrange for an approved employee to fill the shift. However, if the employee cannot fill the shift because of an emergency, they must notify the affected supervisor immediately.

(c) Until a time trade has been approved by both supervisors, the employee who was originally scheduled to work the shift shall be responsible for working that shift.

(d) Hours worked when an employee is working or scheduled to work a time trade shall not be considered in the calculation of overtime or compensatory time. Each employee will be credited as if he/she worked his/her normal work schedule.

1038.4.7 TRAVEL TIME

(a) Commuting to and from work each day to the designated workplace is not considered time worked.

(b) When a non-exempt employee travels out of town on City business for a one-day assignment, all the time spent traveling must be recorded as time worked, except meal times and any time spent in driving or as a passenger from home to the usual place of employment, a point of public conveyance, or a vehicle pooling point.

(c) When a non-exempt employee travels out of town on City business for an overnight trip assignment, all the time spent traveling must be recorded as time worked, except meal times and any time spent traveling from home to the usual place of employment, a point of public conveyance, or a vehicle pooling point. Once the employee reaches his or her destination (such as a hotel), the time is no longer considered working time unless the employee is actually working on City business.

1. All other time spent traveling shall not be counted as time worked unless the employee is required to perform City related work while traveling.

1038.4.8 AWARD TIME

(a) Award time is granted to employees for unusual or special circumstances which are not related to compensable work hours.

(b) Award time will be granted at straight time and is not in any way convertible to cash payment at any time, including upon termination of employment.

(c) Unused Award time is forfeited at termination of employment.

(d) Employees shall submit a request to their supervisor to use Award time leave, and such leave will be approved at the discretion of the supervisor.

(e) The Chief of Police reserves the right to alter or eliminate the Award time program at any time when financial or other circumstances dictate such action is needed.



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(f) Employees can accrue an unlimited number of Award Time hours through our Fitness and Zero Sick Leave programs. However the employee may only carry over, from one leave benefit year to the next, a maximum of 240 hours. Any hours above that cap will be eliminated at the end of the leave benefit year.

1038.4.9 TRAINING COMPENSATION

(a) Only training which is required or authorized by the Agency is compensable.

(b) Unless otherwise authorized by a Deputy Chief or Chief of Police, time spent while off-duty attending training facilities and academic classes is not compensable if attendance at the facility is not required. This applies even when the Agency pays for all or part of the training, or if the classes or training sessions in question may incidentally improve the employee's work performance or prepare the employee for advancement.

## 1038.5 LIMITATION ON HOURS WORKED

Unless authorized by a supervisor, employees should not work more than:

- 15 hours in one-day period (24-hour period)
- 30 hours in any two-day period (48-hour period)
- 84 hours in any seven-day period (168-hour period)

Except in very limited circumstances employees should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any employee who has exceeded the above guidelines.

It is the employee's responsibility to comply with these limitations, which will be audited by the employee's supervisor. Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, special events, contract work, general overtime and any other work assignments.



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# Outside Employment

## 1040.1 PURPOSE AND SCOPE

To further professionalism, protect the reputation of the Agency, ensure that the Agency receives full and faithful service in return for its expenditure of resources, and to avoid actual or perceived conflicts of interest for employees, the Agency provides guidelines and Policies regarding employee's work activities outside of their regular employment with the City.

Prior to engaging in Outside Police Employment or Outside Non-Police Employment, all employees shall initially obtain written approval.

(a) Approval shall be at the discretion of the Chief in accordance with the provisions of this Policy and applicable City Policies.

### 1040.1.1 DEFINITIONS

**Outside Police Employment (Formerly "Off-Duty Police Work")** - Any duties, services or volunteer work involving the use of police authority which is performed for a third party outside organization, affiliate organization, company or individual. Outside Police Employment, when performed for a third party is not considered time worked under the FLSA or City Policy.

**Outside Non-Police Employment** - Any duties or services not involving police authority which is performed for a third party outside organization, affiliate organization, company or individual during non-working hours, including but not limited to a second job, engaging in outside consulting work, and become self-employed in an outside business activity. Serving as a volunteer for a non-profit entity is not considered Outside Non-Police Employment. Outside Non-Police Employment is not considered time worked under the FLSA or City policy.

Outside Non-Police Employment and Outside Police Employment are different types of employment and one type excludes the other.

## 1040.2 OBTAINING APPROVAL FOR ANY OUTSIDE EMPLOYMENT

No employee may engage in any Outside Employment without first obtaining prior written approval. Failure to obtain prior written approval for such employment or engaging in such employment prohibited by this Policy is grounds for disciplinary action.

(a) To obtain approval for Outside Employment, an employee must complete the on-line Outside Work Disclosure/Update Form and submit it for review to his or her supervisor. It must describe the Outside Police Employment or Outside Non-Police Employment in complete detail, including but not limited to the name of the prospective employer, nature of the business, job title, duties, beginning and ending dates of employment, and hours of work. Additional information may be requested at any time regarding the authorization for Outside Employment.



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(b) The supervisor shall forward the Outside Work Disclosure/Update Form through his or her chain of command to the Department Head with an explanation of the steps needed to mitigate potential conflicts of interest.

In the case of Outside Non-Police Employment requests, the Chief of Police shall approve the request unless either of the following factors is present:

(a) The nature of the Outside Non-Police Employment is similar to work being done by the employee in his/her City employment.

(b) The nature of the Outside Non-Police Employment concerns a topic or issue that may come before the City Council during the time the employee is engaged in the Outside Non-Police Employment. In that case, the Chief of Police shall forward the Outside Work Disclosure/Update Form and his/her recommendation to the City Manager for consideration of approval.

(c) If the Outside Employment creates an actual or apparent conflict of interest with the Agency or City.

(d) If there is any other business-related reason at the discretion of the Chief.

The Outside Work Disclosure/Update Form, whether approved or denied, will be retained by the Human Resources Department as part of the employee's record.

### 1040.2.1 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT

Under no circumstances should any employee expect that an approval of Outside Employment is permanent. Any such approval may be withdrawn entirely, restrictions may be imposed, and/or additional information may be required at any time at the sole discretion of the City, even after the employee commences the Outside Employment.

The Outside Employment authorization may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension.

The authorization may be revoked:

(a) If an employee's performance declines to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of minimum acceptable competency, and the Outside Employment may be related to the employee's performance. The Chief of Police may, at his or her discretion, notify the employee of the intent to revoke any previously approved Outside Employment authorization. The revocation will remain in force until the employee's performance directly related to the Outside Employment has been re-established to the minimum level of acceptable competency.

(b) If, at any time during the term of an approved Outside Employment authorization, an employee's conduct or Outside Employment conflicts with the provisions of Agency Policy, or any law.

(c) If the Outside Employment creates an actual or apparent conflict of interest with the Agency or City.



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(d) If there is any other business-related reason at the discretion of the Chief.

**1040.3 OUTSIDE NON-POLICE EMPLOYMENT**

Employees engaged in Outside Non-Police Employment shall make every effort to keep their employment with the Agency separate from that work. Officers will not use an Agency vehicle for travel to and from Outside Non-Police Employment if the vehicle would create an unprofessional or unethical appearance.

The Agency expressly reserves the right to deny any application for Outside Employment if the employment:

(a) Involves work which may involve or may appear to involve a potential conflict of interest between the Outside Non-Police Employment and the police job, which places the officer's or the Agency's neutrality at risk, or which is considered detrimental to the professional law enforcement goals of the City or the Agency.

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this Agency for the performance of an act that the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as an employee.

(c) Involves the employee's use of Agency time, facilities, equipment or supplies, the use of the Agency badge, police authority, uniform, prestige or influence.

(d) Involves the performance of an act that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by employees of the City or this Agency (including but not limited to a tavern, club, retail liquor store, any establishment selling or dispensing any alcoholic or those establishments or entities holding a liquor license issued by the Fort Collins Liquor Authority.)

    1. The Chief or an authorized designee may waive this restriction.

(e) Involves time demands that would render performance of the employee's duties for this Agency below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

(f) Requires, or might reasonably require the employee to access or use confidential records for other than law enforcement purposes.

(g) Requires the officer to act as a security officer, guard or watchman on any project or at any business where there is a labor dispute or strike.

(h) Involves the personal protection of an individual.

(i) Employment as an investigator or in any capacity involving the use of police records for other than law enforcement purposes.



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(j) Employment as a process server, bill collector or for any credit or collection department or in any capacity involving repossession of property or eviction from premises.

### 1040.4 OUTSIDE POLICE EMPLOYMENT

(a) All Outside Police Employment will be assigned by the Agency. Officers shall refer prospective employers to the Outside Police Employment Coordinator designated by the Agency.

(b) Officers engaged in Outside Police Employment may work in full Fort Collins police uniform or in plain clothes as required by the assignment.

(c) When more than one officer is required, the Agency may require a supervisor be assigned. The Patrol Deputy Chief will give guidelines to the Outside Police Employment Coordinator for these situations.

(d) Once an officer has accepted an Outside Police Employment assignment, he/she is committed to perform that assignment or is responsible for obtaining a replacement in advance. The Outside Police Employment Coordinator will be responsible for monitoring off-duty assignment completion.

(e) Officers engaged in Outside Police Employment are responsible for notifying the Communications Center of the following:

1. Location of assignment;
2. Hours of assignment;
3. Nature of duties; and
4. Personnel assigned.
5. This will be done prior to or on arrival at the place of assignment. Officers will also notify the Communications Center when they have completed the assignment.

(f) Patrol supervisors are responsible for the functional supervision of all Outside Police Employment assignments that occur during their shift. The shift supervisor will cause periodic checks to be made of all Outside Police Employment assignments as appropriate and necessary. Nothing in this Policy shall preclude any sworn supervisor from exercising command authority in the cancellation of Outside Police Employment assignments when such action is in the best interest of the Agency.

(g) If an officer arrives at an Outside Police Employment assignment and finds that fulfilling it would violate this Policy (for example, liquor is being sold and there is no written waiver by the Chief), he/she will immediately notify the patrol supervisor who will decide if the assignment will be canceled.

(h) If an officer makes an arrest or has a situation which requires on-duty police response while working Outside Police Employment, the off-duty officer is responsible for completing the



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initial case report. The on-duty units will handle prisoner transport and booking, and the logging of evidence. If there is any conflict over who is responsible at an incident involving an off-duty officer, the on-duty shift supervisor will respond and make that decision.

(i) Officers employed to perform Outside Police Employment assignments will be bound only by their police authority for the enforcement of the ordinances and laws of the city, state and United States. Unless a law or ordinance has been violated, enforcement action will not be taken.

(j) Officers are responsible for fulfilling the requirements of Outside Police Employment in a professional manner to the best of their abilities, in conformance with acceptable department standards.

1. The officer shall ensure that the presence of friends or family or other distractions does not divert his/her attention from the performance of his/her duties.

(k) The Outside Police Employment employer may specify the off-duty officer's duties, but only within the scope of a police officer's normal law enforcement-related duties.

(l) If an Outside Police Employment employer requests to have or not have a specific officer or to have an officer with a specific skill, consideration will be given. However, there is no guarantee as to who will work any specific assignment. These issues will be handled by the Outside Police Employment Coordinator, and any specific issues or complaints will be addressed by the Patrol Administrative Lieutenant.

(m) Outside Police Employment shall not be permitted if the employment:

1. Involves the performance of an act that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by employees of the City or this Agency (including but not limited to a tavern, club, retail liquor store, any establishment selling or dispensing any alcoholic or those establishments or entities holding a liquor license issued by the Fort Collins Liquor Authority.)

   (a) The Chief or an authorized designee may waive this restriction.

2. Is outside the incorporated limits of the City of Fort Collins.

   (a) The Chief or an authorized designee may waive this restriction.

### 1040.5 LIABILITY AND INSURANCE FOR OUTSIDE EMPLOYMENT

Employees performing Outside Non-Police Employment are not provided with qualified immunity and the City does not under any circumstances provide any liability or worker's compensation insurance protection.

Officers performing Outside Police Employment work are generally protected from state tort civil liability under the Colorado Governmental Immunity Act if they are acting within the course and scope of a police officer's normal law enforcement duties and are not acting willfully and wantonly.



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The circumstances under which the City has an obligation to defend an officer are set forth in Section 2-611 of the City Code.

(a) Conduct adjudged to be willful and wanton would eliminate the defense of qualified immunity and expose the officer to personal liability.

(b) Qualified immunity may also be eliminated if the officer acts outside the scope of his or her employment by enforcing purely private secondary employer-made rules made by the Outside Police Employer and in so doing engages in a tort, such as negligence or assault.

(c) Officers performing Outside Police Employment work are considered "loaned employees," and as such are covered under the City's Worker's Compensation insurance for injuries that arise out of and in the course of the performance of a police officer's normal law enforcement duties.

(d) Injuries that arise out of the performance of activities that are outside the scope of a police officer's normal law enforcement duties, such as physically moving furniture at the request of the Outside Police Employer, would not be compensable under the City's insurance.

### 1040.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY OR ADMINISTRATIVE LEAVE

(a) Employees who are placed on injury leave, administrative leave or modified-duty are not eligible for Outside Police Employment.

(b) Employees engaged in Outside Non-Police Employment who are placed on injury leave, administrative leave or modified-duty shall inform their immediate supervisor in writing within five days whether they intend to continue to engage in Outside Non-Police Employment while on such leave or modified-duty status. The immediate supervisor shall review the duties of the Outside Non-Police Employment along with any work-related doctor's orders and make a recommendation to the Chief whether such Outside Non Police-Employment should continue or the approved authorization be suspended or revoked.

1. In the event the Chief determines that the Outside Non-Police Employment should be discontinued or if the employee fails to promptly notify the supervisor of his or her intentions regarding the Outside Non-Police Employment, a notice of intent to revoke the employee's Outside Employment authorization will be forwarded to the involved employee and a copy attached to the original Outside Employment application. The revocation process outlined in this Policy shall be followed.

2. Criteria for revoking or suspending an approved Outside Non-Police Employment authorization while on injury leave, administrative leave or modified-duty includes, but is not limited to, the following:

   (a) The Outside Non-Police Employment is medically detrimental to the total recovery of the disabled employee, as indicated by the City's professional medical advisers.



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(b) The Outside Non-Police Employment performed requires the same or similar physical ability, as would be required of an on-duty employee.

(c) The employee's failure to make timely notice of his or her intentions to his or her supervisor.

(d) The Outside Non-Police Employment is not compatible with the reason the employee is on administrative leave.

### 1040.7 RATES FOR OUTSIDE POLICE EMPLOYMENT

(a) Hourly rates charged for each officer to the employer will be set at officer skill-level 5, performance rating three, rounded to the nearest dollar; and, when a supervisor is required, the supervisor pay will be at skill-level 2, performance level three, rounded to the nearest dollar.

1. Officers will not negotiate a rate different than the official rate or give discounts or preferential treatment to any Outside Police Employer.

2. Work performed for other City departments will be paid at the rate of one and a half times the officer's normal hourly rate, and said compensation will be paid through the City's payroll system.

(b) The minimum charge for an Outside Police Employment assignment is the amount applicable for two hours of service.

(c) The Agency will not become involved in collection or payment for Outside Police Employment, except that failure to provide payment in a reasonable time period will result in termination of any agreement for further Outside Police Employment for an employer.

(d) There is no restriction on what ranks may accept Outside Police Employment. When not working as a designated supervisor, supervisory ranks receive the same off-duty pay rate as officers.

(e) Officers may engage in an Outside Police Employment assignment on a volunteer basis when the assignment has been pre-approved by a Division Deputy Chief.

1. Officers working an Outside Police Employment assignment on a volunteer basis will not accept personal compensation of any kind.



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# On-Duty Injuries

## 1042.1 PURPOSE AND SCOPE

The purpose of this Policy is to provide for the reporting of on-duty injuries, occupational illnesses or deaths, the circumstances of the incident and to ensure proper medical attention is received by the employee.

## 1042.2 WORKERS' COMPENSATION FUND REPORTS

### 1042.2.1 INJURIES REQUIRING MEDICAL CARE

All work-related injuries and work-related illnesses requiring medical care must be documented in writing using the approved Workers Compensation Injury / Exposure Report and reported to the risk management office (CRS § 8-43-102), the designated modified-duty manager for each Division, and the employee's supervisor. An injury form should be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays. Records of work-related injuries and work-related illnesses shall be maintained as prescribed by Colorado law (CRS § 8-43-101).

### 1042.2.2 EMPLOYEE'S RESPONSIBILITIES

(a) An employee sustaining any work-related injury, as well as any employee who is involved in any accident while on-duty, shall report such injury or accident verbally and in writing immediately to the employee's supervisor. An employee sustaining any work-related illness shall report such illness to his/her supervisor in writing as soon as practicable but no later than 48 hours after gaining knowledge of the illness or injury (CRS § 8-43-102).

(b) An employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

(c) An employee sustaining a work-related injury or illness that requires relief from duty is required to comply with Agency Policies and Directives and to provide documentation of all doctor and/or physical therapy appointments during absences, in addition to notifying his/her supervisor of any change in condition or anticipated duration of the absence.

(d) When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Agency. Modified-duty may be available for employees whose injuries prevent resumption of regular duties.

(e) An injured employee or an employee who has suffered a work-related illness or injury shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the illness or injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.



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### 1042.2.3 SUPERVISOR RESPONSIBILITIES

(a) If an employee is physically or mentally unable to provide notice of a work-related injury or illness, his/her supervisor shall report such injury or accident in writing as soon as practicable (CRS § 8-43-102).

(b) A supervisor learning of any work-related injury, illness, or accident shall promptly prepare the approved injury report form as outlined in this Policy. Updated copies of injury report forms with instructions for completion provided by Risk Management are kept in the Patrol Work Area and electronically on the City's Risk Management website.

(c) All work-related injuries or illnesses are to be reported, regardless of the severity of the injury. The completed injury report shall be forwarded to that supervisor's Lieutenant through the chain of command.

(d) Copies of any reports documenting the accident or injury should be forwarded to the appropriate modified-duty manager as soon as completed.

### 1042.2.4 MODIFIED-DUTY MANAGER RESPONSIBILITIES

Each Division will designate a modified-duty manager.

The designated modified-duty manager receiving a report of a work-related accident or injury should review the injury report for accuracy and determine what additional action should be taken. The injury report shall then be forwarded to Risk Management.

### 1042.2.5 FLEXING OF TIME AND INJURY LEAVE

An employee is expected to schedule Workers' Compensation eligible injury or illness appointments during his/her regularly scheduled work hours.

With prior supervisory approval, an employee who is unable to attend a Workers' Compensation eligible injury or illness appointment during his/her regular work hours may flex the time from their regular working hours by not working an amount of time equal to the time of the appointment and recording injury leave, as long as this can be done during the same scheduled week as the appointment. However, the following limitations shall apply:

(a) This policy is only applicable to Workers' Compensation eligible injury or illness appointments.

    1. The use of injury leave under this policy may not be used for any other purpose, such as for Workers' Compensation eligible surgeries or recovery time that occurs during non- regularly scheduled work hours.

(b) If an employee attends an eligible appointment during his or her non-working hours in anticipation of taking injury leave later in their scheduled work week, the leave may be cancelled as the needs of the agency dictate. If the appointment time cannot be flexed for injury leave in the same work week, then it is lost.

(c) In no event will time spent at such appointments be counted as overtime.



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1. If overtime hours are worked during a work week in which injury leave hours were flexed, the amount of overtime hours will be reduced by the amount of injury leave that was flexed.

## 1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION

(a) Work-related injuries and illnesses not requiring medical attention shall be recorded on the same approved injury form. This injury report form shall be completed and signed by a supervisor and forwarded to Risk Management.

(b) This form shall be signed by the affected employee, indicating that he/she desired no medical attention at the time of the report. By signing this incident report form, the employee will not preclude his/her ability to seek medical attention later.

## 1042.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, the losses for which the employee, the City, and/or other insurers are entitled to pursue reimbursement for through civil litigation. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed

### 1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact and submit it to his/her supervisor as soon as practicable.

### 1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

(a) No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the employee shall provide the Chief of Police and the office of the City Attorney with written notice of the proposed terms of such settlement.

(b) In no case shall the employee accept a settlement without first giving such written notice to the Chief of Police and the office of the City Attorney. The purpose of the notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the accident or injury, and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not impacted.



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# Personal Appearance Standards

## 1044.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Agency, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this agency and for their assignment.

## 1044.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present employee safety issues, the following appearance standards shall apply to all employees when on-duty or when representing themselves as agency employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception. Employees assigned to the Northern Colorado Drug Task Force, or who are working undercover with the permission of their Deputy Chief, will be allowed to deviate from the sections of this policy even when on-duty as long as the appearance deviation is not obscene or offensive.

References in this policy to "officers" include Community Service Officers. Employees on light or modified-duty are not exempt from these appearance standards without the permission of the Chief of Police as noted in the previous paragraph. The Chief of Police will make the final decision in any matter that questions what is obscene, offensive, or professional in appearance.

### 1044.2.1 HAIR

Hairstyles of all employees shall be neat in appearance.

(a) Male officers: Hair must not extend below the top edge of the uniform collar while standing in a normal stance.

(b) Male civilian employees: Hair must project a professional image appropriate for this Agency and for their assignments.

(c) Female officers: Hair must be no longer than the horizontal level of the bottom of the uniform shoulder patch while standing in a normal stance and worn up or in a tightly wrapped braid or ponytail.

(d) Female civilian employees: Hair must project a professional image appropriate for this Agency and for their assignment.

### 1044.2.2 MUSTACHES AND GOATEES

(a) For employees that are required to utilize a respiratory protection device, sideburns and mustaches will be kept neatly trimmed to avoid a condition that interferes with any part of the face-to-face piece seal or valve function of a respiratory protection device such as an APR, PAPR, or SCBA.

(b) Beards and goatees are not permitted for officers, except as described below, and employees that are required to utilize a respiratory protection device.

(c) For officers: Only those assigned the Northern Colorado Drug Task Force, or who are working undercover with the permission of their Deputy Chief, will be allowed to have facial



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hair that does not comply with this policy. However, those personnel will not be allowed to complete a fit-test or operate in an environment that requires a respiratory protection device unless they meet any current OSHA requirements that relate to respitory protection.

1044.2.3 JEWELRY AND ACCESSORIES

No visible jewelry or personal ornaments shall be worn by employees on any part of the body, uniform, or equipment, except those authorized below.

(a) Officers: Jewelry, if worn around the neck, shall not be visible above the shirt collar.

1. Female civilians: May have jewelry worn visibly around the neck as long as it is not obscene, offensive, distracting from professional appearance, or such that it interferes with on-duty actions and responsibilities.

(b) Wrist watch

(c) Officers: Wedding rings, class ring, or other ring of professional appearance and design; a maximum of one ring/set may be worn on each hand.

1. Civilians: Wedding rings, class ring or other rings of professional appearance and design may be worn on each hand.

(d) Medical alert bracelet

(e) Female officers may wear up to two ear ornaments in each ear while on duty or when representing themselves as agency employees as long as the ear ornaments are not obscene, offensive, distract from professional appearance, or interfere with on-duty safety, actions and responsibilities.

**1044.3 TATTOOS**

Employees may not appear on-duty or when representing themselves as agency employees at professional functions or training with any visible tattoo or decal, unless such tattoo or decal existed and the employee was employed by the Agency prior to November 14, 1996. In such cases, visible tattoos or decals cannot be obscene, offensive, distract from professional appearance or the interests of the City or Agency, or interfere with on--duty actions and responsibilities.

Though the Chief of Police may include or exclude events on an individual basis for these restrictions, employees will generally be exempted from this section's requirements when representing the agency at, and participating in, less-formal events such as charity runs, polar-plunges, after-hours functions at training, etc... Another exception to this section will be granted to employees while attending range and practical training. The listed exceptions only apply as long as the visible tattoos or decals are not obscene, offensive, distracting from professional appearance or the interests of the City or Agency.

Employees may wear long-sleeved uniforms or clothing to meet this section's requirements. If it covers the tattoos and/or decals completely, employees may alternatively utilize appropriately tinted skin-tone make-up, a tight-fitting bandage, or tight- fitting sleeves that are not obvious to observers.



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### 1044.4 BODY PIERCING OR ALTERATION

Employees may not appear on duty or when representing themselves as agency employees with any visible body piercing, except ear piercings as described in 1044.2.3 (e and f) or a single professional-appearance nose piercing for female civilian employees, or alteration to any area of the body that is a deviation from normal anatomical features, and that is not medically required. Such body alteration includes, but is not limited to, the following:

(a) Tongue splitting or piercing;

(b) The complete or transdermal implantation of any material other than hair replacement or breast augmentation;

(c) Abnormal shaping of the ears, eyes, nose or teeth; and

(d) Branding or scarification.



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# Police Uniform Regulations

## 1046.1 PURPOSE AND SCOPE

This Policy is established to ensure that uniformed officers, special assignment personnel and civilian employees will be readily identifiable to the public through the proper use and wearing of Agency uniforms. Employees should also refer to the Uniform Specifications Manual and the following associated Policies:

- Policy 312 - Firearms
- Policy 700 - Agency-owned and Personal Property
- Policy 1024 - Body Armor
- Policy 1044 - Personal Appearance Standards

The Agency Uniform Specifications Manual will be maintained and periodically updated by the Uniform Committee and should be consulted regarding authorized equipment and uniform specifications. A copy of this manual will be posted on the shared drive and a physical copy will be maintained by the Agency's Supply Technician. Purchases for uniform equipment will be made in compliance with this manual to ensure consistency in uniform appearance.

The Agency will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the collective bargaining agreement or as addressed in this Policy and the associated manual.

## 1046.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose, which is to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed. Uniforms will be fitted and tapered if needed to avoid a baggy or overly tight appearance.

(b) Sworn officers shall possess and maintain at all times a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) Employees shall not permit the uniform to be reproduced or duplicated.

(e) The uniform is to be worn in compliance with the specifications set forth in the Agency's Uniform Specifications Manual, which is maintained separately from this Policy.



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(f) All Patrol supervisors will perform at least biannual inspections of their personnel to ensure conformance to Agency uniform specifications and procedures. Supervisors of officers in other divisions will perform the same uniform and equipment inspection at least annually.

(g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(h) Uniforms are only to be worn while on-duty, while in transit to or from work, for court or at other official Agency functions or events.

(i) Supervisors must look over the general appearance of every employee at the beginning of each shift and prior to special details to ensure that their appearance is in conformance with established uniform or work attire specifications.

(j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the Agency uniform, including the uniform pants.

(k) When the National Anthem or Taps is played, all officers shall stand at attention facing the flag, if one is present, or facing the music source if one is not. If in uniform and wearing a hat, cap, or other headgear, they shall render a hand salute with their right hand; if in uniform without headgear, or not in uniform, they shall place their right hand over their left breast.

#### 1046.2.1 AGENCY-ISSUED IDENTIFICATION

The Agency issues each employee an official Agency identification card bearing the employee's name, identifying information and photograph. All employees shall be in possession of their Agency-issued identification card at all times while on-duty, when taking law enforcement action, or when carrying a firearm.

(a) Whenever on-duty or acting in an official capacity representing the Agency, employees shall display their Agency-issued identification in a courteous manner to any person upon request and as soon as practicable.

(b) Officers working undercover assignments may be excused from the requirements regarding the possession and display of identification when directed by their supervisor.

### 1046.3 CLOTHING ALLOWANCE

The purpose of a clothing allowance reimbursement is to provide a means for some personnel to offset the cost of purchasing civilian clothing in lieu of wearing the Agency-issued uniform while on duty. It is not the intent of the clothing allowance reimbursement to furnish an employee with a complete wardrobe or expense money for any other purpose. It is intended that the clothing purchased will be suitable for on-duty appearance as determined by assignment and Division approval and that it will be worn primarily on duty.

The Chief of Police and/or the collective bargaining unit will designate personnel in the Agency authorized to receive a yearly clothing allowance reimbursement and its amount. Personnel who are authorized to receive a reimbursement are required to submit a reimbursement form, with receipts attached for clothing purchased, to their immediate supervisor.



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Usually clothing allowance reimbursement funds will be available to authorized personnel during the month of January of each year. Reimbursements can be requested at any time during the year until the designated limit is reached. Newly assigned personnel will be permitted to draw a monthly prorated allowance based on the date of their assignment.

A clothing allowance reimbursement will only be used for the purchase of any combination of the following:

(a) Suits, sport coats, pants, shirts, blouses, skirts, neck ties, belts, shoes and overcoats.

### 1046.3.1 UNIFORM FOOTWEAR ALLOWANCE

Uniformed personnel may request reimbursement for approved uniform footwear when their shoes or boots become worn to the point that they are no longer serviceable. Reimbursements will be approved by supervisors under the following criteria:

(a) A maximum reimbursement of $80 is allowed per year but this does not authorize new footwear each year. It is only available when the footwear is damaged or worn to the point that replacement is needed.

(b) Reimbursement may be made for repairs to authorized footwear in lieu of the purchase of new footwear, up to the maximum allowance.

### 1046.3.2 CLEANING AND MAINTENANCE

(a) Personnel who are authorized to receive a clothing allowance are permitted to have items of personal clothing worn on duty laundered at the City’s expense at a specified cleaner.

    1. Cleaning and repair of uniforms will be done at the City’s expense by a specified cleaner.

(b) Employees are required to maintain their uniforms and equipment so that they are both serviceable and presentable.

    1. The City will pay for repair of duty-related damage to personal clothing when verified by a supervisor, and the damage is not caused by negligence.

    2. Routine maintenance of leather gear and footwear is the responsibility of the individual employee. Repair of uniforms and leather gear will be performed when the repair does not greatly affect the appearance or safety of the damaged item. Large tears and other major damage or loss will be reported to the employee's supervisor, and replaced if necessary.

        (a) Replacement due to normal wear or an accident will be at the City’s expense.



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# Explorer Scout Program

## 1048.1 PURPOSE AND SCOPE

It is the Policy of the Agency to sponsor and actively support an Explorer Program. Except for authorized Agency employees, partcipants are strictly volunteers and will receive no salary or hourly wage.

The purpose of the Explorer Program is to:

(a) To allow individuals between the ages of 15 and 20 an opportunity to explore the field of law enforcement, and to learn about law enforcement through training classes and firsthand experience.

(b) To promote the concept of law enforcement in the community through citizen participation.

(c) To provide training in a variety of law enforcement topics so that the members of the Explorer Program may be of assistance to the Agency and the community.

## 1048.2 PROGRAM ADMINISTRATION

The Patrol Division Deputy Chief will appoint a Patrol Lieutenant to serve as the Explorer Program Coordinator. The Explorer Program Coordinator duties include verifying that Explorers, and their parents, have signed all necessary forms required by the Agency for participation in the Explorer Program.

The Explorer Program includes two Explorer Post Advisors, consisting of one male and one female police officer, as required by the Boy Scouts of America. These Advisors are selected by the Patrol Deputy Chief and assist in the management of the Post.

(a) Advisor qualifications:

1. At least three (3) years of law enforcement experience and completion of his/her Introductory Employment Period
2. A desire to assist youth in their law enforcement career aspirations.
3. A commitment to serve the Explorer Program membership to the best of his/her ability.

(b) Advisor responsibilities:

1. Each Advisor assists the membership of the Explorer Program in expanding their knowledge of law enforcement and planning toward their career goals.
2. The Advisors act as liaison between the Explorers and the Explorer Program Coordinator.
3. In addition to this Policy, the Explorer Pgoram is also governed by written Standard Operationg Procedures ("SOPs"), which set forth additional rules pertaining to officers, membership, meetings, etc., and are approved and adopted by the Explorer Program Coordinator.



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1048.2.1 EXPLORER LEADERSHIP
The business of the Explorer Post is conducted primarily by an Explorer Lieutenant and an Explorer Sergeant(s) who are selected from within the Post membership in accordance with the Explorer SOPs, with the consent of the Explorer Post Advisor(s).

## 1048.3 PROBATIONARY PERIOD AND TRAINING
The probationary period and training requirements for Explorers are outlined in the Explorer Post SOPs which shall include graduated phases of training.

## 1048.4 UNIFORMS AND IDENTIFICATION
The explorer uniform issued by the Agency is designed to be clearly different than that worn by sworn officers and all procedures and requirements applicable to uniforms are addressed in the Explorer SOPs.

## 1048.5 EXPLORER UTILIZATION
Explorers may be utilized for a number of duties as described in the SOPs.

1048.5.1 UTILIZATION LIMITATIONS
Any limitations regarding utilization of the Explorers are addressed in the SOPs.

## 1048.6 INJURY OR TRAUMA
All procedures and requirements related to the injury or trauma of an Explorer are addressed in the SOPs.

## 1048.7 EXPLORER RIDE-ALONGS
All procedures and requirements related to Explorer ride-alongs are addressed in the SOPs.



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# Nepotism and Employment Conflicts

## 1050.1 PURPOSE AND SCOPE

The purpose of this Policy is to ensure effective supervision, safety, security, performance, assignments and discipline while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between employees.

### 1050.1.1 DEFINITIONS

Definitions related to this Policy include:

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than $250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

## 1050.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Agency will not typically prohibit personal or business relationships between employees, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Agency will attempt to avoid placing employees in such supervisor/subordinate situations. The Agency reserves the right to transfer or reassign any employee to another position within the same



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classification as it may deem necessary in order to avoid conflicts with any provision of this Policy.

(b) Employees are prohibited from participating in or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Employees are prohibited from hiring, promoting, demoting or transferring family members where the relative would audit, verify, receive or be entrusted with moneys received or handled by another family member.

(d) Field Training Officers (FTOs) will not be assigned to train relatives. FTOs are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the trainee is off introductory status.

(e) To avoid actual or perceived conflicts of interest, employees shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(f) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

(g) Consistent with the City Charter (Article IV, Section 9), the City requires employees who have a personal interest or financial interest in any decision of the City, including employment decisions, to disclose such interest officially as required by the Charter and to refrain from participating in or attempting to influence such a decision (City Personnel Policies 3.3, 8.6.1).

### 1050.2.1 EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to state guidelines and to disclose of conflicts of interest as required by law (Colorado Constitution Article XXIX, CRS § 18-8-308, CRS § 24-18-104 and CRS § 24-18-105).

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this Policy, the employee shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify Fort Collins 911 to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.



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1050.2.2 SUPERVISOR RESPONSIBILITIES

Upon being notified of or becoming aware of any circumstance that could result in or constitute an actual or potential violation of this Policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify the Chief of Police or the authorized designee of such actual or potential violations through the chain of command.



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# Agency Identification

## 1052.1 PURPOSE AND SCOPE

The Agency badge and uniform patch as well as the likeness of these items and the name of the Fort Collins Police Services are property of the City of Fort Collins and the Agency and their use shall be restricted as set forth in this Policy.

## 1052.2 POLICY

The uniform badge shall be issued to sworn employees as a symbol of authority. The use and display of Agency badges shall be in strict compliance with this Policy as well as state and federal law. Only authorized badges issued by this Agency shall be displayed, carried or worn by employees while on-duty or otherwise acting in an official or authorized capacity. Agency identification cards issued to certified personnel shall be clearly marked to reflect the rank or position of the assigned employee.

### 1052.2.1 BADGE

Certified officers, with the written approval of the Chief of Police or the authorized designee, may purchase at their own expense a secondary uniform badge or a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Agency Policy as the uniform badge.

(a) Should the uniform or flat badge become lost, damaged or otherwise removed from the officer's control, he/she shall make the proper notifications through the chain of command for replacement.

(b) The purchase, carrying or display of a flat badge or uniform badge is not authorized for civilian personnel unless an authorized badge is normally part of his/her uniform.

### 1052.2.2 CIVILIAN PERSONNEL

Badges and Agency identification cards issued to civilian personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Community Service Officer, dispatcher).

(a) Civilian personnel shall not display any Agency badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

(b) Civilian personnel shall not display any Agency badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a certified officer.

### 1052.2.3 RETIREE BADGES

An honorably retired officer may keep his/her badge(s) upon retirement with the approval of the Chief of Police.

(a) Upon honorable retirement an employee's duty badge will be permanently mounted by the Agency on a plaque or in a shadow box for display purposes only. It is intended that the duty



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badge be used only as private memorabilia, as other uses of the badge may be unlawful or in violation of this Policy and State and Federal law.

(b) Upon honorable retirement, a certified employee may be granted a photographic identification card per the provisions and specific criteria of Policy 220 - Retired Officer LEOSA Firearm Qualification.

### 1052.3 UNAUTHORIZED USE

(a) Except as required for on-duty use by current employees, no badge shall be issued to anyone other than a current or honorably retired peace officer.

(b) Agency identification and badges are issued to all certified employees and civilian uniformed employees for official use only. The Agency identification and badges, shoulder patch or the likeness thereof, or the Agency name shall not be used for personal or private reasons including, but not limited to, letters, memoranda and electronic communications, such as electronic mail or websites and web pages.

(c) The use of the badge, uniform patch and Agency name for all material (e.g., printed matter, products or other items) developed for Agency use shall be subject to approval by the Chief of Police or the authorized designee.

(d) Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.



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# Separation from Employment and Farewell Recognition Guidelines

## 1053.1 PURPOSE AND SCOPE

This Policy provides standardized guidelines for employees upon their separation in good standing from the Agency. Employees are expected to comply with the Separation Process outlined in SOP #204.

### 1053.1.1 DEFINITION OF GOOD STANDING

(a) An employee upon their separation from the Agency shall be considered to be in good standing if he/she:

1. Has not been terminated from employment for violation of City or Agency Policy.
2. Did not separate from the agency during an open Level One or Level Two Internal Affairs investigation that would most likely result in serious discipline or termination or the filing of criminal charges.
3. Did not engage or was engaged in conduct that significantly impacts the public trust of the agency.

(b) In addition to the above, sworn employees separating from the agency must meet the additional requirements as defined by Policy 220.2(a)1.(a) and:

(c) Be considered eligible in meeting POST certification status.

(d) Determination of good standing shall be made at the time of the retirement of the employee.

### 1053.1.2 PROCEDURE FOR ESTABLISHING 'GOOD STANDING'

(a) The PSU Lieutenant will research the employee's personnel file and administrative investigation files and inform the affected Division Deputy Chief that the employee is in good standing or not based on the above criteria.

(b) The Administration Deputy Chief will notify the Chief of the separating employee's standing or lack thereof. If the retiring employee is not in good standing, they will be notified by the department head of their status of being "not in good standing" and ineligible for a farewell ceremony.

(c) Unless otherwise determined by the Chief of Police and except as necessary to advise the retiring employee of the eligibility determination, information, recommendations, and determinations regarding eligibility shall be kept confidential and shall not be placed in the requesting officer's personnel file.

## 1053.2 USE OF LEAVE UPON SEPARATION



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1053.2.1 NON COLLECTIVE BARGAINING UNIT EMPLOYEES
City policy allows Non Collective Bargaining Unit employees to use of accrued but unused vacation time, compensatory time and holiday time to extend employment through the first day of the month following the employee's separation from employment.

1053.2.2 COLLECTIVE BARGAINING UNIT EMPLOYEES
Employees covered by the Collective Bargaining Agreement will be authorized to extend their separation date based upon a tiered years of service matrix.

(a) Less than 5 years of service - 1st of following month (current City policy) up to a maximum of 4 weeks

(b) 5-15 years of service - Maximum of 8 weeks

(c) 15-20 years of service - Maximum of 12 weeks

(d) 20+ years of service - Maximum of 15 weeks

The employee will be required to use vacation and compensatory hours first. Award time hours will only be used to reach the maximum time allowed within their years of service category. Any additional Award hours will be eliminated upon separation. Employees can still choose to be paid for their accrued but unused vacation time, compensatory time and holiday leave balances.

**1053.3 FAREWELL CEREMONY GUIDELINES**
The Agency and the employee have the option of forgoing a ceremony. The employee's assigned Division will make the arrangements for the recognition ceremony. The employee's individual work groups have the option of additional recognition at their own expense. Farewell receptions will generally be coordinated with Administration Division. The following general guidelines will apply and may be modified by the Chief of Police:

(a) Less than 5 Years of Service:

1. Cake/punch reception in Training Room.

(b) 5 - 15 Years of Service

1. Cake and punch reception at a no-fee City facility.
2. Plaque with badge or Agency shoulder patch.

(c) 15 - 20 Years of Service

1. Reception at a no-fee City facility with hors d'oeuvres.
2. Plaque with badge (and mounted gun if applicable) or Agency shoulder patch.
3. Farewell gift - optional - (contributions from employees).

(d) 20+ Years of Service

1. Reception with hors d'oeuvres at the Lincoln Center or similar facility.



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2. A shadow box or a plaque (and mounted gun if applicable) or Agency shoulder patch.
   (a) The department will provide the standard size shadow box that shall be 16" x 19". If the retiree desires a larger shadow box, the retiree must pay for the cost of the upgrade. This does not preclude others from contributing to defray the costs of the upgrade.
3. Farewell gift (contributions from Agency or City employees).
4. Flowers for spouse, civil union partner, or significant other.
5. Retirement badge and identification, if requested.



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# Modified-Duty

## 1055.1 PURPOSE AND SCOPE

Non-collective bargaining unit employees should refer to City Policy 7.1 - Temporary Disability (Modified Duty) for specific guidelines which pertain to all non-bargaining unit employees regarding modified duty.

Collective bargaining unit members should refer to Article 29 of the collective bargaining agreement for specific guidelines which pertain to bargaining unit employees regarding modified duty.



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# Employee Speech, Expression, Social Networking, Employee Organizations and Political Activity

## 1058.1 PURPOSE AND SCOPE

This Policy addresses issues associated with employee speech, expression, participation in employee organizations, and political activity and provides guidelines for the regulation and balance of employee speech and expression with the needs of the Agency.

Additionally, with the increased use of social networking has come the need to make sure that employees understand how electronic speech-related conduct can affect the City organization and the employee's employment. A City employee maintains the right to participate off-duty as a citizen in public discussions regarding matters of public concern providing it is consistent with this Policy.

Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this Policy.

Nothing in this Policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. This Policy addresses issues associated with employee speech, expression, participation in employee organizations, and political activity and provides guidelines for the regulation and balance of employee speech and expression with the

### 1058.1.1 APPLICABILITY

This Policy applies to all forms of communication including, but not limited to: film, video, print media or public speech, use of all Internet services, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

Other applicable City Personnel Policies include:

- 8.1 - Conduct and Performance;
- 8.4 - Computer Security and Acceptable Use;
- 8.5 - Personal Use of Supplies, Equipment and Internet Access; and
- 8.13 - Restrictions on Political Activity

Employees are also referred to Standard Operating Procedure 321: Social Media Sites.


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## 1058.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Fort Collins Police Services will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

## 1058.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Fort Collins Police Services employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety or privacy of any employee, employee's family or associates or persons that this Agency has had professional contact with, such as crime victims or the staff of other organizations.

Examples of the type of information that could reasonably be expected to compromise safety include, but are not limited to:

- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

For safety reasons and for the integrity of investigations, any employee who is or who may reasonably be expected to be involved in undercover operations shall not reference his or her employment with this Agency in any social media forum. This prohibition includes, but is not limited to, listing this Agency as an employer; posting any picture, graphic, or statement that may identify him or her as a police employee; or “liking” or commenting on any law enforcement related page or account.

## 1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the department's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Fort Collins Police Services or its employees.


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(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Fort Collins Police Services and tends to compromise or damage the mission, function, reputation or professionalism of the Fort Collins Police Services or its employees. Examples include statements that indicate disregard for the law or the state or U.S. Constitution; expression that demonstrates support for criminal activity; participating in sexually explicit photographs, or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Agency. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Fort Collins Police Services.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Agency for financial gain, or data classified as confidential by state or federal law, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Fort Collins Police Services on any personal or social networking or other website or web page without the express authorization of the Chief of Police.

(h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).
2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment.

In addition to the above, speech or expression that is made while off-duty or that is not made pursuant to an official duty is prohibited when the interests of the Agency or the City in preventing the disruption of Agency/City functions and ensuring effective employee performance are not outweighed by the employee's interests as a citizen in commenting upon matters of public concern. Speech or expression that is significantly linked or related to the Agency/City and tends to


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compromise or damage the mission, function, reputation or professionalism of the Agency, the City, or its employees may constitute prohibited speech if those Agency/City interests outweigh the employee's interests as a citizen in commenting upon matters of public concern. Examples include statements that indicate disregard for the law or the state or U.S. Constitution, expression that demonstrates support for criminal activity, participating in sexually explicit photographs or videos for compensation or distribution.

Balancing the interests of the Agency/City with the interests of the employee as a citizen to determine which interest prevails is not always simple and many factors may enter into the equation, such as:

(a) the effect, or likely effect, of the speech upon the attainment of Agency/City goals, policies, or operations;

(b) the effect, or likely effect, on the reputation of the Agency/City;

(c) the impact, or likely impact, upon morale, discipline and harmony among co-workers;

(d) the impact, or likely impact, on close working relationships for which personal loyalty and confidence are necessary;

(e) the effect, or likely effect, on performance of the employee's duties;

(f) the effect, or likely effect on the employee's appearance of impartiality in the performance of his/her duties;

(g) whether similar speech has been previously authorized;

(h) the time, place, and manner of the employee's speech; and

(i) the level of the employee's duties within Agency/City organization and the extent to which the employee is responsible for implementing Agency/City policies.

An employee should consider these issues and factors when speaking as a citizen regarding matters that could affect Agency/City services, policies, and operations, and the employee may wish to confer with his or her supervisor about the advisability of doing so. Such speech may occur at various venues, including but not limited to, at meetings, in the press, in the public media, or at social networking internet sites. Also, an employee should be aware that providing the employee's Agency/City email address may inappropriately imply that the employee is speaking on behalf of the Agency/City.

In addition, an employee is required to take reasonable and prompt action to remove any content that is in violation of this policy, whether posted by the employee and/or others, from any web page or website maintained by the employee (e.g., social or personal website).

### 1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

Employees may not represent the Agency or City or identify themselves in any way that could be reasonably perceived as representing the Agency or City in order to do any of the following, unless specifically authorized by the Chief:


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(a) Endorse, support, oppose or contradict any political campaign or initiative

(b) Endorse, support, oppose or contradict any social issue, cause or religion

(c) Endorse, support, or oppose any product, service, company or other commercial entity

(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or any website

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g. bargaining group) is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Fort Collins Police Services. Providing this disclaimer shall not excuse the violation of any other provision of these Policies.

Employees' speech rights and limitations with regard to political activity are described in Section 1058.7.

1058.4.2 POTENTIAL CIVIL LIABILITY
Employees should be aware they may be subject to civil litigation for:

(a) Publishing or posting false information that harms the reputation of another person, group, or organization;

(b) Publishing or posting private facts or personal information that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

(c) Using someone else’s name, likeness, or other personal attributes without that person’s permission for an exploitative purpose, or;

(d) Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

## 1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system. Additionally, any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Agency at any time without prior notice.

The Agency reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Agency, including the Agency e-mail system, computer network, radio or other communication system or medium or any information placed into storage on any department system or device.

This includes records of all key strokes or web-browsing history made at any department computer or over any department network. The fact that access to a database, service or website requires


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a user name or password does not create an expectation of privacy if it is accessed through department computers or networks.

## 1058.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Agency or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Agency.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Agency.

## 1058.7 POLITICAL ACTIVITY

Agency employees hold positions in which the public must be able to place their trust and confidence. Therefore, partisan political philosophies shall not enter into the enforcement of laws or delivery of services.

The purposes of this section are:

(a) To avoid creating impediments to the necessary cooperation which must occur between the Agency and other local, state, and federal law enforcement agencies;

(b) To accommodate an employee's right to be free from political pressure or coercion; and

(c) To prevent conflicts which might arise from an Agency employee holding multiple positions.

### 1058.7.1 TERMS

"Contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money, or anything of value given or transferred by one person to another, including cash, check, draft, payroll deduction or allotment plan, pledge, or promise, whether or not enforceable or otherwise.

"Election" means any primary, special or general election.

"Political activity" means any act or statement supporting or opposing any candidate, legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government department, or official or the circulation of any such petition. A political activity does not include:

(a) Registering to vote or voting in any election;


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(b) Any act or statement supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government department or official, when such act is done or statement is made by a management employee authorized by the City Manager to express the City's official position; or

(c) Any statement which recommends supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government department or official, when such statement is made by an employee in the course of the employee's employment to aid City management in formulating an official City position.

1058.7.2 LIMITATIONS ON POLITICAL ACTIVITY

Agency employees shall not:

(a) Engage in any political activity while on duty, while in a uniform that identifies the individual as an employee of the Agency, while in a City office or building (except when in a City office or building as a citizen and not as an employee), or while using a City vehicle or equipment.

(b) Use their position of employment or official authority to influence, interfere with, or affect the results of any election for any candidate for any public office.

(c) Become a candidate for or serve as a member of the Fort Collins City Council.

(d) Become a candidate for any public office, whether city, county, state, federal, or otherwise, if campaigning for or holding such office would create a significant actual or apparent conflict of interest.

(e) Serve as a member of any board, commission or authority appointed by City Council, except retirement boards. This restriction shall not apply to Hourly With No Benefits employees, providing such employees do not serve on a board, commission, or authority which, in the judgment of the City Manager, directly affects the terms, conditions or benefits of employment of any City employee. Hourly With No Benefits employees are required to obtain the written authorization of the City Manager prior to serving or continuing to serve on a board, commission, or authority.

(f) Engage in any of the following activities regarding any candidate for the Fort Collins City Council:

1. Taking an active part in managing a candidate's campaign.
2. Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a candidate.
3. Soliciting votes in support of or in opposition to a candidate.
4. Making any contribution, directly or indirectly, or expending any money or any valuable thing to assist in the election or defeat of a candidate. (City Charter, Article VIII, Section 8).


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1058.7.3 PROTECTED POLITICAL ACTIVITY

Agency employees retain the right (when off duty, not in uniform, outside City offices and buildings, and not using a City vehicle, equipment or other resources) to participate fully in any public affairs, except as restricted by this Policy, by other Policies, by the City of Fort Collins Personnel Policies and Procedures, or by the City of Fort Collins Charter. The following are examples, and is not an exhaustive list, of specific political activities which employees may engage in subject to the restrictions above:

(a) Display a political picture, sticker, badge, button or sign;

(b) Sign political petitions as an individual;

(c) Express an opinion as an individual, privately and publicly, on political subjects and candidates;

(d) Take an active part in a campaign, solicit contributions and votes, donate personal time and money and hand out literature with regard to candidates for an office other than City Council; and

(e) Be politically active in connection with matters such as a constitutional amendment, referendum, initiative, ballot issue, approval of a municipal ordinance or any other questions of issues of a similar character.

Agency employees who wish to become candidates for public office or engage in any political activities listed above may request a leave of absence during the period of candidacy or other political activity in accordance with the City's Policies and Procedures then in effect. The City retains the sole discretion to grant or deny such requests for leave of absence.

Agency employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal Agency, and who exercises functions in connection with that activity, may be subject to additional restrictions on political activity as described at Title 5, United States Code, Section 1502.

## 1058.8 PARTICIPATION IN EMPLOYEE ORGANIZATIONS

Employees are free to form, join, support, participate in, or abstain from employee organizations and their lawful activities.

No employee shall be discriminated against based on their participation or abstention from participation in an employee organization.

## 1058.9 TRAINING

Subject to available resources, the Agency should provide training regarding employee speech and the use of social networking to all members of the Agency.


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# Citizen Review Board

## 1060.1 PURPOSE AND SCOPE

A Citizen Review Board has been adopted by the City of Fort Collins to provide the City Manager and the Chief of Police with review and advice on issues concerning police officers.

The membership, functions and procedures for the Citizen Review Board are described in Fort Collins Municipal Code 2-136 through 2-142.

## 1060.2 APPOINTMENT OF CITIZEN REVIEW BOARD

The Board shall consist of seven members appointed by the City Council. The names of nominees for all such appointments shall be submitted to the City Council by a committee consisting of two Councilmembers and the City Manager. All members shall reside within the City's Growth Management Area during their term on the Board.

### 1060.2.1 REVIEW PANEL DUTIES

The Citizen Review Board shall have the following functions:

(a) At the request of the City Manager or the Chief of Police, to make recommendations to the City Manager or the Chief of Police concerning the interpretation of police Policies and procedures.

(b) To review the following categories of administrative investigations conducted by Police Services:

1. Investigations involving police officer or community service officer use of deadly force, whether or not the use of such force actually results in death;
2. Investigations initiated by the written complaint of any person involved in an incident occurring within one year of said complaint, when such person alleges that:
   (a) A police officer or community service officer used force or discharged a firearm in violation of administrative policy or applicable law,
   (b) A police officer or community service officer committed a crime, or
   (c) As a result of a police officer's or community service officer's act or failure to act, a person sustained severe injury or death or suffered a civil rights violation;
3. Any other investigations as requested by the City Manager or the Chief of Police.

(c) To review any decision of the Chief of Police regarding the merits of any other investigation for which a review has not been conducted by the Board pursuant to City Charter, if review is requested in writing by a person involved in the investigated incident and such person alleges police officer or community service officer misconduct occurring within one year of said request.



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(d) To reconsider any review previously conducted by the Board if the Board determines that significant new information has become available which previously was not reasonably available to the Board, the complainant or to Police Services.

(e) Upon the request of any other public law enforcement entity operating within the City, to review the administrative investigations of such entity if the matter being investigated occurred within the City.

(f) To make annual reports to the City Council and City Manager concerning the activities and recommendations of the Board; and

(g) To perform such functions as are committed to it by other ordinances or resolutions of the City.



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